

In the Supreme Court of Nevada

PHILIP MORRIS USA INC., a foreign corporation,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE  
STATE OF NEVADA, IN AND FOR THE COUNTY OF  
CLARK; and the HONORABLE VERONICA M.  
BARISICH,

Respondents,

and

DOLLY ROWAN, AS AN INDIVIDUAL, AS SPECIAL  
ADMINISTRATOR OF THE ESTATE OF NOREEN THOMPSON;  
NAVONA COLLISON, AS AN INDIVIDUAL; RUSSELL  
THOMPSON, AS AN INDIVIDUAL; R.J. REYNOLDS TOBACCO  
COMPANY, A FOREIGN CORPORATION; LIGGETT GROUP LLC,  
A FOREIGN CORPORATION; QUICK STOP MARKET, LLC, A  
DOMESTIC LIMITED LIABILITY COMPANY; JOE'S BAR, INC., A  
DOMESTIC CORPORATION; THE POKER PALACE, A DOMESTIC  
CORPORATION; SILVER NUGGET GAMING, LLC D/B/A  
SILVER NUGGET CASINO, A DOMESTIC LIMITED LIABILITY  
COMPANY; AND JERRY'S NUGGET, A DOMESTIC  
CORPORATION,

Real Parties in Interest

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District Court  
Case No. A-19-807653-C

**PHILIP MORRIS USA INC.'S PETITION FOR  
WRIT OF MANDAMUS OR, ALTERNATIVELY, PROHIBITION – APPENDIX  
VOL. 32**

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1 remaining allegations contained in paragraph 190.

2 191. Reynolds denies the allegations contained in paragraph 191.

3 192. Reynolds denies the allegations contained in paragraph 192.

4 193. Reynolds denies the allegations contained in paragraph 193.

5 194. Reynolds denies the allegations contained in paragraph 194, including subparagraphs  
6 a. through n.

7 195. Reynolds is without knowledge or information sufficient to form a belief as to the  
8 truth or falsity of the allegations contained in paragraph 195 concerning the cigarette products that  
9 Plaintiffs' Decedent, "was exposed to," smoked and/or inhaled and, on that basis, denies those  
10 allegations. Reynolds denies that its cigarettes are or were "defective and unreasonably dangerous"  
11 and denies the remaining allegations contained in paragraph 195.

12 196. Reynolds denies the allegations contained in paragraph 196.

13 197. Reynolds is without knowledge or information sufficient to form a belief as to the  
14 truth or falsity of the allegations contained in paragraph 197 concerning Plaintiffs' Decedent and, on  
15 that basis, denies those allegations. Reynolds denies the remaining allegations contained in  
16 paragraph 197.

17 198. Paragraph 198 does not require an answer because it asserts incorrect legal  
18 conclusions, rather than stating factual allegations. To the extent that any answer is required,  
19 Reynolds denies that Plaintiffs have any cause of action against Reynolds, denies that Plaintiffs are  
20 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the  
21 remaining allegations contained in paragraph 198.

22 199. Paragraph 199 does not require an answer because it asserts incorrect legal  
23 conclusions, rather than stating factual allegations. To the extent that any answer is required,  
24 Reynolds denies that Plaintiffs have any cause of action against Reynolds, denies that Plaintiffs are  
25 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the  
26 remaining allegations contained in paragraph 199.

27 200. Reynolds denies that it engaged in the conduct alleged in the Second Amended  
28 Complaint and denies the remaining allegations of paragraph 200.



202. Reynolds denies that it engaged in the conduct alleged in the Second Amended Complaint. Reynolds also denies that Plaintiffs have any cause of action against Reynolds, denies that Plaintiffs are entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the remaining allegations contained in paragraph 202.

203. Reynolds denies that Plaintiffs have any cause of action against Reynolds, denies that Plaintiffs are entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the remaining allegations contained in paragraph 203.

### FIFTH CLAIM FOR RELIEF

**(WRONGFUL DEATH - FRAUDULENT MISREPRESENTATION)**

**Dolly Rowan as Administrator of the Estate of Noreen Thompson, and Dolly Rowan, NAVONA COLLISON, and Russell Thompson, as Heirs of Noreen Thompson, Against Defendants R.J. Reynolds and Liggett**

204. Reynolds incorporates by this reference its responses to the allegations repeated and re-alleged by Plaintiffs in this paragraph as if fully restated herein.

205. Reynolds admits that Plaintiffs purport to bring a claim for wrongful death. Reynolds denies that Plaintiffs have any cause of action against Reynolds, denies that Plaintiffs are entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the remaining allegations contained in paragraph 205.

206. Reynolds is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 206 and, on that basis, denies those allegations.

207. Reynolds is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 207 and, on that basis, denies those allegations.

208. Reynolds is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 208 and, on that basis, denies those allegations.

209. Reynolds admits that Plaintiffs purport to bring a claim pursuant to NRS 41.085(4).



1 Reynolds denies that Plaintiffs have any cause of action against Reynolds, denies that Plaintiffs are  
2 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the  
3 remaining allegations contained in paragraph 209 that apply to Reynolds. Reynolds is without  
4 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
5 allegations contained in paragraph 209 and, on that basis, denies those allegations.

6 210. Reynolds is without knowledge or information sufficient to form a belief as to the  
7 truth or falsity of the allegations contained in paragraph 210 and, on that basis, denies those  
8 allegations.

9 211. Reynolds admits that Plaintiffs purport to bring a claim pursuant to NRS 41.085(5).  
10 Reynolds denies that Plaintiffs have any cause of action against Reynolds, denies that Plaintiffs are  
11 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the  
12 remaining allegations contained in paragraph 211 that apply to Reynolds. Reynolds is without  
13 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
14 allegations contained in paragraph 211 and, on that basis, denies those allegations.

15 212. Reynolds denies the allegations contained in paragraph 212.

16 213. Reynolds denies the existence of, and its participation in, any alleged conspiracy,  
17 denies making misrepresentations and/or false statements, and denies the remaining allegations  
18 contained in paragraph 213.

19 214. Reynolds denies the allegations contained in paragraph 214.

20 215. Reynolds denies making false statements and/or misrepresentations and denies the  
21 remaining allegations contained in paragraph 215, including each of its subparagraphs.

22 216. Reynolds is without knowledge or information sufficient to form a belief as to the  
23 existence, authenticity, content, or context of the unidentified "media campaigns, mailings . . . and  
24 testimony" referenced in paragraph 216 and, accordingly, denies the allegations relating thereto.  
25 Reynolds denies the remaining allegations contained in paragraph 216.

26 217. Reynolds denies the allegations contained in paragraph 217.

27 218. Reynolds states that paragraph 218 quotes accurately but out of context from  
28 Reynolds' advertisements that were published in 1985 in various magazines and newspapers. The

1 full and precise content of the advertisements may be ascertained from the statements themselves.  
2 Reynolds states that the remaining subparagraphs are not directed to Reynolds and do not require an  
3 answer. Reynolds denies the remaining allegations contained in paragraph 218, including each of its  
4 subparagraphs a. through g.

5 219. Reynolds is without knowledge or information sufficient to form a belief as to the  
6 existence, authenticity, content, or context of the unidentified statements referenced in paragraph  
7 219 and, accordingly, denies the allegations relating thereto. Reynolds denies the remaining  
8 allegations contained in paragraph 219.

9 220. Reynolds is without knowledge or information sufficient to form a belief as to the  
10 existence, authenticity, content, or context of the unidentified press releases and statements  
11 referenced in paragraph 220 and, accordingly, denies the allegations relating thereto. Reynolds  
12 denies the remaining allegations contained in paragraph 220.

13 221. Reynolds is without knowledge or information sufficient to form a belief as to the  
14 existence, authenticity, content, or context of the unidentified statements referenced in paragraph  
15 221 and, accordingly, denies the allegations relating thereto. Reynolds denies the remaining  
16 allegations contained in paragraph 221.

17 222. Reynolds denies that the allegations contained in paragraph 222 fairly or accurately  
18 characterize the substance of Reynolds' defense to smoking and health litigation. Reynolds admits  
19 that smokers can and do quit smoking. Reynolds denies the remaining allegations contained in  
20 paragraph 222.

21 223. Reynolds admits that, consistent with applicable law, it has claimed and continues to  
22 claim that certain documents are protected by the attorney-client privilege and/or other applicable  
23 privileges or protections. Reynolds further admits that it has withheld such documents from  
24 production in litigation in which production has been called for and has listed the withheld  
25 documents on privilege logs in accordance with applicable law and rules of procedure. Reynolds  
26 states that it has complied with all court orders requiring the production of documents as to which it  
27 has asserted privilege. Reynolds denies the remaining allegations contained in paragraph 223.

28

1           224. Reynolds denies that the allegations contained in paragraph 224 fairly or accurately  
2 characterize the substance of Reynolds' defense to smoking and health litigation and denies the  
3 remaining allegations contained in paragraph 224.

4           225. Paragraph 225 does not require an answer because it asserts incorrect legal  
5 conclusions, rather than stating factual allegations. To the extent that any answer is required,  
6 Reynolds is without knowledge or information sufficient to form a belief as to the unidentified  
7 "statements" referenced in paragraph 225 and, accordingly, denies the allegations relating thereto.  
8 Reynolds denies the remaining allegations contained in paragraph 225.

9           226. Reynolds is without knowledge or information sufficient to form a belief as to the  
10 truth of the remaining allegations contained in paragraph 226 concerning what the Plaintiffs'  
11 Decedent "heard, read, and relied upon" and, accordingly, denies the same. Reynolds denies making  
12 "misrepresentations and false statements" and denies the remaining allegations contained in  
13 paragraph 226.

- 14           a. Reynolds admits that in 1984 it published an editorial-type statement entitled "Can  
15 We Have an Open Debate About Smoking?" in certain publications. Reynolds states  
16 that the complete and precise content of this statement can be ascertained from the  
17 statement itself but denies that it is fairly or accurately characterized in paragraph  
18 226a. Except as expressly admitted, Reynolds denies the remaining allegations  
19 contained in paragraph 226a.
- 20           b.-c. Reynolds states that paragraphs 226b.-226c. apparently quote certain statements made  
21 by Edward Horrigan, then-chairman of Reynolds, on a February 2, 1984 broadcast of  
22 the television program "Nightline." Reynolds also states that these statements are  
23 taken out of context and that Mr. Horrigan's appearance speaks for itself. Reynolds  
24 denies the remaining allegations contained in paragraphs 226b.-226c.
- 25           d. Reynolds states that paragraph 226d. appears to be an excerpt taken out of context  
26 from the congressional testimony of Mr. Edward A. Horrigan, Jr. Reynolds states  
27 that the complete and precise content of Mr. Horrigan's testimony can be ascertained  
28 from the testimony itself, but denies that Mr. Horrigan's testimony is fairly or

1 accurately characterized in subparagraph 226d. Reynolds denies the remaining  
2 allegations contained in paragraph 226d.

3 e. Reynolds admits that the Surgeon General issued a report on smoking and health in  
4 1988. Reynolds states the full and precise content of which may be ascertained from  
5 the report itself, but denies that it is fairly or accurately characterized in paragraph  
6 226e. Except as expressly admitted elsewhere herein, Reynolds denies the remaining  
7 allegations contained in paragraph 226e.

8 f. Paragraph 226f. is not directed toward Reynolds and, accordingly, no answer from  
9 Reynolds is required. To the extent that an answer may be deemed required,  
10 Reynolds denies the allegations contained in paragraph 226f. that apply to Reynolds.  
11 Reynolds is without knowledge or information sufficient to form a belief as to the  
12 truth or falsity of the remaining allegations contained in paragraph 226f. that apply to  
13 other Defendants and, on that basis, denies those allegations.

14 227. Reynolds denies the existence of, and its participation in, any alleged conspiracy,  
15 denies making false statements and/or misrepresentations, and denies the remaining allegations  
16 contained in paragraph 227.

17 228. Reynolds denies making "false and misleading marketing and advertisements."  
18 Reynolds is without knowledge or information sufficient to form a belief as to the truth or falsity of  
19 the allegations contained in paragraph 228 concerning the Plaintiffs' Decedent's smoking history  
20 and/or alleged injuries and, on that basis, denies those allegations. Reynolds admits that the selected  
21 phrase quoted in paragraph 228 appeared at some point in time in certain advertisements for Camel  
22 brand cigarettes. Reynolds denies that the advertisement is fairly or accurately characterized in  
23 paragraph 228 and states that the complete and precise content of the advertisement can be  
24 ascertained from the advertisements itself. Reynolds denies the remaining allegations contained in  
25 paragraph 228 that apply to Reynolds. Reynolds is without knowledge or information sufficient to  
26 form a belief as to the truth or falsity of the remaining allegations contained in paragraph 228 that  
27 apply to other Defendants and, on that basis, denies those allegations.

28 229. Reynolds is without knowledge or information sufficient to form a belief as to the

1 truth of the remaining allegations contained in paragraph 229 concerning what the Plaintiffs'  
2 Decedent "heard" and, accordingly, denies the same. Reynolds denies making "false or misleading  
3 statements" and denies the remaining allegations contained in paragraph 229.

4 230. Reynolds denies the existence of, and its participation in, any alleged conspiracy,  
5 denies making false statements and/or misrepresentations, and denies the remaining allegations  
6 contained in paragraph 230.

7 231. Paragraph 231 does not require an answer because it asserts incorrect legal  
8 conclusions, rather than stating factual allegations. To the extent that any answer is required,  
9 Reynolds is without knowledge or information sufficient to form a belief as to the unidentified  
10 "statements" referenced in paragraph 231 and, accordingly, denies the allegations relating thereto.  
11 Reynolds denies the remaining allegations contained in paragraph 231.

12 232. Reynolds is without knowledge or information sufficient to form a belief as to the  
13 truth or falsity of the allegations contained in paragraph 232 concerning Plaintiffs' Decedent's  
14 smoking history and, on that basis, denies those allegations. Reynolds denies the remaining  
15 allegations contained in paragraph 232.

16 233. Paragraph 233 does not require an answer because it asserts incorrect legal  
17 conclusions, rather than stating factual allegations. To the extent that any answer is required,  
18 Reynolds is without knowledge or information sufficient to form a belief as to the unidentified  
19 statements and testimony referenced in paragraph 233 and, accordingly, denies the allegations  
20 relating thereto. Reynolds denies the remaining allegations contained in paragraph 233.

21 234. Paragraph 234 does not require an answer because it asserts incorrect legal  
22 conclusions, rather than stating factual allegations. To the extent that any answer is required,  
23 Reynolds denies making "misrepresentations" to the Plaintiffs' Decedent and denies the remaining  
24 allegations contained in paragraph 234, including each of its subparagraphs.

25 235. Paragraph 235 does not require an answer because it asserts incorrect legal  
26 conclusions, rather than stating factual allegations. To the extent that any answer is required,  
27 Reynolds denies making "false promises" to the Plaintiffs' Decedent and denies the remaining  
28 allegations contained in paragraph 235, including each of its subparagraphs.

1           236. Paragraph 236 does not require an answer because it asserts incorrect legal  
2 conclusions, rather than stating factual allegations. To the extent that any answer is required,  
3 Reynolds denies that Plaintiffs have any cause of action against Reynolds, denies that Plaintiffs are  
4 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the  
5 remaining allegations contained in paragraph 236.

6           237. Paragraph 237 does not require an answer because it asserts incorrect legal  
7 conclusions, rather than stating factual allegations. To the extent that any answer is required,  
8 Reynolds denies that Plaintiffs have any cause of action against Reynolds, denies that Plaintiffs are  
9 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the  
10 remaining allegations contained in paragraph 237.

11           238. Paragraph 238 does not require an answer because it asserts incorrect legal  
12 conclusions, rather than stating factual allegations. To the extent that any answer is required,  
13 Reynolds denies that Plaintiffs have any cause of action against Reynolds, denies that Plaintiffs are  
14 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the  
15 remaining allegations contained in paragraph 238.

16           239. Reynolds denies that it engaged in the conduct alleged in the Second Amended  
17 Complaint and denies the remaining allegations of paragraph 239.

18           240. Reynolds denies that it engaged in the conduct alleged in the Second Amended  
19 Complaint. Reynolds also denies that Plaintiffs have any cause of action against Reynolds, denies  
20 that Plaintiffs are entitled to judgment against, or any relief whatsoever from, Reynolds in this  
21 action, and denies the remaining allegations contained in paragraph 240.

22           241. Reynolds denies that it engaged in the conduct alleged in the Second Amended  
23 Complaint. Reynolds also denies that Plaintiffs have any cause of action against Reynolds, denies  
24 that Plaintiffs are entitled to judgment against, or any relief whatsoever from, Reynolds in this  
25 action, and denies the remaining allegations contained in paragraph 241.

26           242. Reynolds denies that Plaintiffs have any cause of action against Reynolds, denies that  
27 Plaintiffs are entitled to judgment against, or any relief whatsoever from, Reynolds in this action,  
28 and denies the remaining allegations contained in paragraph 242.



**SIXTH CLAIM FOR RELIEF**  
**(FRAUDULENT MISREPRESENTATION)**

**Dolly Rowan as Administrator of the Estate of Noreen Thompson Against Defendants  
R.J. Reynolds, and Liggett**

243. Reynolds incorporates by this reference its responses to the allegations repeated and realleged by Plaintiff in this paragraph as if fully restated herein.

244. Reynolds denies that Plaintiffs are entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the remaining allegations contained in paragraph 244 that apply to Reynolds. Reynolds is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in paragraph 244 and, on that basis, denies those allegations.

245. Reynolds denies the allegations contained in paragraph 245.

246. Reynolds denies the existence of, and its participation in, any alleged conspiracy, denies making misrepresentations and/or false statements, and denies the remaining allegations contained in paragraph 246.

247. Reynolds denies the allegations contained in paragraph 247.

248. Reynolds denies making false statements and/or misrepresentations and denies the remaining allegations contained in paragraph 248, including each of its subparagraphs.

249. Reynolds is without knowledge or information sufficient to form a belief as to the existence, authenticity, content, or context of the unidentified "media campaigns, mailings . . . and testimony" referenced in paragraph 249 and, accordingly, denies the allegations relating thereto. Reynolds denies the remaining allegations contained in paragraph 249.

250. Reynolds denies the allegations contained in paragraph 250.

251. Reynolds states that paragraph 251g. quotes accurately but out of context from Reynolds' advertisements that were published in 1985 in various magazines and newspapers. The full and precise content of the advertisements may be ascertained from the statements themselves. Reynolds states that the remaining subparagraphs are not directed to Reynolds and do not require an answer. Reynolds denies the remaining allegations contained in paragraph 251, including each of its

1 subparagraphs a. through g.

2 252. Reynolds is without knowledge or information sufficient to form a belief as to the  
3 existence, authenticity, content, or context of the unidentified statements referenced in paragraph  
4 252 and, accordingly, denies the allegations relating thereto. Reynolds denies the remaining  
5 allegations contained in paragraph 252.

6 253. Reynolds is without knowledge or information sufficient to form a belief as to the  
7 existence, authenticity, content, or context of the unidentified press releases and statements  
8 referenced in paragraph 253 and, accordingly, denies the allegations relating thereto. Reynolds  
9 denies the remaining allegations contained in paragraph 253.

10 254. Reynolds is without knowledge or information sufficient to form a belief as to the  
11 existence, authenticity, content, or context of the unidentified statements referenced in paragraph  
12 254 and, accordingly, denies the allegations relating thereto. Reynolds denies the remaining  
13 allegations contained in paragraph 254.

14 255. Reynolds denies that the allegations contained in paragraph 255 fairly or accurately  
15 characterize the substance of Reynolds' defense to smoking and health litigation. Reynolds admits  
16 that smokers can and do quit smoking. Reynolds denies the remaining allegations contained in  
17 paragraph 255.

18 256. Reynolds admits that, consistent with applicable law, it has claimed and continues to  
19 claim that certain documents are protected by the attorney-client privilege and/or other applicable  
20 privileges or protections. Reynolds further admits that it has withheld such documents from  
21 production in litigation in which production has been called for and has listed the withheld  
22 documents on privilege logs in accordance with applicable law and rules of procedure. Reynolds  
23 states that it has complied with all court orders requiring the production of documents as to which it  
24 has asserted privilege. Reynolds denies the remaining allegations contained in paragraph 256.

25 257. Reynolds denies that the allegations contained in paragraph 257 fairly or accurately  
26 characterize the substance of Reynolds' defense to smoking and health litigation and denies the  
27 remaining allegations contained in paragraph 257.

28



1           258. Paragraph 258 does not require an answer because it asserts incorrect legal  
2 conclusions, rather than stating factual allegations. To the extent that any answer is required,  
3 Reynolds is without knowledge or information sufficient to form a belief as to the unidentified  
4 “statements” referenced in paragraph 258 and, accordingly, denies the allegations relating thereto.  
5 Reynolds denies the remaining allegations contained in paragraph 258.

6           259. Reynolds is without knowledge or information sufficient to form a belief as to the  
7 truth of the remaining allegations contained in paragraph 259 concerning what the Plaintiffs’  
8 Decedent “heard, read, and relied upon” and, accordingly, denies the same. Reynolds denies making  
9 “misrepresentations and false statements” and denies the remaining allegations contained in  
10 paragraph 259.

11           a. Reynolds admits that in 1984 it published an editorial-type statement entitled “Can  
12 We Have an Open Debate About Smoking?” in certain publications. Reynolds states  
13 that the complete and precise content of this statement can be ascertained from the  
14 statement itself but denies that it is fairly or accurately characterized in paragraph.  
15 259a. Except as expressly admitted, Reynolds denies the remaining allegations  
16 contained in paragraph 259a.

17           b.-c. Reynolds states that paragraphs 259b. -259c. apparently quote certain statements  
18 made by Edward Horrigan, then-chairman of Reynolds, on a February 2, 1984  
19 broadcast of the television program “Nightline.” Reynolds also states that these  
20 statements are taken out of context and that Mr. Horrigan’s appearance speaks for  
21 itself. Reynolds denies the remaining allegations contained in paragraphs 259b.-  
22 259c.

23           d. Reynolds states that paragraph 259d. appears to be an excerpt taken out of context  
24 from the congressional testimony of Mr. Edward A. Horrigan, Jr. Reynolds states  
25 that the complete and precise content of Mr. Horrigan’s testimony can be ascertained  
26 from the testimony itself, but denies that Mr. Horrigan’s testimony is fairly or  
27 accurately characterized in subparagraph 259d. Reynolds denies the remaining  
28 allegations contained in paragraph 259d.

1 e. Reynolds admits that the Surgeon General issued a report on smoking and health in  
2 1988. Reynolds states the full and precise content of which may be ascertained from  
3 the report itself, but denies that it is fairly or accurately characterized in paragraph  
4 259e. Except as expressly admitted elsewhere herein, Reynolds denies the remaining  
5 allegations contained in paragraph 259e.

6 f. Paragraph 259f. is not directed toward Reynolds and, accordingly, no answer from  
7 Reynolds is required. To the extent that an answer may be deemed required,  
8 Reynolds denies any allegations contained in paragraph 259f. that may be directed to  
9 Reynolds.

10 260. Reynolds denies the existence of, and its participation in, any alleged conspiracy,  
11 denies making false statements and/or misrepresentations, and denies the remaining allegations  
12 contained in paragraph 260.

13 261. Reynolds denies making “false and misleading marketing and advertisements.”  
14 Reynolds is without knowledge or information sufficient to form a belief as to the truth or falsity of  
15 the allegations contained in paragraph 261 concerning the Plaintiffs’ Decedent’s smoking history  
16 and/or alleged injuries and, on that basis, denies those allegations. Reynolds admits that the selected  
17 phrase quoted in paragraph 261 appeared at some point in time in certain advertisements for Camel  
18 brand cigarettes. Reynolds denies that the advertisement is fairly or accurately characterized in  
19 paragraph 261 and states that the complete and precise content of the advertisement can be  
20 ascertained from the advertisements itself. Reynolds denies the remaining allegations contained in  
21 paragraph 261 that apply to Reynolds. Reynolds is without knowledge or information sufficient to  
22 form a belief as to the truth or falsity of the remaining allegations contained in paragraph 261 that  
23 apply to other Defendants and, on that basis, denies those allegations.

24 262. Reynolds is without knowledge or information sufficient to form a belief as to the  
25 truth of the remaining allegations contained in paragraph 262 concerning what the Plaintiffs’  
26 Decedent “heard” and, accordingly, denies the same. Reynolds denies making “false or misleading  
27 statements” and denies the remaining allegations contained in paragraph 262.  
28

1           263. Reynolds denies the existence of, and its participation in, any alleged conspiracy,  
2 denies making false statements and/or misrepresentations, and denies the remaining allegations  
3 contained in paragraph 263.

4           264. Paragraph 264 does not require an answer because it asserts incorrect legal  
5 conclusions, rather than stating factual allegations. To the extent that any answer is required,  
6 Reynolds is without knowledge or information sufficient to form a belief as to the unidentified  
7 “statements” referenced in paragraph 264 and, accordingly, denies the allegations relating thereto.  
8 Reynolds denies the remaining allegations contained in paragraph 264.

9           265. Reynolds is without knowledge or information sufficient to form a belief as to the  
10 truth or falsity of the allegations contained in paragraph 265 concerning Plaintiffs’ Decedent’s  
11 smoking history and, on that basis, denies those allegations. Reynolds denies the remaining  
12 allegations contained in paragraph 265.

13           266. Paragraph 266 does not require an answer because it asserts incorrect legal  
14 conclusions, rather than stating factual allegations. To the extent that any answer is required,  
15 Reynolds is without knowledge or information sufficient to form a belief as to the unidentified and  
16 testimony referenced in paragraph 266 and, accordingly, denies the allegations relating thereto.  
17 Reynolds denies the remaining allegations contained in paragraph 266.

18           267. Paragraph 267 does not require an answer because it asserts incorrect legal  
19 conclusions, rather than stating factual allegations. To the extent that any answer is required,  
20 Reynolds denies making “misrepresentations” to the Plaintiffs’ Decedent and denies the remaining  
21 allegations contained in paragraph 267, including each of its subparagraphs.

22           268. Paragraph 268 does not require an answer because it asserts incorrect legal  
23 conclusions, rather than stating factual allegations. To the extent that any answer is required,  
24 Reynolds denies making “false promises” to the Plaintiffs’ Decedent and denies the remaining  
25 allegations contained in paragraph 268, including each of its subparagraphs.

26           269. Paragraph 269 does not require an answer because it asserts incorrect legal  
27 conclusions, rather than stating factual allegations. To the extent that any answer is required,  
28 Reynolds denies that Plaintiffs have any cause of action against Reynolds, denies that Plaintiffs are

1 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the  
2 remaining allegations contained in paragraph 269.

3 270. Paragraph 270 does not require an answer because it asserts incorrect legal  
4 conclusions, rather than stating factual allegations. To the extent that any answer is required,  
5 Reynolds denies that Plaintiffs have any cause of action against Reynolds, denies that Plaintiffs are  
6 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the  
7 remaining allegations contained in paragraph 270.

8 271. Reynolds denies that it engaged in the conduct alleged in the Second Amended  
9 Complaint and denies the remaining allegations of paragraph 271.

10 272. Reynolds denies that it engaged in the conduct alleged in the Second Amended  
11 Complaint. Reynolds also denies that Plaintiffs have any cause of action against Reynolds, denies  
12 that Plaintiffs are entitled to judgment against, or any relief whatsoever from, Reynolds in this  
13 action, and denies the remaining allegations contained in paragraph 272.

14 273. Reynolds denies that it engaged in the conduct alleged in the Second Amended  
15 Complaint. Reynolds also denies that Plaintiffs have any cause of action against Reynolds, denies  
16 that Plaintiffs are entitled to judgment against, or any relief whatsoever from, Reynolds in this  
17 action, and denies the remaining allegations contained in paragraph 273.

18 274. Reynolds denies that Plaintiffs have any cause of action against Reynolds, denies that  
19 Plaintiffs are entitled to judgment against, or any relief whatsoever from, Reynolds in this action,  
20 and denies the remaining allegations contained in paragraph 274.

21 **SEVENTH CLAIM FOR RELIEF**

22 **(WRONGFUL DEATH – FRAUDULENT CONCEALMENT)**

23 **Dolly Rowan as Administrator of the Estate of Noreen Thompson, and Dolly Rowan,**  
24 **NAVONA COLLISON, and Russell Thompson, as Heirs of Noreen Thompson, Against**  
**Defendants R.J. Reynolds and Liggett**

25 275. Reynolds incorporates by this reference its responses to the allegations repeated and  
26 re-alleged by Plaintiffs in this paragraph as if fully restated herein.

27 276. Reynolds admits that Plaintiffs purport to bring a claim for wrongful death. Reynolds  
28 denies that Plaintiffs have any cause of action against Reynolds, denies that Plaintiffs are entitled to

1 judgment against, or any relief whatsoever from, Reynolds in this action, and denies the remaining  
2 allegations contained in paragraph 276.

3 277. Reynolds is without knowledge or information sufficient to form a belief as to the  
4 truth of the allegations contained in paragraph 277 and, on that basis, denies those allegations.

5 278. Reynolds is without knowledge or information sufficient to form a belief as to the  
6 truth or falsity of the allegations contained in paragraph 278 and, on that basis, denies those  
7 allegations.

8 279. Reynolds is without knowledge or information sufficient to form a belief as to the  
9 truth or falsity of the allegations contained in paragraph 279 and, on that basis, denies those  
10 allegations.

11 280. Reynolds admits that Plaintiffs purport to bring a claim pursuant to NRS 41.085(4).  
12 Reynolds denies that Plaintiffs have any cause of action against Reynolds, denies that Plaintiffs are  
13 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the  
14 remaining allegations contained in paragraph 280 that apply to Reynolds. Reynolds is without  
15 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
16 allegations contained in paragraph 280 and, on that basis, denies those allegations.

17 281. Reynolds is without knowledge or information sufficient to form a belief as to the  
18 truth or falsity of the allegations contained in paragraph 281 and, on that basis, denies those  
19 allegations.

20 282. Reynolds admits that Plaintiffs purport to bring a claim pursuant to NRS 41.085(5).  
21 Reynolds denies that Plaintiffs have any cause of action against Reynolds, denies that Plaintiffs are  
22 entitled to judgment against, or any relief whatsoever from, Reynolds in this action, and denies the  
23 remaining allegations contained in paragraph 282 that apply to Reynolds. Reynolds is without  
24 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
25 allegations contained in paragraph 282 and, on that basis, denies those allegations.

26 283. Reynolds denies the allegations contained in paragraph 283.

27 284. Reynolds denies the allegations contained in paragraph 284.

28

1           285. Reynolds denies that it engaged in the conduct alleged in the Second Amended  
2 Complaint and denies the remaining allegations contained in paragraph 285.

3           286. Reynolds states that the document purportedly quoted in subparagraph 286h. is  
4 protected from disclosure by the attorney-client privilege, the work product doctrine and/or the joint  
5 defense or the joint interest privilege, and that it is therefore improper for Plaintiffs to have referred  
6 to and quoted this document in the Second Amended Complaint. Further responding, Reynolds  
7 denies the allegations contained in paragraph 286, including each of its subparagraphs.

8           287. Reynolds denies the allegations contained in paragraph 287, including each of its  
9 subparagraphs.

10          288. Reynolds is without knowledge or information sufficient to form a belief as to the  
11 existence, authenticity, content, or context of the unidentified “media campaigns, mailings . . . and  
12 testimony” referenced in paragraph 288 and, accordingly, denies the allegations relating thereto.  
13 Reynolds denies the remaining allegations contained in paragraph 288.

14          289. Reynolds denies the allegations contained in paragraph 289.

15          290. Reynolds states that paragraph 290g. quotes accurately but out of context from  
16 Reynolds’ advertisements that were published in 1985 in various magazines and newspapers. The  
17 full and precise content of the advertisements may be ascertained from the statements themselves.  
18 Reynolds states that the remaining subparagraphs are not directed to Reynolds and do not require an  
19 answer. Reynolds denies the remaining allegations contained in paragraph 290, including each of its  
20 subparagraphs.

21          291. Reynolds is without knowledge or information sufficient to form a belief as to the  
22 existence, authenticity, content, or context of the unidentified statements referenced in paragraph  
23 291 and, accordingly, denies the allegations relating thereto. Reynolds denies the remaining  
24 allegations contained in paragraph 291.

25          292. Reynolds is without knowledge or information sufficient to form a belief as to the  
26 existence, authenticity, content, or context of the unidentified press releases and statements  
27 referenced in paragraph 292 and, accordingly, denies the allegations relating thereto. Reynolds  
28 denies the remaining allegations contained in paragraph 292.



1           293. Reynolds is without knowledge or information sufficient to form a belief as to the  
2 existence, authenticity, content, or context of the unidentified statements referenced in paragraph  
3 293 and, accordingly, denies the allegations relating thereto. Reynolds denies the remaining  
4 allegations contained in paragraph 293.

5           294. Reynolds denies that the allegations contained in paragraph 294 fairly or accurately  
6 characterize the substance of Reynolds' defense to smoking and health litigation. Reynolds admits  
7 that smokers can and do quit smoking. Reynolds denies the remaining allegations contained in  
8 paragraph 294.

9           295. Reynolds admits that, consistent with applicable law, it has claimed and continues to  
10 claim that certain documents are protected by the attorney-client privilege and/or other applicable  
11 privileges or protections. Reynolds further admits that it has withheld such documents from  
12 production in litigation in which production has been called for and has listed the withheld  
13 documents on privilege logs in accordance with applicable law and rules of procedure. Reynolds  
14 states that it has complied with all court orders requiring the production of documents as to which it  
15 has asserted privilege. Reynolds denies the remaining allegations contained in paragraph 295.

16           296. Reynolds denies that the allegations contained in paragraph 296 fairly or accurately  
17 characterize the substance of Reynolds' defense to smoking and health litigation and denies the  
18 remaining allegations contained in paragraph 296.

19           297. Reynolds is without knowledge or information sufficient to form a belief as to the  
20 truth of the allegations contained in paragraph 297 concerning what the Plaintiffs' Decedent "heard,  
21 read, and relied upon" and, accordingly, denies the same. Reynolds denies making "concealed  
22 statements and misrepresentations" and denies the remaining allegations contained in paragraph 297.

- 23           a. Reynolds admits that in 1984 it published an editorial-type statement entitled "Can  
24 We Have an Open Debate About Smoking?" in certain publications. Reynolds states  
25 that the complete and precise content of this statement can be ascertained from the  
26 statement itself but denies that it is fairly or accurately characterized in paragraph  
27 297a. Reynolds states that paragraphs 297a. apparently quotes a statement made by  
28 Edward Horrigan, then-chairman of Reynolds, on a February 2, 1984 broadcast of the

1 television program "Nightline." Reynolds also states that this statement is taken out  
2 of context and that Mr. Horrigan's appearance speaks for itself. Except as expressly  
3 admitted, Reynolds denies the remaining allegations contained in paragraphs 297a.

4 b. Reynolds states that paragraph 297b. apparently quotes a certain statement made by  
5 Edward Horrigan, then-chairman of Reynolds, on a February 2, 1984 broadcast of the  
6 television program "Nightline." Reynolds also states that this statement is taken out  
7 of context and that Mr. Horrigan's appearance speaks for itself. Reynolds denies the  
8 remaining allegations contained in paragraph 297b.

9 c. Reynolds states that paragraph 297c. appears to be an excerpt taken out of context  
10 from the congressional testimony of Mr. Edward A. Horrigan, Jr. Reynolds states  
11 that the complete and precise content of Mr. Horrigan's testimony can be ascertained  
12 from the testimony itself, but denies that Mr. Horrigan's testimony is fairly or  
13 accurately characterized in subparagraph 297c. Reynolds denies the remaining  
14 allegations contained in paragraph 297c.

15 d. Reynolds admits that the Surgeon General issued a report on smoking and health in  
16 1988. Reynolds states the full and precise content of which may be ascertained from  
17 the report itself, but denies that it is fairly or accurately characterized in paragraph  
18 297d. Except as expressly admitted elsewhere herein, Reynolds denies the remaining  
19 allegations contained in paragraph 297d.

20 e. Paragraph 297e. is not directed toward Reynolds and, accordingly, no answer from  
21 Reynolds is required. To the extent that an answer may be deemed required,  
22 Reynolds denies any allegations contained in paragraph 297e. that may be directed to  
23 Reynolds.

24 298. Reynolds denies the existence of, and its participation in, any alleged conspiracy,  
25 denies making false statements and/or misrepresentations, and denies the remaining allegations  
26 contained in paragraph 298.

27 299. Reynolds denies making "false and misleading marketing and advertisements."  
28 Reynolds is without knowledge or information sufficient to form a belief as to the truth or falsity of



1 the allegations contained in paragraph 299 concerning the Plaintiffs' Decedent's smoking history  
2 and/or alleged injuries and, on that basis, denies those allegations. Reynolds admits that the selected  
3 phrase quoted in paragraph 299 appeared at some point in time in certain advertisements for Camel  
4 brand cigarettes. Reynolds denies that the advertisement is fairly or accurately characterized in  
5 paragraph 299 and states that the complete and precise content of the advertisement can be  
6 ascertained from the advertisements itself. Reynolds denies the remaining allegations contained in  
7 paragraph 299 that apply to Reynolds. Reynolds is without knowledge or information sufficient to  
8 form a belief as to the truth or falsity of the remaining allegations contained in paragraph 299 that  
9 apply to other Defendants and, on that basis, denies those allegations.

10 300. Reynolds is without knowledge or information sufficient to form a belief as to the  
11 truth of the remaining allegations contained in paragraph 300 concerning what the Plaintiffs'  
12 Decedent "heard" and, accordingly, denies the same. Reynolds denies making "false or misleading  
13 statements" and denies the remaining allegations contained in paragraph 300.

14 301. Paragraph 301 does not require an answer because it asserts incorrect legal  
15 conclusions, rather than stating factual allegations. To the extent that any answer is required,  
16 Reynolds is without knowledge or information sufficient to form a belief as to the unidentified  
17 "statements" referenced in paragraph 301 and, accordingly, denies the allegations relating thereto.  
18 Reynolds denies the remaining allegations contained in paragraph 301.

19 302. Reynolds is without knowledge or information sufficient to form a belief as to the  
20 truth or falsity of the allegations contained in paragraph 302 concerning Plaintiffs' Decedent's  
21 smoking history and, on that basis, denies those allegations. Reynolds denies the remaining  
22 allegations contained in paragraph 302.

23 303. Paragraph 303 does not require an answer because it asserts incorrect legal  
24 conclusions, rather than stating factual allegations. To the extent that any answer is required,  
25 Reynolds is without knowledge or information sufficient to form a belief as to the unidentified and  
26 testimony referenced in paragraph 303 and, accordingly, denies the allegations relating thereto.  
27 Reynolds denies the remaining allegations contained in paragraph 303.

28 304. Reynolds is without knowledge or information sufficient to form a belief as to the