

IN THE SUPREME COURT OF THE STATE OF NEVADA

SANDRA CAMACHO; AND ANTHONY
CAMACHO,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA, IN AND FOR THE
COUNTY OF CLARK; AND THE HONORABLE
NADIA KRALL, DISTRICT JUDGE,

Respondents,

and

PHILIP MORRIS USA, INC., a foreign
corporation; R.J. REYNOLDS TOBACCO
COMPANY, a foreign corporation, individually,
and as successor-by-merger to LORILLARD
TOBACCO COMPANY and as successor-in-
interest to the United States tobacco business of
BROWN & WILLIAMSON TOBACCO
CORPORATION, which is the successor-by-
merger to THE AMERICAN TOBACCO
COMPANY; LIGGETT GROUP, LLC., a foreign
corporation; and ASM NATIONWIDE
CORPORATION d/b/a SILVERADO SMOKES &
CIGARS, a domestic corporation; LV SINGHS
NC. d/b/a SMOKES & VAPORS, a domestic
corporation,

Real Parties in Interest.

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PETITIONERS' APPENDIX
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1 Exhibit 7.

2 MS. WALD: Can I have a copy?

3 BY MS. KENYON:

4 Q. Do you see at the top of Exhibit 7 where it
5 reads "Aloha Medical Center"? Is that a "yes"? Do
6 you see at the top where it says "Aloha Medical
7 Center"?

8 A. Yes.

9 Q. And then underneath that, "Camacho,
10 Sandra." Do you see that, the gray (indicating)?

11 A. Yes.

12 Q. Then it reads "December 30, 2008." Do you
13 see that?

14 A. Yes.

15 Q. 2008, that's the latest --

16 MS. LUTHER: Earliest.

17 MS. KENYON: Thank you.

18 BY MS. KENYON:

19 Q. 2008, that's the earliest medical record we
20 have collected from you -- for you. So this record,
21 December 30, 2008. Do you recall going to an Aloha
22 Medical Group or Medical Center?

23 A. I do not remember, no.

24 Q. If you could turn to page 3, do you see at
25 the bottom where it says -- three-fourths of the way

1 down it says --

2 MS. WALD: Page 3.

3 BY MS. KENYON:

4 Q. Right there. "Electronically signed" --

5 I'm telling you right now where to go. Hold on.

6 Page 3. "Electronically signed by Aaron Adaoag,
7 MD." That's A-d-a-o-a-g. Do you see right there?

8 MS. WALD: Right there (indicating).

9 BY MS. KENYON:

10 Q. Do you remember seeing a Dr. Adaoag?

11 A. I do not remember.

12 Q. Then, if you would look up in this first
13 paragraph here, do you see the sentence starting
14 "Advised smoking cessation"? Do you see that?
15 "Advised smoking cessation." Do you see where I'm
16 at?

17 A. (Indicating.)

18 Q. I'm going to read that. Do you see where
19 I'm at? No. "Smoking cessation," right above that.
20 Are you with me?

21 A. Yes.

22 Q. So Dr. Adaoag wrote in your medical record,
23 quote, "Advised smoking cessation and discussed
24 techniques to quit (patch, pill, et cetera).
25 Patient is precontemplative. Encouraged quit date

1 consideration and follow-up with me to readdress."

2 So in 2008 Dr. Adaoag is telling you to
3 quit smoking. He discussed techniques on how to
4 quit smoking. And you told him you were
5 precontemplative, which means you were not ready to
6 quit. Do you see where he noted that in your
7 records?

8 MS. WALD: Object to form.
9 Mischaracterizes the testimony.

10 BY MS. KENYON:

11 Q. Do you see that in your medical record?

12 A. I do not remember.

13 Q. You're mouthing yes, you see it, but you do
14 not remember this doctor; is that correct?

15 A. Correct.

16 Q. But you see it, and I'm reading it
17 correctly from your medical record; correct? Is
18 that correct?

19 A. Correct.

20 (A discussion was held off the record.)

21 (Exhibit 8 marked.)

22 BY MS. KENYON:

23 Q. I'm handing you what I've marked as Defense
24 Exhibit 8. Do you see your name here at the top,
25 "Camacho, Sandra"?

1 A. (Inaudible response.)

2 Q. Can you point?

3 A. Yes.

4 Q. Then across the line it reads "March 29,
5 2013." Do you see that date?

6 A. Yes.

7 Q. So this is one of your medical records from
8 March 29, 2013. Do you understand that?

9 A. Yes.

10 Q. And then, again, on the third page, page 3,
11 "electronically signed." This is another record
12 from Dr. Adaoag from 2013. So this is five years
13 later. Do you see that?

14 A. (Inaudible response.)

15 Q. Is that a "yes"?

16 A. Yes.

17 Q. And then in all capitals there's a
18 paragraph at the bottom there. "I had a very long
19 discussion regarding her tobacco use and cessation."
20 Do you see that?

21 A. Yes.

22 Q. So we just looked at a record from 2008
23 where Dr. Adaoag is telling you to quit smoking.
24 We're looking at another record five years later in
25 2013 when he is, again, noting that he had a very

1 long discussion with you regarding your tobacco use
2 and cessation.

3 A. I do not remember.

4 Q. And do you understand that cessation means
5 quitting smoking?

6 A. What he said?

7 Q. All I'm asking is do you understand that
8 the word "cessation," that that means quitting
9 smoking? Do you understand that?

10 A. (Inaudible response.)

11 Q. You just mouthed "I don't remember."

12 A. I do not remember.

13 Q. And I understand that you don't -- you're
14 saying you don't remember this record. I'm simply
15 asking whether you understand that cessation means
16 to quit smoking.

17 A. I do not know.

18 Q. But you saw in Dr. Adaoag's medical record
19 for you that he wrote he had a very long discussion
20 regarding your tobacco use and cessation? You see
21 that in your record?

22 A. I do not remember.

23 Q. But you see it in your record?

24 A. (Inaudible response.)

25 Q. (Indicating.)

1 A. (Indicating.)

2 Q. You see it in your record; correct?

3 A. Yes.

4 MS. WALD: Wait for a question. Wait for a
5 question.

6 BY MS. KENYON:

7 Q. Is there something you wanted to say?

8 A. I don't know him.

9 MS. WALD: Sandra, wait for the next
10 question.

11 BY MS. KENYON:

12 Q. Earlier we were talking about some of the
13 places that you worked. You mentioned you also
14 worked at Texaco; is that right?

15 A. Yes.

16 Q. What were your job duties there?

17 A. Cashier.

18 Q. Was that also shift work?

19 A. Yes.

20 Q. What hours -- what were your shifts?

21 A. 6:00 to 2:00. 7:00 to 3:00.

22 Q. Were you allowed to smoke while you worked
23 at Texaco?

24 A. I do not remember.

25 Q. Do you recall smoking while working at

1 Texaco?

2 A. I do not remember.

3 Q. Do you recall whether you ever got in
4 trouble for smoking while you worked at Texaco?

5 A. I never got in trouble.

6 Q. Did you ever sell cigarettes while you were
7 working at Texaco?

8 A. Yes.

9 Q. What brands?

10 A. All.

11 Q. Did that ever influence the brands that you
12 smoked?

13 A. No.

14 Q. Did you buy cigarettes from Texaco while
15 you were employed there?

16 A. I do not remember.

17 Q. Did you ever tell anyone that you did not
18 want to sell cigarettes when you were working at
19 Texaco?

20 A. No.

21 Q. Did you ever tell anyone that you felt
22 responsible for selling cigarettes to smokers?

23 A. No.

24 Q. Do you think you are responsible for any
25 smoking-related illnesses that one of your customers

1 got?

2 MS. WALD: Form.

3 THE WITNESS: No.

4 BY MS. KENYON:

5 Q. Why not?

6 MS. WALD: Form.

7 THE WITNESS: Because you and tobacco
8 companies lied to all of us.

9 BY MS. KENYON:

10 Q. You told us that you recall something on
11 the news in the late '80s or '90s that the tobacco
12 companies said; is that right?

13 A. Yes.

14 Q. So prior to that time, prior to the
15 late '80s, '90s, had you heard that smoking could be
16 dangerous to your health?

17 A. No.

18 Q. You don't recall seeing anything prior to
19 that about smoking being dangerous to your health?

20 MS. WALD: Object to form. Asked and
21 answered.

22 THE WITNESS: No.

23 BY MS. KENYON:

24 Q. Do you recall when you stopped working at
25 Texaco?

1 A. All I remember is nine years there.

2 Q. You're not currently working; right?

3 A. No.

4 Q. I do have a question on your interrogatory
5 responses. I'm handing you what was previously
6 marked as Defense Exhibit 4. If you could turn to
7 page 9. Are you there?

8 A. Yes.

9 Q. So right above where it reads
10 "Interrogatory Number 7," so I'm right there
11 (indicating). Do you see that? You wrote, "I
12 retired at some time during 1994, but I do not
13 remember the exact date." Did I read that
14 correctly? All I'm asking is if I read that
15 correctly.

16 A. Yes.

17 Q. So then right above that where you put the
18 information for Texaco, then you list the address,
19 job title, rate of pay, and then dates. For the
20 dates of working at Texaco, you said 1992 to 2000.
21 But then right below that you said, "I retired in
22 1994." So I'm just a little confused.

23 You're mouthing "me too." But these are
24 your interrogatories, so you need to help me
25 understand what information in here is actually

1 correct.

2 MS. WALD: Don't ask Tony. It's okay.

3 THE WITNESS: I don't remember when I
4 retired.

5 BY MS. KENYON:

6 Q. That's not a problem. We've gone over now
7 a couple of dates in your interrogatory responses.
8 And so I guess I'm just trying to figure out a
9 couple things, where this information even came from
10 and then what information is actually correct.

11 MS. WALD: Is there a question?

12 MS. KENYON: Yeah. There's two.

13 BY MS. KENYON:

14 Q. Where did this information come from?

15 A. Me and Tony.

16 Q. And you provided us with the second amended
17 interrogatory responses on Monday of this week, so
18 November 1st, so two days ago. And are you telling
19 me now that you don't remember where this
20 information came from?

21 MS. WALD: Object to form. Asked and
22 answered. She just answered that it came from her
23 and Tony. And she just mouthed her husband. She
24 mouthed "me and Tony."

25 THE WITNESS: Me and Tony.

1 BY MS. KENYON:

2 Q. But you don't know when you retired then?

3 MS. WALD: Form. Asked and answered.

4 THE WITNESS: No.

5 BY MS. KENYON:

6 Q. Why did you stop working?

7 A. Had spur on foot.

8 Q. Did you see a doctor for that?

9 A. Yes.

10 Q. Do you recall who you saw?

11 A. No. Foot doctor.

12 Q. Do you know what treatment the doctor
13 recommended?

14 A. Got shot in foot.

15 Q. Like a cortisone shot?

16 A. Yes.

17 Q. Did you ever try to go back to work at any
18 point?

19 A. No.

20 Q. Did the spur in your foot heal?

21 A. It never goes away, a spur.

22 Q. So you're saying a foot spur never goes
23 away?

24 MS. WALD: Can you point?

25 ///

1 BY MS. KENYON:

2 Q. Is that correct?

3 A. Correct. Only surgery.

4 Q. Does it still bother you today?

5 A. No.

6 Q. Did your doctor ever tell you the cause of
7 your foot spur?

8 A. No.

9 Q. Did a doctor ever tell you to lose weight
10 or to increase your exercise to try to eliminate
11 some of the pain from the foot spur?

12 A. No.

13 Q. Going back to what we were just talking
14 about a moment ago, do you remember the tobacco
15 companies on the news before the late '80s or early
16 '90s?

17 MS. WALD: Object to form.

18 BY MS. KENYON:

19 Q. Do you recall the tobacco companies on the
20 news before the late '80s or early '90s?

21 MS. WALD: Write it down.

22 THE WITNESS: Billboard, magazine.

23 BY MS. KENYON:

24 Q. What does that mean?

25 A. I saw cigarette advertising.

1 Q. That's not what I'm asking you. I'm asking
2 you if you ever saw the tobacco companies on the
3 news before the late '80s or early '90s.

4 A. I do not remember.

5 Q. Are you done?

6 A. Yes.

7 Q. Have you ever filed a workers' compensation
8 claim?

9 A. No.

10 Q. Have you otherwise been injured at work?

11 A. No.

12 Q. Are you doing okay?

13 A. (Inaudible response.)

14 Q. You told us you first smoked in 1964 when
15 you were 18 years old. How did you get that first
16 cigarette?

17 MS. WALD: Don't scratch. It's bad. I
18 know it's itchy, but don't scratch. Try not to
19 scratch. He's getting medicine. Why don't you
20 repeat the question.

21 MS. KENYON: Can we go off the record?

22 THE VIDEOGRAPHER: The time is 12:23. We
23 are going off the record.

24 (A break was taken.)

25 THE VIDEOGRAPHER: The time is 12:35. We

1 are going back on the record.

2 BY MS. KENYON:

3 Q. Mrs. Camacho, we're back. Are you ready to
4 go?

5 A. Yes.

6 Q. Are you feeling okay?

7 A. Yes.

8 Q. So right before we took a break, I'd asked
9 you to -- how did you get your first cigarette?

10 A. My girlfriend.

11 Q. Do you recall her name?

12 A. No.

13 Q. Do you know what brand the first cigarette
14 was?

15 A. L&M.

16 Q. Why did you choose that brand?

17 A. Because I thought they were safe.

18 Q. Where did you get that information?

19 A. I saw billboards, magazines, and I wanted
20 filter cigarettes. I thought they were safer than
21 nonfilter I thought it was.

22 Q. And I'm asking about the very first
23 cigarette you smoked. So did you ever -- so the
24 very first cigarette you smoked was a filtered
25 cigarette; is that right?

1 A. Yes.

2 Q. Did you ever smoke an unfiltered cigarette?

3 A. Tried it. Didn't like.

4 Q. What did you not like about an unfiltered
5 cigarette?

6 A. The tobacco stuck in my mouth.

7 Q. Do you remember the brand of unfiltered
8 cigarette you smoked?

9 A. No.

10 Q. Do you recall when you tried an unfiltered
11 cigarette?

12 A. The other girl smoked, and I took a puff of
13 hers. Nonfilter.

14 Q. Is this the same girl you were referring to
15 earlier? Is this the girlfriend that you had your
16 first cigarette with?

17 A. There were three or four girls.

18 Q. Three or four girls when you had your very
19 first cigarette?

20 MS. WALD: Point.

21 THE WITNESS: Yes.

22 BY MS. KENYON:

23 Q. I want to go back to that, but I want to
24 ask you some questions about what you just said
25 about L&M. You said that --

1 MS. WALD: Erase the whiteboards.

2 BY MS. KENYON:

3 Q. You said that you did not like the
4 unfiltered cigarette because you got tobacco on your
5 lips; is that right?

6 MS. WALD: Object to form.

7 Mischaracterizes the testimony. She said "mouth."

8 THE WITNESS: Yes.

9 BY MS. KENYON:

10 Q. And because you did not like the tobacco
11 from the unfiltered cigarette on your mouth, you
12 smoked a filtered cigarette.

13 A. (Inaudible response.)

14 MS. WALD: Wait for the question.

15 BY MS. KENYON:

16 Q. You're mouthing "taste"?

17 MS. WALD: Write it down. Write it down.

18 THE WITNESS: Didn't like the taste.

19 Nonfilter.

20 BY MS. KENYON:

21 Q. So is the very first cigarette you smoked,
22 was it an unfiltered cigarette?

23 A. No.

24 Q. So where did you get the first cigarette
25 that you smoked?

1 MS. WALD: Form. Asked and answered.

2 MS. KENYON: Just so the record is clear,
3 she's changing her testimony.

4 MS. WALD: The record is perfectly clear,
5 and she has not changed her testimony.

6 THE WITNESS: From my girlfriend.

7 BY MS. KENYON:

8 Q. And what brand did your girlfriend give
9 you?

10 MS. WALD: Object to form. Asked and
11 answered.

12 THE WITNESS: L&M.

13 BY MS. KENYON:

14 Q. What was your reaction to smoking the first
15 cigarette?

16 A. I cough.

17 Q. Did you like it?

18 MS. WALD: Form.

19 THE WITNESS: No.

20 BY MS. KENYON:

21 Q. So you said you smoked L&M because you
22 thought it was safer?

23 A. Yes.

24 Q. Safer in what way?

25 A. Less nicotine.

1 Q. So when you started smoking in 1964, you
2 smoked a filtered L&M cigarette because you thought
3 it would be safer to get less nicotine; is that
4 right?

5 A. Please repeat the question.

6 MS. KENYON: Would you read that back?

7 (The question was read.)

8 THE WITNESS: Did not like open cigarette
9 without filter.

10 BY MS. KENYON:

11 Q. Right. So what I'm trying to understand,
12 did you smoke a filtered cigarette because you
13 thought it was safer or because you didn't like an
14 unfiltered cigarette?

15 MS. WALD: Object to form.

16 Mischaracterizes testimony. Asked and answered.
17 Compound.

18 MS. KENYON: You can just object to form.

19 BY MS. KENYON:

20 Q. You can answer.

21 A. Please repeat the question.

22 MS. KENYON: Can you read back the
23 question?

24 (The question was read.)

25 MS. WALD: Same objection.

1 THE WITNESS: Both.

2 BY MS. KENYON:

3 Q. Why in 1964 did you think it was safer to
4 get less nicotine?

5 A. Because it was filtered.

6 Q. But that's not -- my question is a little
7 bit different.

8 Why did you think it was safer to get less
9 nicotine?

10 A. Because it was filtered. I thought the
11 filtered cigarette was safer for me.

12 Q. You thought that in 1964?

13 MS. WALD: Object to form. Asked and
14 answered.

15 THE WITNESS: (Inaudible response.)

16 BY MS. KENYON:

17 Q. You thought that in 1964?

18 MS. WALD: Same objection.

19 THE WITNESS: When I tried both cigarettes,
20 yes.

21 BY MS. KENYON:

22 Q. Where did you get that information?

23 MS. WALD: Object to form. Asked and
24 answered.

25 THE WITNESS: I thought it.

1 BY MS. KENYON:

2 Q. So by 1964 you knew that unfiltered
3 cigarettes were harmful to your health?

4 MS. WALD: Object to form.
5 Mischaracterizes testimony.

6 THE WITNESS: I myself thought filter was
7 safer.

8 BY MS. KENYON:

9 Q. So when you made the decision to smoke
10 filtered cigarettes because you thought they were
11 safer, you were aware by that point that unfiltered
12 cigarettes were harmful to your health?

13 MS. WALD: Form. Asked and answered.
14 Mischaracterizes the testimony.

15 THE WITNESS: No.

16 BY MS. KENYON:

17 Q. You've always smoked a filtered cigarette;
18 right?

19 A. Yes.

20 Q. Because you thought they were safer for
21 you. Yes?

22 A. Yes.

23 Q. Since the first time you smoked, you were
24 always concerned about lowering the harm caused by
25 smoking; right?

1 MS. WALD: Form. Argumentative.

2 Mischaracterizes testimony.

3 THE WITNESS: Please repeat the question.

4 BY MS. KENYON:

5 Q. Since the first time you smoked, you have
6 always been concerned about lowering the harm caused
7 by smoking; is that right?

8 MS. WALD: Point to an answer.

9 THE WITNESS: No.

10 BY MS. KENYON:

11 Q. You said that you coughed after your first
12 cigarette. Considering how you reacted, when did
13 you smoke your second cigarette?

14 A. Right after first one.

15 Q. Why did you try another one?

16 A. I wanted it.

17 Q. What brand was your second cigarette?

18 A. L&M.

19 Q. Where did you get your second cigarette?

20 A. Girlfriend.

21 Q. Do you recall her name?

22 A. No.

23 Q. How many years later did you become a
24 regular smoker?

25 MS. WALD: Object to form.

1 Mischaracterizes testimony. Speculation. And she
2 never said it was years later.

3 THE WITNESS: Right after the first
4 cigarette.

5 BY MS. KENYON:

6 Q. Right after your first cigarette you
7 started smoking every single day?

8 A. Yes.

9 Q. How long until you were smoking a pack a
10 day?

11 A. I do not remember.

12 Q. How much were you smoking when you became a
13 regular smoker?

14 A. One to two packs a day.

15 Q. Well, you didn't immediately go from
16 smoking zero to smoking one to two packs a day, did
17 you?

18 MS. WALD: Object to form.

19 THE WITNESS: One pack. Then wanted more.
20 Went to two packs.

21 BY MS. KENYON:

22 Q. When did you start buying your own
23 cigarettes?

24 A. I do not remember.

25 Q. How did you pay for your cigarettes?

1 A. My girlfriend and allowance.

2 Q. So are you saying your girlfriend gave you
3 cigarettes to smoke?

4 A. Yes.

5 Q. How many cigarettes would she give you to
6 smoke in a day?

7 A. I do not remember.

8 Q. How much was your allowance?

9 MS. WALD: Wipe the board.

10 THE WITNESS: I do not remember.

11 BY MS. KENYON:

12 Q. Do you know how much a pack of cigarettes
13 cost in 1964?

14 A. No. I do not remember.

15 MS. WALD: It's okay. Wait for a question.

16 BY MS. KENYON:

17 Q. When you started smoking, did you hide it
18 from your parents?

19 A. At first.

20 Q. Why?

21 A. Don't know.

22 Q. Did your parents ever catch you smoking?

23 A. No.

24 Q. Did your parents at some point find out
25 that you were smoking?

1 A. Yes.

2 Q. How did they find out?

3 A. I told them.

4 Q. Did they approve of you smoking?

5 A. Yes.

6 Q. What did they say when they found out you
7 were smoking?

8 MS. WALD: Point.

9 THE WITNESS: I don't remember.

10 BY MS. KENYON:

11 Q. How is it that you remember that they
12 approved of your smoking?

13 MS. WALD: Write it down.

14 THE WITNESS: I told them I smoked.

15 BY MS. KENYON:

16 Q. Right. I understand that. When you told
17 them you smoked, what did they say?

18 MS. WALD: Point to it.

19 THE WITNESS: I do not remember.

20 BY MS. KENYON:

21 Q. Do you recall whether they approved or
22 disapproved of you smoking?

23 A. No.

24 Q. You don't recall?

25 A. (Inaudible response.)

1 MS. WALD: Form. Asked and answered.

2 MS. KENYON: She was mouthing "I don't
3 remember."

4 BY MS. KENYON:

5 Q. Are you saying you don't remember?

6 A. Please repeat the question.

7 MS. KENYON: Can you read back my question?
8 (The question and answer were read.)

9 THE WITNESS: I do not remember.

10 BY MS. KENYON:

11 Q. You just mouthed "I know I told them." So
12 is the fact that you told them, is that all you
13 recall?

14 MS. WALD: Write it down.

15 THE WITNESS: All I remember.

16 BY MS. KENYON:

17 Q. Just so the record is clear, all you
18 remember is that you told your parents you were
19 smoking; correct?

20 MS. WALD: Form.

21 THE WITNESS: Yes.

22 BY MS. KENYON:

23 Q. Did you smoke in front of them?

24 A. I do not remember.

25 Q. Did you smoke in their home?

1 A. I do not remember.

2 Q. Did they allow smoking inside their home?

3 A. I don't know.

4 Q. Did you ever smoke in their home?

5 MS. WALD: Object to form. Asked and
6 answered.

7 THE WITNESS: I do not remember.

8 BY MS. KENYON:

9 Q. You mentioned that your father smoked Lucky
10 Strikes. Were those filtered or unfiltered?

11 A. Unfilter.

12 Q. Did you ever smoke one of his Lucky
13 Strikes?

14 A. No.

15 Q. Did your father always smoke an unfiltered
16 Lucky Strike?

17 A. Yes.

18 Q. Your mother smoked Pall Mall. Was it
19 filtered or unfiltered?

20 A. Unfilter.

21 Q. Did you ever smoke one of her Pall Mall
22 cigarettes?

23 A. No.

24 Q. You said that the first brand that you
25 smoked was L&M. You said you started smoking L&M in

1 1964. How long did you smoke L&M for?

2 A. Till I moved here. Hard to find L&M.

3 Q. Can you -- did you smoke any other brands
4 from 1964 until you moved to Vegas in 1990?

5 A. No.

6 Q. Can you describe what the pack of L&Ms
7 looks like?

8 A. Red and white.

9 Q. Do you recall any writing or pictures on
10 the pack of the L&M?

11 A. I do not remember.

12 Q. Was it menthol or regular?

13 A. Regular.

14 Q. Were they regular length, or were they
15 longer cigarettes?

16 A. Regular length.

17 Q. Can you describe what the actual cigarette
18 looks like? The actual L&M cigarette, can you
19 describe what it looked like?

20 A. White.

21 Q. And if you ran out of an L&M, would you
22 smoke someone else's cigarette?

23 A. Never ran out.

24 Q. You told us earlier that you switched to
25 Marlboro when you moved to Vegas because the L&M was

1 hard to find. Can you tell me what the pack of
2 Marlboro looked like?

3 A. Red and white I think.

4 Q. Do you recall any markings or any words or
5 anything on the Marlboro cigarette pack?

6 A. No.

7 Q. Were they menthol or regular?

8 A. Regular.

9 Q. And can you describe for me what the
10 cigarette, what the Marlboro cigarette looked like?

11 A. White.

12 Q. The whole cigarette, you just recall it
13 being white?

14 A. I do not remember.

15 Q. How long did you smoke Marlboro?

16 A. Until they got expensive.

17 Q. And then what did you switch to? What
18 brand did you switch to?

19 A. Basic.

20 Q. So at some point when the Marlboro got too
21 expensive, you switched to Basic cigarettes; is that
22 right?

23 A. Yes.

24 Q. That's the -- strike that.

25 On the Marlboro, I think you already told

1 us you only smoked it filtered. So was the Marlboro
2 a filtered cigarette?

3 A. Yes.

4 Q. Why did you smoke the Marlboro filtered
5 cigarette?

6 A. Couldn't find L&M.

7 MS. WALD: We're not cold. It's okay. Are
8 you cold? You have a jacket.

9 BY MS. KENYON:

10 Q. Besides being less expensive, is there any
11 other reason you switched from Marlboro to Basic?

12 A. No.

13 Q. So I want to talk about the Basic
14 cigarettes a little bit as well. How long did you
15 smoke Basic cigarettes?

16 A. Till I was told I had cancer.

17 Q. Just so I'm clear, the information we
18 have -- the information that you provided us shows
19 that you quit in 2017 and that you were diagnosed
20 with cancer in 2018.

21 MS. WALD: Write it down. Write it down.

22 THE WITNESS: Had no choice. I had to stop
23 after biopsy showed cancer.

24 BY MS. KENYON:

25 Q. Do you know when that was?

1 A. I do not remember.

2 (Exhibit 9 marked.)

3 BY MS. KENYON:

4 Q. I'll hand you what I've marked as Defense
5 Exhibit 9.

6 MS. LUTHER: Jen, if we could get to a good
7 stopping point soon, I would appreciate that.

8 BY MS. KENYON:

9 Q. At the top of Defense Exhibit 9, it says
10 "Pulmonary Associates." Do you see that? Then date
11 "April 4, 2018." Do you see that?

12 MS. WALD: Point.

13 BY MS. KENYON:

14 Q. April 4, 2018.

15 A. Yes.

16 Q. "Last name, Camacho; first name, Sandra."
17 Do you see that?

18 A. Yes.

19 Q. Is this your handwriting?

20 A. I do not remember.

21 Q. You don't know if this questionnaire is
22 your handwriting?

23 A. No.

24 Q. If you would turn to the third page for me,
25 it says, "Have you smoked cigarettes?" Do you see

1 that halfway down the page on the right-hand side?

2 "Have you smoked cigarettes?" Do you see that?

3 A. Yes.

4 Q. And you or someone checked "Yes." Do you
5 see that?

6 A. No -- yes.

7 Q. Yes, you see that. And "If you do not
8 smoke now, when did you stop?" Do you see that, the
9 very last line? The very last line, "If you do not
10 smoke now, when did you stop?" Do you see that?

11 A. (Inaudible response.)

12 Q. Is that a "yes"?

13 A. Yes.

14 Q. And someone wrote, "September 2017." Do
15 you see that?

16 A. Yes.

17 MS. WALD: Object to form. It might say
18 "18."

19 MS. KENYON: No, it does not because the
20 record is April 2018, so September 2018 hasn't
21 occurred yet. So it can't be September 2018.

22 MS. WALD: It's okay. It's okay. The
23 record will speak for itself. Don't worry.

24 BY MS. KENYON:

25 Q. Yes, the record does speak for itself.

1 Just so the record is clear, this record is dated
2 April 4, 2018. April comes before September in the
3 months of the year, so September 2018 has not
4 occurred yet in time in 2018. And the record here
5 someone wrote September 2017 is when you stopped
6 smoking.

7 MS. WALD: I'll object to counsel
8 testifying right now. The record will speak for
9 itself, and we do not need the attorneys in this
10 case to be speculating and testifying for the
11 deponent.

12 MS. HENNINGER: I thought she was just
13 reading a document.

14 MS. KENYON: I'm reading a document, and
15 it's not speculation if it's written in a document.
16 It's actually the opposite of speculation. But
17 that's neither here nor there.

18 BY MS. KENYON:

19 Q. Do you see on this record from April 4,
20 2018, where someone wrote, "If you do not smoke now,
21 when did you stop?" And someone wrote
22 "September 2017." Do you see that? All I'm asking
23 is if you can see that in your medical record. Do
24 you see that in your medical record? Whatever
25 you're about to write is going to be unresponsive.

1 MS. WALD: Objection. She's going to be
2 answering the questions, and she can write whatever
3 she wants to.

4 THE WITNESS: Looks like 2018.

5 MS. KENYON: The record will speak for
6 itself. September 2018 has not occurred yet.

7 THE WITNESS: (Indicating.)

8 BY MS. KENYON:

9 Q. My point is that the record on the first
10 page, here -- look. I will show you. At the top do
11 you see where it says "April 4, 2018"?

12 A. (Inaudible response.)

13 Q. So this medical record is dated April 2018.
14 Do you understand that?

15 A. Yes.

16 Q. Do you understand that April is before
17 September in the months of the year?

18 A. Yes.

19 Q. So if this record is from April of 2018, we
20 have not gotten in September 2018 in this year. Do
21 you understand that?

22 A. Whatever.

23 MS. LUTHER: I think that's a perfect time
24 to stop.

25 MS. KENYON: Let's go off the record.

1 MS. WALD: As of my calculations, it seems
2 like we've been going now for two days. We're about
3 six hours and nine minutes into this deposition. As
4 all counsel know, there's a seven-hour presumptive
5 time limitation in Nevada for depositions. So
6 there's a little bit less than --

7 No, Sandra, don't write anything else.
8 We're not going anymore today.

9 There's a little bit less than one hour
10 remaining for the deposition. There's been many
11 questions throughout the last two days that have
12 been asked and answered. I just want to put this on
13 the record that if there's going to be argument
14 later that multiple times throughout this deposition
15 both yesterday and today and for the six hours and
16 nine minutes, there's been many occasions that we
17 could have short-circuited and expedited this
18 deposition if we didn't go over the same questions.
19 I just want to put that on the record and we can
20 talk offline.

21 MS. KENYON: I'd also like to note on the
22 record that we had to stop multiple times. I had to
23 slow down as I was asked repeatedly to slow down,
24 and I did. Several questions took minutes to even
25 get an initial response to cutting into our time.

1 She changed her testimony several times, which is
2 why the same question might have been asked before.
3 But if a different answer is given or she changes
4 her testimony, that necessitates me having to go
5 back to reask a question so that we have a clean
6 record.

7 And this -- I mean, frankly the fact you
8 even had to make that record is kind of ridiculous
9 when we have talked a lot offline about how you knew
10 this was going to go over the presumptive seven
11 minutes --

12 MS. LUTHER: Seven hours.

13 MS. KENYON: Seven hours. Are you now
14 saying you're going to cut us off at seven hours?

15 MS. WALD: I'm just putting the exact time
16 on the record right now. I know in other cases we
17 have agreed to two additional hours -- or three
18 additional hours to a nine-hour. You and I have not
19 had that discussion. I'm happy and open to having
20 that discussion. I want to put that on the record
21 right now what time limit we are at.

22 My client has not changed her testimony,
23 and that is going to be clear from the record.
24 We're not going to be basing this on attorneys
25 speculating whether or not she changed her answers.

1 I'm just putting on the record right now that we
2 have been going around six hours and nine minutes.
3 Although there is a presumptive seven-hour limit, in
4 other cases we have agreed to nine hours. I'm happy
5 to come to the same agreement in this case. We can
6 talk offline.

7 As far as my client taking a little bit of
8 time to answer questions, as we all know, we're in a
9 very unique situation right now. My client is
10 severely disabled. She does not have a voice box.
11 She has a hole in her throat. She has a difficult
12 time hearing and seeing. So we are going to give
13 her the time that she needs to answer any question,
14 and I appreciate you-all have been very respectful
15 of that. But the fact that maybe it does take a
16 little bit longer to answer questions, she has
17 answered everything to the best of her ability.
18 That has not in any way slowed down this deposition.

19 But I'm happy to work with you-all as I
20 always am throughout this and come up with a
21 reasonable limitation. If not, we can go to the
22 Court.

23 MS. KENYON: I just have two more comments.
24 So for you to say that the way that she has
25 responded has not slowed down this deposition

1 proceeding is completely inaccurate to put on the
2 record because it 100 percent has slowed this down.
3 And I'm not saying it's her fault, my fault, your
4 fault. It's not anyone's fault. It's just the
5 situation.

6 And, frankly, for you to say that we
7 haven't had conversations is just disingenuous
8 because you and I have had two conversations on the
9 phone where we talked about needing nine to ten
10 hours. And you -- we have previously talked about
11 that, so that's completely disingenuous to say you
12 haven't talked to me about it. Frankly, I -- you
13 know, it is what it is. We can talk offline and
14 figure it out. We'll take what we need to to the
15 Court. That's all. We can go off the record.

16 MS. WALD: No. We're going to stay on the
17 record. Respectfully, we have talked about it.
18 I've already cleared my schedule. We have two
19 additional dates in December for these continued
20 depositions under the circumstance that we would
21 have to go on. We did not come to an agreement
22 specifically as to nine hours or ten hours. We have
23 had previous conversations that this will be going
24 beyond the seven hours per the one ruling that we
25 have from the Court in Geiss. We did not talk about

1 any specific time limitation. That's all I'm
2 saying. That's why I wanted to put on the record
3 the amount of time we've been going so far.

4 MR. JACKSON: Thankfully we have a
5 videotape of how things proceeded. That's fine.

6 MS. LUTHER: There are two other defendants
7 in this case that need to ask questions. Granted we
8 won't be retreading what's already been covered.
9 But under the circumstances, normally you know I
10 don't ask questions. But this is a different case
11 than most of the Liggett cases, so I will have
12 questions in this case.

13 MS. WALD: I understand. But there's still
14 the presumptive seven-hour limit. Again, I'm always
15 willing to work with you-all and you know that. And
16 as long as it is fair and reasonable. We just have
17 not come to a specific time yet. We already are
18 allowing our client and putting her up for continued
19 depositions in December. We have two dates set
20 aside. We will speak off the record. We wanted to
21 see how this deposition went. If we can't agree
22 upon an additional time limitation, we have plenty
23 of time to go in front of a judge.

24 MS. LUTHER: Agreed.

25 MR. JACKSON: Agreed.

1 THE VIDEOGRAPHER: That concludes today's
2 deposition of Sandra Camacho, which is Volume II.
3 The time is 1:29 p.m.

4 THE COURT REPORTER: How about reading and
5 signing?

6 MS. WALD: She's definitely reading and
7 signing.

8 THE COURT REPORTER: Would you like a copy?

9 MS. WALD: Yes, please.

10 MS. LUTHER: I need a copy separate and
11 apart.

12 (Exhibit 10 marked.)

13 (Proceedings concluded at 1:30 p.m.)

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1 CERTIFICATE OF REPORTER

2 STATE OF NEVADA)
3 COUNTY OF CLARK)SS

4 I, Holly Larsen, a duly certified court reporter
5 licensed in and for the State of Nevada, do hereby
6 certify:

7 That I reported the taking of the
8 deposition of the witness, Sandra Camacho, at the
9 time and place aforesaid;

10 That prior to being examined, the witness was by
11 me duly sworn to testify to the truth, the whole
12 truth, and nothing but the truth;

13 That I thereafter transcribed my shorthand
14 notes into typewriting and that the typewritten
15 transcript of said deposition is a complete, true,
16 and accurate record of testimony provided by the
17 witness at said time to the best of my ability.

18 I further certify (1) that I am not a
19 relative or employee of counsel of any of the
20 parties; nor a relative or employee of the parties
21 involved in said action; nor a person financially
22 interested in the action; nor do I have any other
23 relationship with any of the parties or with counsel
24 of any of the parties involved in the action that
25 may reasonably cause my impartiality to be
questioned; and (2) that transcript review pursuant
to NRCP 30(e) was requested.

IN WITNESS WHEREOF, I have hereunto set my
hand in the County of Clark, State of Nevada, this
14th day of November, 2021.

Holly Larsen

HOLLY LARSEN, CCR NO. 680

ERRATA SHEET

1

2

3 I declare under penalty of perjury that I have read
4 the foregoing _____ pages of my testimony, taken on
5 _____ (date) at _____ (city),
6 _____ (state), and that the same is a true
7 record of the testimony given by me at the time and
8 place herein above set forth, with the following
9 exceptions:

10

11	Page	Line	Should read:	Reason for change:
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1	ERRATA SHEET (Continued)			
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23				Signature of Witness
24				
25				_____
				Name Typed or Printed

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1

DISTRICT COURT

2

CLARK COUNTY, NEVADA

3

SANDRA CAMACHO,
 individually, and ANTHONY
 CAMACHO, individually,

)

)

4

)CASE NO.:

)A-19-807650-C

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Plaintiffs,

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)

6

vs.

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7

PHILIP MORRIS USA INC., a
 foreign corporation; R.

)

)

8

J. REYNOLDS TOBACCO

)

9

COMPANY, a foreign

)DEPOSITION OF

9

corporation,

)SANDRA CAMACHO

10

individually, and as

)VOL. III

10

successor-by-merger to

)

11

LORILLARD TOBACCO COMPANY

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and as

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successor-in-interest to

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the United States tobacco

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business of BROWN &

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WILLIAMSON TOBACCO

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CORPORATION, which is the

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successor-by-merger to

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THE AMERICAN TOBACCO

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COMPANY; LIGGETT GROUP,

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LLC, a foreign

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corporation; ASM

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NATIONWIDE CORPORATION

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d/b/a SILVERADO SMOKES &

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CIGARS, a domestic

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corporation; and LV

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SINGHS INC. d/b/a SMOKES

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& VAPORS, a domestic

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corporation; DOES I-X;

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and ROE BUSINESS ENTITIES

)

21

XI-XX, inclusive,

)

21

DEPOSITION OF

22

Defendants.

)

SANDRA CAMACHO

VOLUME III

22

23

Taken on Tuesday, December 7, 2021

At 9:06 a.m.

24

Las Vegas, Nevada

25

Reported By: Karen L. Jones, CCR NO. 694

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VIDEOTAPED DEPOSITION OF SANDRA CAMACHO
VOLUME III
Taken on Tuesday, December 7, 2021
Through a translator
By a Certified Stenographer
At 9:06 a.m.
At 531 Morning Mauve Avenue
Las Vegas, Nevada

Reported By: Karen L. Jones, CCR NO. 694

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20

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Dwayne Parrette, Translator/Reader
22 Anthony Camacho

23

24

25

1 I N D E X

2 WITNESS: SANDRA CAMACHO

3 EXAMINATION PAGE

4 BY: Ms. Kenyon 190

5

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8

E X H I B I T S

9

NUMBER DESCRIPTION PAGE

10 Exhibit 11 Medical Record 219

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1 P R O C E E D I N G S

2 * * * * *

3 THE VIDEOGRAPHER: This begins the video
4 recorded deposition of Sandra Camacho Volume III
5 taken Tuesday, December 7th, 2021, at 9:06 a.m. The
6 deposition is being held at 531 Morning Mauve
7 Avenue, Las Vegas, Nevada 89183, titled Sandra
8 Camacho and Anthony Camacho versus Philip Morris et
9 al., in the District Court, Clark County, Nevada,
10 Case Number A-19-807650-C.

11 My name is Gian Sapienza with Certified
12 Legal Videography. The court reporter is Karen
13 Jones with Oasis Reporting Services.

14 Will the attorneys please state your
15 name and affiliation for the record.

16 MS. WALD: Kimberly Wald from Kelley
17 Uustal on behalf of the Plaintiff Sandra Camacho.

18 MS. KENYON: Jennifer Kenyon on behalf
19 of Philip Morris USA.

20 MS. HENNINGER: Ursula Henninger on
21 behalf of R. J. Reynolds Tobacco Company.

22 MS. LUTHER: Kelly Luther on behalf of
23 Liggett Group, LLC.

24 THE VIDEOGRAPHER: Thank you. The court
25 reporter will now administer the oath.

1 (The translator was sworn.)

2 Whereupon,

3 SANDRA CAMACHO,

4 having been first duly sworn to testify to the
5 truth, was examined, and testified as follows:

6

7 EXAMINATION

8 BY MS. KENYON:

9 Q. Good morning, Mrs. Camacho. How are
10 you? Are you okay?

11 A. Okay.

12 Q. Can you hear me okay?

13 A. Yes.

14 Q. We were here in your home a few weeks
15 ago for your deposition. The same procedures that
16 were in place a few weeks ago are going to be --
17 still be in place for the deposition today.

18 Do you understand that?

19 A. Yes.

20 Q. So you have your answer sheets in front
21 of you that your -- have eight to nine answers that
22 you can point to or you have your white board in
23 front of you.

24 Do you understand?

25 A. Yes.

1 Q. Let me know if at any time you can't
2 hear me. Sound good?

3 A. Yes.

4 Q. If you don't understand any of my
5 questions, just let me know. Does that sound good?

6 A. Okay.

7 Q. If you need a break, let me know.

8 A. Okay.

9 Q. You understand that you're under oath
10 again today?

11 A. Yes.

12 Q. Is there anything that might affect your
13 ability to understand my questions and answer those
14 questions today?

15 A. No.

16 Q. Anything that prevents you from giving
17 accurate testimony today?

18 A. No.

19 Q. So last time you were here, we were
20 talking a little bit about your smoking history.

21 Do you remember that?

22 A. Yes.

23 Q. Have you ever received free cigarettes?

24 A. No.

25 Q. Have you ever received free samples of

1 cigarettes?

2 A. No.

3 Q. You told us that you bought cigarettes
4 from 7-Eleven and Texaco when you were working
5 there, and at a smoke shop; is that right?

6 A. Yes.

7 Q. Is that Silverado Smokes & Cigars?

8 A. Yes.

9 Q. Did you ever purchase cigarettes
10 anywhere else?

11 A. No.

12 Q. Are you aware that you have sued
13 Silverado Smokes & Cigars?

14 A. Yes.

15 Q. Why did you not sue all of the stores
16 where you worked and purchased cigarettes like
17 7-Eleven and Texaco?

18 MS. WALD: And I'm instructing my client
19 not to answer based on attorney-client privilege.

20 Don't answer.

21 BY MS. KENYON:

22 Q. You agree that it's legal to sell
23 cigarettes in the U.S.?

24 A. I guess so.

25 Q. Silverado Smokes & Cigars is not

1 breaking any laws by selling cigarettes, correct?

2 MS. WALD: Form.

3 THE WITNESS: I do not know.

4 BY MS. KENYON:

5 Q. You understand it's legal to purchase
6 cigarettes in the United States?

7 MS. WALD: Object to form. Asked and
8 answered.

9 BY MS. KENYON:

10 Q. Correct? Did you answer?

11 A. No.

12 MS. WALD: Do you understand what's
13 going on? Okay. Can you repeat the question?
14 (The record is read by the reporter.)

15 MS. WALD: Point to an answer.

16 THE WITNESS: Yes.

17 BY MS. KENYON:

18 Q. And you understand that it's legal to
19 sell cigarettes in the United States, correct?

20 MS. WALD: Object to form. Asked and
21 answered.

22 BY MS. KENYON:

23 Q. You agree that it's legal to sell
24 cigarettes in the United States, correct?

25 MS. WALD: Point to an answer.

1 THE WITNESS: Yes.

2 BY MS. KENYON:

3 Q. What did Silverado Smokes & Cigars do
4 that was wrong, in your opinion?

5 MS. WALD: Form.

6 THE WITNESS: They sold them to me.

7 BY MS. KENYON:

8 Q. What did Silverado Smokes & Cigars do
9 differently than you when you sold cigarettes at
10 7-Eleven?

11 MS. WALD: Objection.

12 THE WITNESS: I do not know.

13 BY MS. KENYON:

14 Q. What did Silverado Smokes & Cigars do
15 differently than you when you sold cigarettes while
16 you were working at Texaco?

17 MS. WALD: Objection.

18 THE WITNESS: I do not know.

19 BY MS. KENYON:

20 Q. Why should they be liable for selling
21 cigarettes but not you?

22 MS. WALD: Objection.

23 THE WITNESS: I do not know.

24 BY MS. KENYON:

25 Q. Do you think you should be liable for

1 selling cigarettes?

2 MS. WALD: Objection.

3 THE WITNESS: I do not know. I do not
4 remember.

5 BY MS. KENYON:

6 Q. When did you first purchase cigarettes
7 at Silverado Smokes & Cigars?

8 A. In the '90s sometime.

9 Q. When did you last purchase cigarettes at
10 Silverado Smokes & Cigars?

11 MS. WALD: Write it down.

12 THE WITNESS: When I got cancer.

13 BY MS. KENYON:

14 Q. Were the employees at Silverado Smokes &
15 Cigars always courteous and professional from what
16 you observed?

17 A. It was only him that I remember.

18 Q. Who are you referring to?

19 A. Owner.

20 Q. Do you recall the owner's name?

21 A. I do not remember.

22 Q. Was the owner of Silverado Smokes &
23 Cigars always courteous and professional from what
24 you observed?

25 A. Yes.

1 Q. You smoked for over 20 years before you
2 started buying cigarettes at Silverado Smokes &
3 Cigars, correct?

4 A. Yes.

5 Q. Why didn't you choose to sue those other
6 retailers?

7 MS. WALD: Object to the form.
8 Instructing my client not to answer.
9 Attorney-client privilege.

10 BY MS. KENYON:

11 Q. Did you ever collect Marlboro Miles?

12 A. Yes.

13 Q. You were already smoking Marlboro when
14 you started collecting miles, correct?

15 A. That's how I got them.

16 Q. So what I'm asking, so when did you
17 start collecting Marlboro Miles?

18 A. I do not remember.

19 Q. What I'm trying to understand, you were
20 already smoking Marlboro when you started collecting
21 miles, correct?

22 MS. WALD: Form.

23 THE WITNESS: It was after I started
24 smoking them.

25 ///

1 BY MS. KENYON:

2 Q. So you started collecting miles after
3 you started smoking Marlboros, correct?

4 MS. WALD: Form. Asked and answered.
5 Three times.

6 BY MS. KENYON:

7 Q. Can you answer that question? Is that
8 correct?

9 A. Yes.

10 Q. You did not start smoking Marlboro
11 because of the miles, correct?

12 MS. WALD: Form. Asked and answered.
13 Fourth time.

14 THE WITNESS: No.

15 BY MS. KENYON:

16 Q. So that's correct, you did not start
17 smoking Marlboro because of the miles, correct?

18 MS. WALD: Form. Asked and answered.

19 THE WITNESS: Correct.

20 MS. KENYON: Off the record.

21 MS. WALD: Stay on the video.

22 (A recess is taken.)

23 MS. KENYON: Back on the record.

24 BY MS. KENYON:

25 Q. You doing okay? Can you point to one of

1 your --

2 A. Okay.

3 Q. Your husband also collected miles,
4 right? Your husband also collected Marlboro Miles?

5 A. I do not remember. I guess so.

6 Q. Do you remember him collecting Marlboro
7 Miles?

8 A. I do not remember.

9 Q. How did you collect the miles?

10 A. I do not remember.

11 Q. We know that you redeemed the miles for
12 branded merchandise because you still have the
13 duffel bags, the lantern and the knife, correct?

14 A. Yes.

15 Q. Did you redeem the miles for anything
16 else?

17 A. I do not remember. I do not know.

18 Q. How did you select those items?

19 A. I do not know. I do not remember.

20 Q. Did you use the duffel bags?

21 A. I do not remember.

22 Q. Did you ever use the lantern?

23 A. I do not know.

24 Q. Did you ever use the knife?

25 A. I do not remember. I do not know.

1 Q. Did you like the products that you
2 received, the duffel bag, the lantern and knife?

3 A. I guess so.

4 Q. Your husband Tony seems to really like
5 them.

6 MS. WALD: Form.

7 BY MS. KENYON:

8 Q. Your husband Tony seems to really like
9 them. Would you agree?

10 A. I do not know.

11 Q. You have kept the items all this time;
12 is that right?

13 A. Yes. On bed.

14 Q. Right. And that's my point. You still
15 have the duffel bags, the lantern and the knife,
16 correct?

17 MS. WALD: Form. Asked and answered.

18 THE WITNESS: I guess so.

19 BY MS. KENYON:

20 Q. Why have you kept them?

21 A. I do not know.

22 Q. The Marlboro Miles did not keep you from
23 switching to Basic when Marlboro cigarettes became
24 too expensive, correct?

25 MS. WALD: Form.

1 THE WITNESS: No.

2 BY MS. KENYON:

3 Q. The Marlboro Miles did not make you buy
4 Marlboro cigarettes, correct? Is that correct?

5 A. Okay. Correct.

6 Q. And the miles did not keep you from
7 switching from Marlboro to Basic, correct?

8 A. Correct.

9 Q. Did you ever receive coupons to purchase
10 cigarettes?

11 A. I do not know. I do not remember.

12 Q. Do you recall whether you had to fill
13 out any forms to get the duffel bag or the lantern
14 or the knife?

15 A. I do not remember.

16 Q. Do you recall looking through a catalog
17 or anything to pick out those items?

18 A. I do not remember.

19 Q. Did you ever complete surveys or
20 sweepstake entry forms?

21 A. I do not remember. I do not know.

22 Q. Did you ever use coupons to buy
23 cigarettes?

24 A. I do not remember.

25 Q. So last time we talked about your brand

1 history and what primary brands of cigarettes you
2 smoked. Do you remember that?

3 A. Yes.

4 Q. You also mentioned that you might borrow
5 cigarettes from someone else if you didn't have your
6 cigarettes or you ran out; is that correct?

7 A. No.

8 Q. So did you ever borrow a cigarette from
9 someone else?

10 A. Yes.

11 Q. That would include your husband or your
12 daughter or other family members; is that right?

13 A. Yes.

14 Q. But you almost always had your brand of
15 cigarettes with you, correct?

16 A. Yes.

17 Q. Did you ever count or track the number
18 of cigarettes per day that you smoked?

19 A. A lot. Don't know how many.

20 Q. So is the answer to my question that you
21 never counted or tracked the number of cigarettes
22 that you smoked in a day?

23 MS. WALD: Form. Asked and answered.

24 THE WITNESS: I do not know.

25 ///

1 BY MS. KENYON:

2 Q. How many cigarettes a day did you smoke
3 when you lived in the Chicago area?

4 A. I do not know. A lot. Don't know how
5 many.

6 Q. What does "a lot" mean?

7 A. Every half-hour.

8 Q. Do you know how many cigarettes a day
9 that would be?

10 A. I do not know.

11 Q. Do you know how many cigarettes are in a
12 pack of cigarettes?

13 A. I do not remember.

14 Q. How many cigarettes a day did you smoke
15 when you moved to Las Vegas?

16 A. I worked -- I worked up to two packs a
17 day.

18 Q. When you lived in Las Vegas, were you
19 still smoking one cigarette every half-hour?

20 A. Yes.

21 Q. What time did you typically wake up in
22 the morning?

23 MS. WALD: Form. Asked and answered.

24 THE WITNESS: 5:00, sometime 4:00.

25 ///

1 BY MS. KENYON:

2 Q. And what time would you typically go to
3 bed at night?

4 A. 12:00 or 1:00.

5 Q. How many cigarettes a day were you
6 smoking when you quit?

7 MS. WALD: Form.

8 THE WITNESS: Two packs.

9 BY MS. KENYON:

10 Q. Are you familiar with the term "chain
11 smoker"?

12 A. Yes.

13 Q. How would you define "chain smoker"?

14 A. Light one after another.

15 Q. Did you consider yourself a chain smoker
16 at any point?

17 A. Yes.

18 Q. When?

19 A. With friends.

20 Q. What friends?

21 A. I do not remember. Chicago.

22 Q. Did you ever chain smoke once you moved
23 to Las Vegas?

24 A. Not really.

25 Q. So would you get together with friends

1 and -- did your friends also smoke?

2 A. Chicago.

3 Q. Right. Did your friends also smoke?

4 Yeah.

5 A. Here (indicating)?

6 Q. You said with friends in Chicago?

7 A. I do not remember. School friends.

8 Q. So how old were you?

9 A. 17 or 18, and don't remember how long.

10 Q. Well, we know from your interrogatory
11 responses and your prior testimony that you did not
12 start smoking until you were 18; is that correct?

13 A. Correct.

14 Q. So did you actually ever light one
15 cigarette off of another?

16 MS. WALD: Form. Asked and answered.

17 BY MS. KENYON:

18 Q. Go ahead and answer.

19 A. Yes.

20 Q. Do you know whether it was one time that
21 you did that?

22 A. Few times.

23 Q. What does a "few times" mean?

24 A. More than ten or more.

25 Q. Would you just do that when you were

1 with your girlfriends?

2 A. Yes.

3 Q. Did you enjoy socializing and smoking
4 with your girlfriends?

5 MS. WALD: Form.

6 THE WITNESS: My first cig I did because
7 it was the cool thing to do then.

8 BY MS. KENYON:

9 Q. My question is a little bit different.
10 Did you enjoy socializing and smoking
11 with your girlfriends?

12 A. No.

13 Q. Then why did you do it?

14 A. Because I was addicted to them.

15 Q. When do you think you were first
16 addicted to cigarettes?

17 A. After the first hour. Because I wanted
18 more.

19 Q. Are you saying you were addicted after
20 your first cigarette?

21 MS. WALD: Form. Asked and answered.

22 THE WITNESS: Yes.

23 BY MS. KENYON:

24 Q. When did you first learn that cigarette
25 smoking could be addictive?

1 A. I do not remember.

2 Q. What does it mean to you to be addicted
3 to cigarettes?

4 A. To want one after another.

5 Q. Being addicted doesn't mean that a
6 smoker cannot quit, correct?

7 MS. WALD: Form.

8 THE WITNESS: I tried many times to
9 quit.

10 BY MS. KENYON:

11 Q. And you did, in fact, permanently quit
12 over four years ago, correct? And you did, in fact,
13 quit permanently over four years ago, correct?

14 A. Yes. It will be four years ago I quit
15 because of cancer.

16 Q. Regardless, you did permanently quit,
17 correct?

18 MS. WALD: Object to form. Asked and
19 answered.

20 It's okay, Sandra. Sandra, relax. It's
21 okay. It's okay. Calm down. Just answer the
22 question.

23 THE WITNESS: Yes.

24 BY MS. KENYON:

25 Q. Even though you believed you were

1 addicted, you quit?

2 MS. WALD: Form. Argumentative. Asked
3 and answered. We're not going to keep going down
4 this line. We know she quit.

5 BY MS. KENYON:

6 Q. You can go ahead and answer.

7 Even though you believed you were
8 addicted, you did quit, correct?

9 A. Tried.

10 Q. You're not currently smoking.

11 MS. WALD: And now you're just being
12 argumentative and harassing this witness. We know
13 she quit. She has cancer. That's clear in the
14 testimony. You can't keep harassing the client
15 right now. So I ask you to move on.

16 MS. KENYON: I just want an answer to my
17 question. And you know the case law as well as I
18 do. Please just object to form and stop trying to
19 coach your witness.

20 MS. WALD: I'm not trying to coach my
21 witness. You're harassing her right now by
22 beleaguering her with the same questions over and
23 over. We know she is not smoking.

24 BY MS. KENYON:

25 Q. You can go ahead and answer my question.

1 Can you please read back my question.

2 (The record is read by the reporter.)

3 MS. KENYON: Off the record.

4 (A recess is taken.)

5 MS. KENYON: We can go back on the
6 record.

7 THE VIDEOGRAPHER: I'm sorry. We didn't
8 leave record on video.

9 MS. WALD: It's fine. We can stay on
10 the video.

11 BY MS. KENYON:

12 Q. Even though you believe you were
13 addicted, you did permanently quit smoking, correct?

14 MS. WALD: Write it down or just point.
15 She's just asking if you quit smoking. So point.

16 THE WITNESS: Yes.

17 BY MS. KENYON:

18 Q. You told us that your sister Donna quit
19 smoking. Do you recall that?

20 MS. WALD: Form. Asked and answered.

21 BY MS. KENYON:

22 Q. Do you think Donna was addicted when she
23 quit smoking?

24 A. I do not know. I do not remember.

25 MS. LUTHER: She has to go to the

1 bathroom.

2 MS. WALD: You have to go bathroom? We
3 can take a break. You can go off the video.

4 THE VIDEOGRAPHER: The time is 9:52. We
5 are going off the record.

6 (A recess is taken.)

7 THE VIDEOGRAPHER: The time is
8 10:00 o'clock a.m. We are back on the record.

9 BY MS. KENYON:

10 Q. Are you ready to go?

11 A. Yes.

12 Q. Have you heard of people being addicted
13 to other things?

14 MS. WALD: Form.

15 BY MS. KENYON:

16 Q. Like food or gambling?

17 A. I do not know.

18 Q. Do you believe that you were addicted to
19 anything other than smoking?

20 A. No.

21 Q. What did you enjoy about smoking over
22 the years?

23 MS. WALD: Form. Mischaracterizes
24 testimony.

25 THE WITNESS: Did not enjoy smoking.

1 BY MS. KENYON:

2 Q. Did smoking relax you?

3 A. Yes.

4 Q. Did smoking help you concentrate?

5 A. I do not remember.

6 Q. Did smoking relieve anxiety or
7 nervousness?

8 MS. WALD: Form.

9 THE WITNESS: I do not remember.

10 BY MS. KENYON:

11 Q. Did you smoke to control your weight?

12 A. No.

13 Q. Did you smoke more when you were feeling
14 a certain way?

15 MS. WALD: Form.

16 THE WITNESS: No.

17 BY MS. KENYON:

18 Q. Did you smoke more when you were
19 stressed?

20 A. I smoked all the time.

21 Q. So is the answer to my question no, you
22 did not smoke more when you were stressed?

23 A. No.

24 Q. Did you smoke inside of your home?

25 A. Yes.

1 Q. Was there ever a point where you stopped
2 smoking inside your home?

3 A. When I tried to quit.

4 Q. Was there ever a point where you stopped
5 smoking inside and would only smoke outside?

6 A. No.

7 Q. Were there any rooms in your home where
8 you did not smoke?

9 A. Yes.

10 Q. Where?

11 A. Bedroom.

12 Q. Why did you not smoke in your bedroom?

13 A. Always in kitchen.

14 Q. Was there a reason you never smoked in
15 your bedroom?

16 A. No.

17 Q. Was there a reason you only smoked in
18 your kitchen?

19 A. No.

20 Q. Were there certain social settings where
21 you would not smoke?

22 A. No.

23 Q. Did you ever go to the movies?

24 A. Yes.

25 Q. Did you sit through the entire movie?

1 A. No.

2 Q. Why not?

3 A. Wanted cigs.

4 Q. How often did you go to the movies?

5 A. I do not remember.

6 Q. When's the last time you went to a
7 movie?

8 A. I do not remember.

9 Q. Were there people who you would not
10 smoke around?

11 A. No.

12 Q. Did you smoke around your grandchildren?

13 A. Yes.

14 Q. Did anyone ever express any concerns?

15 A. No.

16 Q. Did you ever visit someone's home where
17 smoking was not allowed?

18 A. I do not remember.

19 Q. Did you ever go to your sister's home?

20 A. I do not remember.

21 Q. When you were -- when you were living in
22 the Chicago area, did you ever go to one of your
23 sister's houses to visit them?

24 A. A lot. I don't remember.

25 Q. So I think last time we spoke there were

1 times that you had difficulty remembering things
2 from before your cancer and surgery.

3 MS. WALD: Form.

4 BY MS. KENYON:

5 Q. Is that fair?

6 A. Yes.

7 Q. And I just want to make sure I
8 understand. Are you trying to tell me that before
9 you had your surgery and treatment, you had a good
10 memory, but now you are past it?

11 A. Yes.

12 Q. Now, that you're past it, you struggle
13 with your memory?

14 MS. WALD: Form.

15 THE WITNESS: Yes.

16 BY MS. KENYON:

17 Q. Is that both short and long-term memory?

18 A. Yes.

19 Q. Did you smoke while you were pregnant?

20 A. Yes.

21 Q. Have you ever traveled by airplane?

22 Have you ever gone on an airplane?

23 A. Yes.

24 Q. Were you able to refrain from smoking on
25 the flights?

1 A. I do not remember.

2 Q. When's the last time you went on a
3 plane ride?

4 A. Almost four years ago.

5 Q. Where was the last flight you took?
6 Where did you go?

7 A. L.A.

8 Q. Who did you go with?

9 You can erase that.

10 A. Tony, daughter.

11 Q. What did you go to L.A. for?

12 A. Surgery.

13 Q. Did you smoke on that flight?

14 A. No.

15 Q. Prior to that, what is the last flight
16 you took?

17 A. I do not remember.

18 Q. Did you and Tony ever go on vacation
19 together?

20 A. I do not remember.

21 Q. Besides the flight four years ago, has
22 there been any other times where you've taken a
23 plane somewhere?

24 MS. WALD: Form.

25 THE WITNESS: Home to see family.

1 BY MS. KENYON:

2 Q. To the Chicago area?

3 A. Yes.

4 Q. When's the last time you flew home to
5 see family?

6 A. I do not remember.

7 Q. How many times have you flown home to
8 see family?

9 A. I do not remember.

10 Q. Was it one time?

11 A. I do not know. I do not remember.

12 Q. Switching gears a little bit. Did you
13 ever try a low-nicotine cigarette?

14 A. No.

15 Q. Did you ever try a denicotinized
16 cigarette? Have you ever tried a denicotinized or
17 nicotine-free cigarette?

18 A. No.

19 Q. Why not?

20 A. Never heard of that.

21 Q. Why did you not try a low-nicotine
22 cigarette?

23 A. I do not remember. I do not know.

24 Q. Did you ever smoke cigars?

25 A. No.

1 Q. Why not?

2 A. For a man.

3 Q. Did you ever try a cigar?

4 A. No.

5 Q. Have you ever used any other form of
6 tobacco?

7 A. What form?

8 Q. Have you ever used any other types of
9 tobacco or form of tobacco like a pipe or chew?

10 A. No.

11 Q. Have you ever used an e-cigarette?

12 A. Yes.

13 Q. When?

14 A. The times I tried to quit.

15 MS. KENYON: Off the record.

16 (A recess is taken.)

17 BY MS. KENYON:

18 Q. Are you ready to go?

19 A. Yes.

20 Q. How many times have you used
21 e-cigarettes in an effort to quit?

22 A. I do not remember. A lot.

23 Q. What does a lot mean?

24 A. Every time I tried to quit.

25 Q. When is the first time you used an

1 e-cigarette to try to quit?

2 A. I do not remember.

3 Q. Why did you decide to use an
4 e-cigarette?

5 A. I tried everything.

6 Q. But sticking with the e-cigarettes, why
7 did you decide to use e-cigarettes to quit?

8 A. I do not remember.

9 Q. What brand did you use? What brand of
10 e-cigarette did you use?

11 A. I do not remember.

12 Q. How often did you use it?

13 MS. WALD: Write it down.

14 THE WITNESS: Every time I tried to
15 quit.

16 BY MS. KENYON:

17 Q. When is the first time you tried to quit
18 smoking?

19 A. Sometime in the '90s.

20 Q. Why did you try to quit sometime in the
21 '90s?

22 A. It was a habit and cigs were getting
23 expensive.

24 Q. What brand were you smoking the first
25 time you tried to quit?

1 A. Marlboro.

2 Q. How long did you quit that first time?

3 A. One day.

4 Q. How did you quit for that day?

5 A. Nicorette Gum, regular gum.

6 Q. Did you need a prescription to get the
7 Nicorette Gum?

8 A. I do not remember.

9 Q. How many packs of the Nicorette Gum did
10 you chew?

11 A. I do not remember.

12 Q. Did you smoke while using the Nicorette
13 Gum?

14 A. No.

15 Q. How did you feel while you were using
16 the Nicorette Gum?

17 A. I wanted cigarette.

18 Q. Did you throw out your cigarettes when
19 you were using the Nicorette Gum?

20 A. Threw them out and took them back. I
21 even squished them.

22 Q. When you say "back," what do you mean?

23 A. Retrieved them. Garbage can.

24 Q. So the first time you tried to quit and
25 you were using the Nicorette Gum, you threw your

1 cigarettes in the trash, but then you went back and
2 got them out of the trash; is that correct?

3 A. Yes.

4 Q. So did you throw any of your cigarettes
5 away when you were using the Nicorette Gum that first
6 time?

7 MS. WALD: Form. Asked and answered.

8 THE WITNESS: Yes.

9 BY MS. KENYON:

10 Q. Did you throw away your ashtrays and
11 lighters when you were using the Nicorette Gum?

12 A. Put them away.

13 Q. Why did you not throw them away?

14 A. I do not know.

15 Q. Did Tony quit with you the first time
16 that you tried to quit?

17 A. I do not remember.

18 Q. So the first time you said you used
19 Nicorette Gum and regular gum. What kind of regular
20 gum were you using?

21 A. I forget names of gum.

22 Q. So the first time you tried to quit, did
23 your friends and family offer to help you?

24 A. I do not remember.

25 Q. Did Tony stop smoking around you?

1 A. I do not remember. I do not know.

2 Q. Were you motivated to quit at that time?

3 A. Yes.

4 Q. What was your motivation?

5 A. Wanted to quit.

6 Q. How did you feel when you quit?

7 MS. WALD: So for the record, she's
8 trying to mouth irritable, but she now thinks she
9 doesn't know how to spell it. And there's a few
10 others the translator can --

11 THE WITNESS: Miserable, mean.

12 BY MS. KENYON:

13 Q. So for that day that you quit, were you
14 able to carry on with your responsibilities?

15 MS. WALD: Form.

16 THE WITNESS: Not easy. Always thinking
17 about having cigarettes.

18 BY MS. KENYON:

19 Q. But you were able to carry on with your
20 daily responsibilities?

21 MS. WALD: Form.

22 THE WITNESS: I do not know.

23 BY MS. KENYON:

24 Q. Were you able to go to work that day?

25 A. I would try when home, off of work.

1 Q. Why?

2 A. That's what I wanted.

3 Q. Was there anything you couldn't do for
4 that day?

5 A. Smoke.

6 Q. Was there anything you couldn't do that
7 day?

8 A. I do not remember.

9 Q. At some point, you started smoking
10 again?

11 A. Yes.

12 Q. Why did you resume smoking a day later?
13 Why did you start smoking again a day later, the
14 next day?

15 A. Addicted. I tried many times to quit.

16 Q. This first time that you tried to quit
17 sometime in the '90s, did you use an e-cigarette?

18 A. No.

19 Q. When is the next time you tried to quit?

20 A. I do not remember.

21 Q. Do you know how many times you tried to
22 quit?

23 MS. WALD: Form.

24 BY MS. KENYON:

25 Q. How many times did you try to quit?

1 A. Over ten or more.

2 Q. How do you know it was over ten or more?

3 A. I tried a lot on my days off.

4 Q. So my question was a little bit

5 different. How do you know it was ten times or --

6 how do you know it wasn't less times that you tried
7 to quit?

8 A. Was trying to quit through '90s, 2000s.

9 THE VIDEOGRAPHER: We need to stop for a
10 moment. Lost the audio.

11 (A recess is taken.)

12 THE WITNESS: Was trying to quit
13 through '90s, 2000s.

14 BY MS. KENYON:

15 Q. How many times did you try to quit in
16 the '90s?

17 A. I do not remember.

18 Q. How many times did you try to quit in
19 the 2000s?

20 A. I do not remember.

21 Q. Besides cigarettes -- strike that.

22 Besides the fact that cigarettes were
23 getting expensive, was there any other reason you
24 tried to quit in the '90s?

25 A. Habit, smell.

1 Q. Why were you trying to quit because it
2 was a habit?

3 A. Because it was already addicted.

4 Q. How did you know you were addicted?

5 A. When you have to have a cigarette every
6 chance you have, you are addicted.

7 Q. Did you ever talk to your doctors about
8 that?

9 A. I do not remember. I do not know.

10 Q. You mentioned that you also -- you
11 didn't like the smell of cigarettes.

12 A. Correct.

13 Q. In the '90s, were you ever able to quit
14 for longer than a day?

15 A. No.

16 Q. In the 2000s, were you ever able to quit
17 for longer than a day?

18 A. Yes.

19 Q. How do you know that?

20 A. When I got cancer.

21 Q. Prior to the time that you permanently
22 quit smoking, were you ever -- strike that.

23 Prior to the time when you permanently
24 quit smoking, did you ever quit for more than a day?

25 A. No.

1 Q. Did Mr. Camacho ever try to quit smoking
2 with you?

3 A. I do not remember. I do not know.

4 Q. Do you recall reporting to doctors in
5 July of 2012 that you had quit smoking more than
6 12 months ago.

7 A. I do not remember.

8 Q. So sticking with the '90s, you don't
9 know how many times you tried to quit in the '90s?

10 MS. WALD: Form.

11 BY MS. KENYON:

12 Q. Correct?

13 A. No.

14 Q. No, you don't know? You don't know how
15 many times you tried to quit in the '90s?

16 A. Many.

17 Q. In the '90s, did you ever seek help from
18 a professional to quit smoking?

19 A. No.

20 Q. Did you ever ask for help from family
21 members to quit smoking?

22 A. No.

23 Q. Did you ever ask Mr. Camacho to quit
24 smoking with you?

25 A. I do not remember. I do not know.

1 Q. And in the 2000s, did you ever seek help
2 from a professional to quit smoking?

3 A. No.

4 Q. Did you ever ask for help from family
5 members to quit smoking?

6 A. No.

7 Q. Did you ever ask Mr. Camacho to quit
8 smoking with you?

9 A. I do not remember.

10 Q. Did you ever attend a stop smoking
11 clinic in the '90s?

12 A. No.

13 Q. Did you ever attend a stop smoking
14 clinic in the 2000s?

15 A. No.

16 Q. Did you ever try hypnosis in the '90s?

17 A. No.

18 Q. Did you ever try hypnosis in the 2000s?

19 A. No.

20 Q. Did you ever use nicotine gum in an
21 effort to quit smoking -- sorry. Strike that.

22 Did you ever use the nicotine patch in
23 an effort to quit smoking?

24 A. I do not remember. No.

25 Q. Besides the first time that you tried to

1 quit sometime in the '90s, did you ever use Nicorette
2 Gum to try to quit smoking?

3 A. I do not understand the question.

4 Q. Sure. We talked about the first time
5 you tried to quit smoking sometime in the '90s. You
6 told us you used Nicorette Gum.

7 Besides that time, did you ever use
8 Nicorette Gum to quit smoking? You're mouthing
9 "before that, no." Hold on.

10 So we know you never tried to quit
11 before the first time in the '90s, correct?

12 A. Correct.

13 Q. We've already talked about the first
14 time you tried to quit in the '90s when you used
15 Nicorette Gum and regular gum.

16 Besides that time, did you ever use
17 Nicorette Gum?

18 A. Tried it a few times.

19 Q. Do you know when you tried it?

20 A. No.

21 Q. Where did you buy the Nicorette Gum?

22 A. I do not remember.

23 Q. Did you need a prescription to get the
24 Nicorette Gum?

25 A. I do not remember. I do not know.

1 Q. How many packs of Nicorette Gum would you
2 chew?

3 A. I do not remember.

4 Q. Did you ever smoke while also using the
5 Nicorette Gum?

6 A. No.

7 MS. WALD: It's okay, Sandra. Wait for
8 a question. It's someone typing.

9 MS. HENNINGER: I'm sorry. Is that
10 bothering her?

11 MS. WALD: No, no. She was asking what
12 it was.

13 BY MS. KENYON:

14 Q. Did you ever throw away your matches and
15 lighters in the '90s to try to quit?

16 A. Put them away.

17 Q. So in the '90s, you never threw away
18 your matches and lighters?

19 MS. WALD: Form.

20 BY MS. KENYON:

21 Q. Is that correct?

22 A. Yes.

23 Q. Did you ever throw away your matches and
24 lighters in the 2000s?

25 A. No. Put them away.

1 Q. Did you ever try to quit cold turkey?

2 A. No.

3 Q. Why were you trying to quit smoking in
4 the 2000s?

5 A. Getting expensive, cig.

6 Q. Cigarettes were getting expensive; is
7 that correct?

8 A. Yes.

9 Q. When you quit in the 2000s, were you
10 able to carry on with your daily activities?

11 A. I do not remember. I do not know.

12 Q. When you would try to quit in the 2000s,
13 was there anything you could not do?

14 A. I do not know.

15 MS. KENYON: Let's go off the record and
16 take a short break.

17 THE VIDEOGRAPHER: The time is

18 10:58 a.m. We are going off the record.

19 (A recess is taken.)

20 THE VIDEOGRAPHER: The time is

21 11:07 a.m. We are back on the record.

22 BY MS. KENYON:

23 Q. Are you ready to go, Mrs. Camacho?

24 A. Yes.

25 Q. Doing okay?

1 A. Yes.

2 Q. We've talked about the first time you
3 tried to quit in the '90s, and you told us that in
4 the '90s and the 2000s, you tried to quit ten or so
5 times; is that right?

6 MS. WALD: Form.

7 THE WITNESS: Yes.

8 BY MS. KENYON:

9 Q. Besides that first quit sometime in the
10 '90s, are you able to recall anything specific about
11 any of the other times you tried to quit?

12 A. No.

13 Q. So I want to talk about when you
14 permanently quit. Okay?

15 Do you recall last time we were looking
16 at one of your medical records from 2008 (sic), and
17 there was some discussion about the quit date in the
18 medical record. Do you recall that?

19 A. No.

20 (Exhibit 11 marked.)

21 BY MS. KENYON:

22 Q. I am handing you what I've marked as
23 Defense Exhibit 11, and I've highlighted it
24 hopefully to help guide you as you look through it.

25 So do you see at the top of Exhibit 11

1 it says, "Camacho, Sandra," do you see that? Was
2 that yes?

3 A. Yes.

4 Q. And then underneath that, it reads,
5 "Office/Outpatient Visit, Visit Date: Wednesday
6 April 4th, 2018." Do you see that at the very top
7 here? Do you see where it says "Visit Date"?

8 A. Yes.

9 Q. And then under "Subjective" and the
10 "CC," it reads, "Mrs. Camacho is a 71-year old
11 female. This is her first visit to the clinic. The
12 following note is documented today following a
13 transition of care from an inpatient hospital (UCLA
14 Hospital). History details were provided by the
15 patient, the patient's spouse and a sibling. The
16 history appears to be reliable."

17 Did I read that correctly?

18 MS. WALD: Point to the answer.

19 THE WITNESS: Correct.

20 BY MS. KENYON:

21 Q. If you would turn to the second page for
22 me. Do you see under "Tobacco/Alcohol/Supplements,"
23 do you see where I'm at?

24 A. Yes.

25 Q. And it reads "Tobacco: She has a past

1 history of cigarette smoking; quit date: 09/2017."

2 Did I read that correctly?

3 A. Correct.

4 Q. Do you recall seeing Dr. Sharma at
5 Pulmonary Associates?

6 A. I do not remember.

7 Q. So is this medical record accurate? So
8 did you quit smoking September of 2017?

9 A. I do not remember.

10 Q. Do you have any reason to dispute what's
11 in this medical record?

12 A. I don't know him.

13 Q. Do you understand when you go in and you
14 see a doctor, they ask you questions about your
15 history, about your past medical history, your past
16 smoking history? Do you understand that?

17 A. Yes.

18 Q. Do you have any reason to dispute what
19 your doctor has written in this medical record?

20 A. I do not know.

21 Q. I'm going to ask you about another
22 doctor. Do you recall Dr. Akbarullah, Akbarullah,
23 pulmonologist with Pulmonary Associates?

24 A. No.

25 Q. Do you recall seeing Dr. Akbarullah in

1 July of 2018?

2 A. No.

3 Q. Do you recall telling him that you had
4 quit smoking in September of 2017?

5 A. No.

6 Q. Do you dispute that or do you just not
7 remember?

8 A. I do not remember.

9 Q. Do you recall stating in your initial
10 interrogatory responses that you quit in 2017?

11 A. I quit when I got cancer.

12 Q. How did you permanently quit smoking?

13 A. Surgery, took out voice box.

14 Q. Did you quit smoking at any point
15 leading up to the surgery?

16 MS. LUTHER: Do you want to go off the
17 record?

18 MS. KENYON: Yeah. Off the record.

19 THE VIDEOGRAPHER: The time is 11:16.
20 We are going off the record.

21 (A recess is taken.)

22 THE VIDEOGRAPHER: The time is 11:23.
23 We are back on the record.

24 BY MS. KENYON:

25 Q. Are you ready to go, Mrs. Camacho?

1 A. Yes.

2 Q. Are you feeling okay?

3 A. Yes.

4 Q. Before we broke, we were talking about
5 your final quit. Did you quit cold turkey? Well,
6 let me back up a step.

7 Do you know what "cold turkey" means?

8 A. Yes.

9 Q. When you permanently quit, did you quit
10 cold turkey?

11 A. I do not remember.

12 Q. Did you use any medication to quit?

13 A. I do not remember.

14 Q. What did you write on your board?

15 A. I stopped smoking when I had surgery.

16 Q. And so what I'm trying to understand,
17 did you ever -- did you ever smoke another cigarette
18 after your surgery?

19 A. No.

20 Q. Did you use any nicotine replacement
21 therapies to stay quit?

22 A. No.

23 Q. After your surgery, did you throw away
24 your cigarettes, ashtrays and lighters?

25 A. I do not remember.

1 Q. Do you still have your ashtrays and
2 lighters?

3 A. I do not know.

4 Q. Are you doing okay?

5 A. Okay.

6 Q. Are you still understanding my questions
7 or are you getting tired?

8 MS. WALD: Did you just mouth "I
9 understand"? Can you point to yes.

10 THE WITNESS: Yes.

11 BY MS. KENYON:

12 Q. So do you have any ashtrays, lighters or
13 cigarettes in your house right now?

14 A. Ashtray for daughter.

15 Q. Does your daughter smoke when she comes
16 over here?

17 A. Outside. If she does have one.

18 Q. Does she not usually smoke when she
19 comes to visit you? Does she not usually smoke when
20 she comes to visit you?

21 A. Most of the time she doesn't smoke.

22 Q. When did you have your last cigarette?

23 MS. WALD: Form.

24 THE WITNESS: When I had my surgery.

25 ///

1 BY MS. KENYON:

2 Q. So you had your last cigarette prior to
3 your surgery. You go in, you have your surgery.
4 You come out of surgery and you never smoke again;
5 is that right.

6 A. I didn't have a cigarette right before
7 surgery and never again.

8 Q. Did you use Nicorette Gum after your
9 surgery?

10 A. Have no teeth. Can't get them.

11 Q. So is the answer to my question, no, you
12 have never used Nicorette Gum after your surgery?

13 A. No.

14 Q. Did you ever use an e-cigarette after
15 your surgery?

16 A. No.

17 Q. Did Anthony quit with you at that time?

18 A. I do not know. I do not remember.

19 Q. Did Anthony quit smoking at some point?

20 A. I do not know. I do not remember.

21 Q. Is your husband currently smoking?

22 A. Not with me.

23 Q. Did you use a nicotine patch after your
24 surgery?

25 A. No. Voice box was enough.

1 Q. Were you motivated to quit smoking at
2 that time?

3 A. Had no choice to smoke again.

4 Q. So is the answer yes, you were motivated
5 to quit smoking at that time?

6 A. Yes. I do not know.

7 Q. How did you feel when you quit?

8 A. Anxious, miserable.

9 Q. Was that because you had quit or because
10 you had just had surgery?

11 A. I do not remember.

12 Q. Were you proud of yourself when you
13 quit?

14 A. Not them taking my voice box, no.

15 Q. My question's a little bit different.
16 Were you proud of yourself when you quit
17 smoking?

18 A. What is there to be proud of? Can't
19 talk. Can't go nowhere.

20 Q. Is there anything anyone could have told
21 you to make you quit smoking sooner?

22 A. The truth that cigarettes were harmful.

23 Q. Do you think you could have tried harder
24 to quit smoking sooner?

25 A. Yes.

1 Q. Have you ever heard the term "coffin
2 nails"?

3 A. No.

4 Q. Have you ever heard the term "cancer
5 sticks"?

6 A. No.

7 Q. Have you ever heard the term "nicotine
8 fit"?

9 A. Yes.

10 Q. What does "nicotine fit" mean to you?

11 A. Cigarette after cigarette all day.

12 Q. Have you ever used the term nicotine
13 fit? Have you ever used the term nicotine fit?

14 A. No.

15 Q. Do you read the newspaper? Do you read
16 the newspaper?

17 A. Not now.

18 Q. Did you at one point?

19 A. Yes. Always.

20 Q. When did you stop reading the newspaper?

21 A. When I lost sight in one eye.

22 Q. When did you lose your sight in -- is it
23 your right eye?

24 A. Yes.

25 Q. When did you lose your sight in your

1 right eye?

2 A. I do not remember.

3 Q. Why did you lose your site in your right
4 eye.

5 A. The retina is detaching. Can't have
6 surgery. Have to lay on stomach for one month.

7 Q. So just I just want to make sure I'm
8 understanding.

9 So you can't have the surgery because
10 you would have to lay on your stomach for a month;
11 is that right? Correct?

12 A. Yes.

13 Q. Has your doctor ever told you the cause
14 or why your retina is detaching?

15 A. No.

16 Q. We were talking about newspapers. Did
17 you subscribe to a newspaper when you lived in
18 Chicago?

19 A. Yes.

20 Q. Which newspaper?

21 A. Sun-Times.

22 Q. Did you have a subscription to the Sun
23 Times?

24 A. I think so. Ask Tony.

25 Q. Did you read the Sun-Times daily?

1 A. Yes.

2 Q. Do you recall ever reading any articles
3 about cigarettes or smoking?

4 A. I do not remember.

5 Q. Did you get any other newspapers while
6 you were living in the Chicago area?

7 A. No.

8 Q. Did you get a newspaper when you lived
9 in Las Vegas?

10 A. I do not remember.

11 Q. Did you read the newspaper when you
12 lived in Las Vegas?

13 A. Yes.

14 Q. Do you know what newspaper you read?

15 A. No.

16 Q. How often would you read the newspaper
17 in Las Vegas?

18 A. I do not remember.

19 Q. Was it daily, like, in Chicago?

20 A. I do not remember.

21 Q. Do you recall ever reading any articles
22 about cigarettes or smoking in Las Vegas?

23 A. No.

24 Q. Did you read magazines while you were
25 living in Chicago?

1 A. Yes.

2 Q. Which ones?

3 A. People. Whatever was by my mom's house.

4 Q. Do you recall ever reading Time or
5 Newsweek when you were living in Chicago?

6 A. No.

7 Q. Do you recall reading any articles about
8 cigarettes or smoking in People?

9 A. Advertise.

10 Q. Do you recall ever reading any articles
11 about cigarettes or smoking in People?

12 A. I do not remember.

13 Q. What advertisements do you recall seeing
14 in People?

15 A. A man smoking.

16 Q. Do you recall what brand of cigarette
17 the ad was for?

18 A. I do not remember.

19 Q. Do you recall anything that the
20 advertisement in People said?

21 A. No.

22 Q. Do you know whether the advertisement
23 had a warning label on it?

24 A. No.

25 Q. Do you know whether the advertisement

1 that you saw in People had a warning label on it?

2 MS. WALD: Form.

3 THE WITNESS: I do not remember.

4 BY MS. KENYON:

5 Q. Did you rely on anything in the
6 advertisement that you saw?

7 A. Just that it was cool to smoke.

8 Q. Were you already smoking when you saw
9 this ad?

10 A. I do not remember.

11 Q. Did you switch brands of cigarettes
12 after seeing that ad?

13 A. I switched in the '90s.

14 Q. So is that a "no," you did not switch
15 brands after you saw that ad in People?

16 A. No.

17 Q. Do you recall seeing any other
18 advertisements for cigarettes in magazines when you
19 were living in Chicago?

20 A. Billboard.

21 Q. So if you could just answer the specific
22 question I'm asking.

23 Can you read my question back.

24 (The record is read by the reporter.)

25 MS. WALD: When you read it back, it

1 doesn't go live. Starting right there.

2 THE WITNESS: No.

3 BY MS. KENYON:

4 Q. Did you read any magazines when living
5 in Las Vegas?

6 MS. WALD: Form.

7 THE WITNESS: I do not remember.

8 BY MS. KENYON:

9 Q. Did you ever read Reader's Digest?

10 A. No.

11 Q. Did you ever read LIFE magazine?

12 A. No.

13 Q. Did you see any ads -- strike that.

14 Did you see any cigarette ads in
15 magazines while you were living in Las Vegas?

16 A. I do not remember.

17 Q. Did your family have a television in the
18 home when you were growing up?

19 A. Yes.

20 Q. Do you recall when you first got a TV?

21 A. No.

22 Q. What types of programs did you like to
23 watch?

24 A. I remember Howdy Doody, American
25 Bandstand, I Love Lucy.

1 Q. Did you ever see anything on television
2 discussing the health hazards of smoking when you
3 were growing up?

4 MS. WALD: Form.

5 THE WITNESS: No. Only in late '80s,
6 early '90s, tobacco company said cigarettes were
7 safe, nothing about being harmful.

8 BY MS. KENYON:

9 Q. Where did you see that?

10 A. On the news.

11 Q. Do you know what channel you were
12 watching?

13 A. On all channels.

14 Q. I'm asking specifically what channel you
15 were watching?

16 A. 5 or 13.

17 Q. Is that like ABC? NBC?

18 A. I have it written down.

19 Q. Have what written down?

20 A. ABC, CBS.

21 MS. WALD: Just answer the question.

22 BY MS. KENYON:

23 Q. Were you living in Las Vegas or Chicago
24 at the time?

25 A. Here and there.

1 MS. WALD: Do you need to go off? Do
2 you need a break? Bathroom? Okay. We'll take a
3 break.

4 THE VIDEOGRAPHER: The time is 11:56.
5 We are going off the record.

6 (A recess is taken.)

7 THE VIDEOGRAPHER: The time is 12:00
8 o'clock. We are back on the record.

9 BY MS. KENYON:

10 Q. Are you ready to go?

11 A. Yes.

12 Q. So before we broke, you were talking
13 about something that you saw on the news from the
14 tobacco companies.

15 Is this --

16 A. Yes.

17 Q. Is this something that you saw one time?

18 MS. WALD: Form.

19 BY MS. KENYON:

20 Q. You were mouthing "yes"?

21 A. Yes.

22 Q. So do you recall whether you were living
23 in Las Vegas or Chicago when you saw something on
24 the news?

25 MS. WALD: Form. Asked and answered.

1 THE WITNESS: I do not remember.

2 BY MS. KENYON:

3 Q. Was anyone with you when you saw this on
4 the news?

5 A. Tony.

6 Q. Did you discuss it with him?

7 A. For a minute.

8 Q. What did you discuss?

9 A. I believe them.

10 Q. What tobacco companies did you see?

11 MS. WALD: Object to form. All of this
12 was covered in the first deposition. We went to the
13 judge. You stated to the judge that you would not
14 reiterate and go over any of the prior testimony. I
15 have the page and lines from the prior deposition,
16 so this is all completely inappropriate that -- this
17 has been covered. This is exactly the reason behind
18 not having extra time in depositions because this
19 has all been covered previously extensively in the
20 Volume II of the deposition.

21 BY MS. KENYON:

22 Q. What tobacco companies did you see?

23 A. I do not remember.

24 Q. Did you rely on the statements that you
25 saw?

1 A. Sure did.

2 Q. How?

3 A. Kept on smoking.

4 Q. Are you saying you would have quit
5 smoking if the statement had not been made?

6 MS. WALD: Form.

7 THE WITNESS: Would have kept trying to
8 quit.

9 BY MS. KENYON:

10 Q. Did you try to quit after you saw the
11 news story?

12 A. A few times.

13 Q. I'm asking right after you saw the news
14 story, did you try to quit smoking?

15 A. Went for a cigarette.

16 Q. How do you know that? How do you know
17 that?

18 A. I believed them. That's how I knew they
19 were safe.

20 Q. Did you ever hear that cigarettes were
21 completely safe?

22 A. Safe is safe.

23 Q. Have you heard of something called "a
24 frank statement to cigarette smokers"?

25 A. No.

1 Q. Do you recall reading, hearing or seeing
2 any statements about smoking and health specifically
3 from R. J. Reynolds?

4 MS. WALD: Form. Asked and answered.

5 THE WITNESS: Just that no proof they
6 were harmful.

7 BY MS. KENYON:

8 Q. Have you ever read or heard anything
9 about the Tobacco Industry Research Committee?

10 A. No.

11 Q. Have you ever heard anything about the
12 Council For Tobacco Research?

13 A. No.

14 Q. Have you ever heard -- read or heard
15 anything about the Tobacco Institute?

16 A. No.

17 Q. Have you ever read or heard anything
18 about Hill and Knowlton?

19 A. No.

20 Q. Have you ever purchased a product
21 because of an advertisement you saw?

22 MS. WALD: Form.

23 THE WITNESS: No.

24 BY MS. KENYON:

25 Q. Do you understand that the purpose of an

1 advertisement is to sell a product?

2 MS. WALD: Form.

3 THE WITNESS: Yes.

4 BY MS. KENYON:

5 Q. Do you believe everything you see in
6 advertisements for products?

7 MS. WALD: Form.

8 THE WITNESS: I do not know.

9 BY MS. KENYON:

10 Q. Do you recall seeing any advertisements
11 for cigarettes on TV?

12 A. I do not remember.

13 Q. You mentioned billboards. Can you tell
14 me what you recall about seeing ads for cigarettes
15 on billboards?

16 A. A man holding a cigarette.

17 Q. Is that the one ad you saw in People
18 Magazine?

19 MS. WALD: Form.

20 THE WITNESS: Both.

21 BY MS. KENYON:

22 Q. So the only cigarette advertisements
23 you've ever seen was of a man holding a cigarette;
24 is that correct?

25 MS. WALD: Form. Mischaracterizes her

1 testimony.

2 THE WITNESS: That I remember.

3 BY MS. KENYON:

4 Q. Do you recall the brand of cigarette?

5 A. No.

6 Q. Do you know whether the billboard had a
7 warning label on it?

8 A. No.

9 Q. Did you ever rely on the advertisement
10 you saw on the billboard to change the brand of
11 cigarette you were smoking?

12 A. I do not remember.

13 Q. Where did you see the billboard?

14 A. I do not remember.

15 Q. When did you see the billboard?

16 A. Years ago in Chicago.

17 Q. Were you with anyone when you saw the
18 billboard?

19 A. I do not remember.

20 Q. Did you see the billboard one time?

21 A. In my head, yes.

22 Q. Do you know?

23 A. That's all I see is him.

24 Q. After you saw the billboard of a man
25 holding a cigarette, you did not switch brands, did

1 you?

2 A. No.

3 Q. Did you ever discuss cigarette
4 advertising with anyone?

5 A. No.

6 Q. Did you ever buy a particular brand of
7 cigarette because of an advertisement?

8 A. I smoked filter cigarettes thinking they
9 were safer.

10 Q. My question was different. Did you ever
11 buy a particular brand because of an advertisement?

12 A. I only remember billboard. Nothing
13 else.

14 Q. You never saw an ad that said filtered
15 cigarettes were safer, correct?

16 MS. WALD: Form.

17 BY MS. KENYON:

18 Q. Is that correct?

19 A. I do not remember. I do not remember.

20 Q. Do you recall seeing any advertisements
21 for Marlboro cigarettes?

22 A. I do not remember.

23 Q. Do you recall seeing any advertisements
24 for L&M cigarettes?

25 MS. WALD: Are you doing okay? Are you

1 understanding the questions?

2 THE WITNESS: I smoked L&M because
3 girlfriend gave it to me.

4 BY MS. KENYON:

5 Q. Right. So the only reason that you
6 smoked an L&M cigarette was because a girlfriend
7 gave it to you, correct?

8 A. And it was filter.

9 Q. So my question is, you never saw an ad
10 for L&M cigarettes, correct?

11 A. I do not remember.

12 Q. Did you ever see an ad for Basic
13 cigarettes?

14 A. I do not remember.

15 MS. WALD: Whenever you're at a good
16 stopping point, I think she might be getting
17 confused. By the way you're answering these
18 questions, it seems like you're getting a little
19 confused.

20 MS. HENNINGER: Yep.

21 MS. WALD: We've been going two hours
22 and 30 minutes today, so I think this might be a
23 good stopping point for the day.

24 MS. KENYON: All right. We'll go off
25 the record.

1 THE VIDEOGRAPHER: That ends today's
2 deposition, Volume III of Sandra Camacho. The time
3 is 12:19 p.m.

4 We are going off the record.

5

6 (The deposition concluded at 12:19 p.m.)

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CERTIFICATE OF DEPONENT

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* * * * *

I, SANDRA CAMACHO, deponent herein, do hereby
certify and declare the within and foregoing
transcription to be my deposition in said action;
that I have read, corrected and do hereby affix my
signature to said deposition under penalty of
perjury.

SANDRA CAMACHO, Deponent

1 CERTIFICATE OF REPORTER

2 STATE OF NEVADA)
3 COUNTY OF CLARK)SS:
4)

5 I, Karen L. Jones, a duly commissioned and
6 licensed Court Reporter, Clark County, State of
7 Nevada, do hereby certify: That I reported the
8 taking of the deposition of the witness, SANDRA
9 CAMACHO, commencing on Tuesday, December 7, 2021 at
10 9:06 a.m.

11 That prior to being examined, the witness was,
12 by me, duly sworn to testify to the truth. That I
13 thereafter transcribed my said shorthand notes into
14 typewriting and that the typewritten transcript of
15 said deposition is a complete, true and accurate
16 transcription of said shorthand notes.

17 I further certify that (1) I am not a relative
18 or employee of an attorney or counsel of any of the
19 parties, nor a relative or employee of an attorney
20 or counsel involved in said action, nor a person
21 financially interested in the action; nor do I have
22 any other relationship with any of the parties or
23 with counsel of any of the parties involved in the
24 action that may reasonably cause my impartiality to
25 be questioned; and (2) that transcript review
pursuant to NRCP 30(e) was requested.

IN WITNESS WHEREOF, I have hereunto set my
hand, in my office, in the County of Clark, State of
Nevada, this 19th day of December, 2021.

Karen L. Jones

KAREN L. JONES, CCR NO. 694

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DISTRICT COURT

2

CLARK COUNTY, NEVADA

3

SANDRA CAMACHO,
individually, and ANTHONY
CAMACHO, individually,

)

)

4

CASE NO.:
A-19-807650-C

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Plaintiffs,

)

6

vs.

)

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PHILIP MORRIS USA INC., a
foreign corporation; R.
J. REYNOLDS TOBACCO
COMPANY, a foreign

)

)

8

corporation,
individually, and as

)

)

9

successor-by-merger to
LORILLARD TOBACCO COMPANY
and as

)

)

10

successor-in-interest to
the United States tobacco
business of BROWN &
WILLIAMSON TOBACCO

)

)

11

CORPORATION, which is the
successor-by-merger to
THE AMERICAN TOBACCO
COMPANY; LIGGETT GROUP,
LLC, a foreign

)

)

12

corporation; ASM
NATIONWIDE CORPORATION
d/b/a SILVERADO SMOKES &
CIGARS, a domestic

)

)

13

corporation; and LV
SINGHS INC. d/b/a SMOKES
& VAPORS, a domestic

)

)

14

corporation; DOES I-X;
and ROE BUSINESS ENTITIES
XI-XX, inclusive,

)

)

15

Defendants.

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VIDEOTAPED DEPOSITION OF
SANDRA CAMACHO
VOLUME IV

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Defendants.

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Defendants.

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Defendants.

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Defendants.

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Defendants.

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Defendants.

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Taken on Wednesday, December 8, 2021

At 9:04 a.m.

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Las Vegas, Nevada

25

Reported By: Karen L. Jones, CCR NO. 694

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DEPOSITION OF SANDRA CAMACHO

8

VOLUME IV

9

Taken on Wednesday, December 8, 2021

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Through a translator

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By a Certified Stenographer

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At 9:04 a.m.

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At 531 Morning Mauve Avenue

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Las Vegas, Nevada

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Reported By: Karen L. Jones, CCR NO. 694

25

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21 Gian Sapienza, Legal Videographer
22 Dwayne Parrette, Translator/Reader
Anthony Camacho

23

24

25

1 I N D E X

2 WITNESS: SANDRA CAMACHO

3 EXAMINATION PAGE

4 BY: Ms. Kenyon 250, 348

5 BY: Ms. Luther 296, 355

6 BY: Ms. Henninger 316, 361

7 BY: Ms. Wald 322

8

9

E X H I B I T S

10

NUMBER DESCRIPTION PAGE

11 Exhibit 12 8/22/16 Letter to Dr. Wikler 268
12 from Dr. Weingarten

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P L A I N T I F F S' E X H I B I T S

15 NUMBER DESCRIPTION PAGE

16 Exhibit 1 L&M Advertisements 324

17 Exhibit 2 Marlboro Advertisements 326

18 Exhibit 3 Basic Cigarette Advertisement 328

19 Exhibit 4 Video Clip of Commercial 362

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P R O C E E D I N G S

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THE VIDEOGRAPHER: This begins the video recorded deposition of Sandra Camacho, Volume IV, Wednesday, December 8th, 2021, at 9:04 a.m.

This deposition is being held at 531 Morning Mauve Avenue, Las Vegas, Nevada 89183, entitled Sandra and Anthony Camacho versus Philip Morris, et al., in the District Court, Clark County, Nevada, Case Number A-19-807650-C.

My name is Gian Sapienza with Certified Legal Videography. The court reporter is Karen Jones with Oasis Reporting Services.

Will the attorneys please state your name and affiliation for the record.

MS. WALD: Kimberly Wald from Kelley Uustal on behalf of the Plaintiff Sandra Camacho.

MS. KENYON: Jennifer Kenyon on behalf of Philip Morris USA.

MS. HENNINGER: Ursula Henninger on behalf R. J. Reynolds Tobacco Company.

MS. LUTHER: And Kelly Luther on behalf of Defendant Liggett Group, LLC.

THE VIDEOGRAPHER: Thank you.

The court reporter will now administer

1 the oath.

2 (The translator was sworn.)

3 Whereupon,

4 SANDRA CAMACHO,

5 having been first duly sworn to testify to the
6 truth, the whole truth and nothing but the truth,
7 was examined and testified as follows:

8

9 MS. KENYON: Good morning, Mrs. Camacho.

10 MS. LUTHER: She hasn't responded to the
11 oath yet.

12 MS. KENYON: Oh, sorry.

13 MS. WALD: Can you respond to the oath.
14 Do you agree?

15 THE REPORTER: Do you want to do it
16 again?

17 MS. WALD: Sure. Point.

18 THE WITNESS: Yes.

19 EXAMINATION

20 BY MS. KENYON:

21 Q. Good morning, Mrs. Camacho. How are you
22 feeling today. Are you okay?

23 A. Yes.

24 Q. Same procedures as yesterday; point to
25 your answer or write your answer. Okay? Is that

1 okay?

2 A. Yes.

3 Q. We'll just jump right into things.

4 Yesterday you mentioned that you watched

5 I Love Lucy. Do you remember that?

6 A. Yes.

7 Q. When did you watch I Love Lucy?

8 A. Years ago. Don't know year.

9 Q. Were you living in Chicago when you
10 watched I Love Lucy?

11 A. Yes.

12 Q. Do you recall seeing cigarette ads on I
13 Love Lucy?

14 A. No.

15 Q. Do you recall seeing any cigarette
16 sponsorships on I Love Lucy?

17 A. No.

18 Q. Do you listen to the radio?

19 A. No.

20 Q. Have you listened to the radio at any
21 point during your life?

22 A. No.

23 Q. Do you recall ever hearing any news
24 stories about cigarette smoking on the radio?

25 A. No.

1 Q. Last time, we discussed the first
2 warnings that went on every pack of cigarettes
3 starting in 1966 and then changing in 1970.

4 Do you recall that?

5 A. No, I do not remember.

6 Q. Are you aware that in 1985 the pack
7 warnings changed to a series of rotating warnings
8 which are the same warnings on cigarette packs sold
9 in the U.S. today?

10 A. I do not remember.

11 Q. Are you aware that those warnings
12 include a specific warning that smoking causes lung
13 cancer, heart disease, emphysema and may complicate
14 pregnancy?

15 A. I do not remember.

16 Q. Another warning states quitting smoking
17 now greatly reduces serious risks to your health.

18 Do you remember seeing that?

19 A. I do not remember.

20 Q. Are you aware that those same warnings
21 appeared on all cigarettes regardless of the type of
22 cigarette?

23 A. I do not remember. I do not know.

24 Q. So the same warning labels appeared on
25 filtered and unfiltered cigarettes.

1 Do you recall that?

2 A. No.

3 Q. The same warning label appeared on
4 regular cigarettes and -- strike that.

5 The same warning label appeared on
6 regular and light cigarettes, are you aware of that?

7 A. I do not remember.

8 Q. Is there any reason you could not have
9 read -- is there any reason you would not have read
10 and been able to understand the rotating warning
11 labels on packs of cigarettes?

12 A. I do not remember. Don't remember that
13 at all.

14 Q. Yesterday, you were talking about
15 e-cigarettes. Do you remember that?

16 A. Yes.

17 Q. Do you remember what the e-cigarette
18 that you used, what it looked like?

19 A. I do not know.

20 Q. Do you remember if you had to use
21 cartridges?

22 A. I do not remember.

23 Q. Do you know if you had to pick a
24 specific flavor or a strength when you picked the
25 e-cigarette?

1 A. I do not remember.

2 Q. Do you recall how often in a day you
3 would use the e-cigarette?

4 A. I do not remember.

5 Q. Do you recall whether it was a flavored
6 e-cigarette?

7 A. I do not remember.

8 Q. Do you drink alcohol?

9 A. No.

10 Q. Did you in the past?

11 A. Once in a while when we went dancing.

12 Q. What would you drink when you went out?

13 A. I do not remember.

14 Q. Did you like to smoke when you would go
15 out dancing and have drinks?

16 A. Never liked it. Was habit and
17 addictive.

18 Q. Did you enjoy going out dancing?

19 A. Yes.

20 Q. Yesterday we talked about some of the --
21 strike that.

22 Would you describe yourself as someone
23 who is intelligent?

24 A. Yes.

25 Q. Are you a motivated person?

1 MS. WALD: Form.

2 THE WITNESS: Yes. Was.

3 BY MS. KENYON:

4 Q. What do you mean "was"?

5 A. Today, I feel nothing.

6 Q. So in the past, you would have described
7 yourself as a motivated person?

8 A. Yes.

9 Q. Would you describe yourself as
10 strong-willed?

11 A. Yes.

12 Q. Are you able to make your own decisions
13 and stick to them?

14 A. Before.

15 Q. When you say "before," before --

16 A. Yes.

17 Q. Before what?

18 A. My cancer. Surgery.

19 Q. So are you saying now you can't make
20 your own decisions?

21 A. No. Get confused.

22 Q. So before your surgery, you were able to
23 make your own decisions and stick to them?

24 A. Yes.

25 Q. Are you someone who doesn't want to be

1 told what to do?

2 A. No.

3 Q. Could anyone have said something to you
4 that would have made you quick smoking sooner?

5 A. No.

6 Q. Are there any other habits or behaviors
7 that you've ever tried to change?

8 A. No.

9 Q. Have you ever tried to change your diet?

10 A. Yes.

11 Q. Have you tried to lose weight?

12 A. Always.

13 Q. What have you done to try to lose
14 weight?

15 A. I do not remember. Order food.

16 Q. Like through a diet program?

17 A. Yes.

18 Q. How did you act while you were using --
19 well, strike that.

20 Do you recall what diet program?

21 A. I do not remember.

22 Q. How did you act while you were on the
23 diet and using the food?

24 A. Good.

25 Q. Were you able to lose weight?

1 A. Yes, but gained it back.

2 Q. Did you try any other methods to lose
3 weight?

4 A. No.

5 Q. You've had issues with your weight over
6 the years, right?

7 A. Yes.

8 Q. Your doctors have told you that you need
9 to lose weight?

10 A. No.

11 Q. You don't recall any of your doctors
12 telling you to lose weight?

13 A. No.

14 Q. Do you recall Dr. Adaoag telling you to
15 lose weight?

16 A. Who is he?

17 Q. Do you recall seeing Dr. Adaoag as your
18 primary care doctor for over five years?

19 A. No.

20 Q. You saw him in December of 2008, and at
21 that time, he told you to eat a low fat and low
22 caloric diet. Do you recall that?

23 MS. WALD: Form.

24 THE WITNESS: No.

25 ///

1 BY MS. KENYON:

2 Q. At that appointment, he also discussed
3 with you a plan for you to begin a weight loss
4 program. Do you remember that?

5 A. No.

6 Q. Would seeing the record help you
7 remember that?

8 A. No.

9 Q. Do you dispute that or do you just not
10 recall?

11 A. I do not remember. I do not know.

12 Q. Has a doctor diagnosed you with obesity
13 or as obese?

14 A. No.

15 Q. Do you know who Dr. Wikler is?

16 A. Yes.

17 Q. He's your primary care doctor, right?

18 A. Yes.

19 Q. You went to Dr. Wikler a lot over the
20 years, right?

21 A. Yes.

22 Q. Do you recall Dr. Wikler telling you to
23 lose weight during your appointments?

24 A. No. I do not remember.

25 Q. Would seeing a record help you remember?

1 A. No.

2 Q. Do you dispute that Dr. Wikler told you
3 to lose weight or do you just not remember?

4 A. I do not remember.

5 Q. So did you ever try to lose weight in
6 response to your doctor's advice?

7 MS. WALD: Form.

8 THE WITNESS: I do not remember.

9 BY MS. KENYON:

10 Q. Did a doctor ever tell you about the
11 health risks of being overweight?

12 A. I do not remember.

13 Q. You have also -- you've refused to be
14 weighed at your doctors' offices many times over the
15 years, correct?

16 A. No. They weighed me every visit.

17 Q. So you don't recall ever refusing to be
18 weighed when seeing a doctor?

19 A. No.

20 Q. Your weight impacts your everyday life,
21 right?

22 MS. WALD: Form.

23 THE WITNESS: Not really. I did what I
24 always did.

25 ///

1 BY MS. KENYON:

2 Q. So you're saying you're not any more or
3 less active now than you were ten years ago?

4 MS. WALD: Form.

5 THE WITNESS: Not active no more.

6 BY MS. KENYON:

7 Q. Does your weight affect your ability to
8 go for walks?

9 A. No.

10 Q. Does your weight affect your ability to
11 be more active and more mobile?

12 A. No.

13 Q. Did your weight ever impact your ability
14 to work?

15 A. No.

16 Q. You told us you stopped working because
17 of foot pain; is that right?

18 A. Yes.

19 Q. Did your activity level decrease because
20 of your foot pain?

21 A. Yes.

22 Q. Were you able to walk less because of
23 your foot pain?

24 A. Yes.

25 Q. Has your weight impacted your marriage?

1 A. No.

2 Q. Have you ever been diagnosed with sleep
3 apnea?

4 A. No.

5 Q. Have you ever been treated for anxiety?

6 A. No.

7 Q. Have you ever been treated for
8 depression?

9 A. No. Now I am depressed a lot.

10 Q. Have you seen a doctor for your
11 depression?

12 A. No.

13 Q. Why not?

14 A. It comes with the surgery and radiation
15 and chemo.

16 Q. So I'm a little confused. So are you --
17 did you see someone about your depression at the
18 time you were receiving radiation and chemo?

19 A. No.

20 Q. Are you currently experiencing any
21 depression?

22 MS. WALD: Form.

23 THE WITNESS: In and out. More out of
24 depression.

25 ///

1 BY MS. KENYON:

2 Q. So when you say "more out of
3 depression," you experience more times where you're
4 not depressed?

5 A. Right.

6 Q. Have you ever seen a doctor for the
7 times where you are feeling depressed?

8 A. No need -- no need to. I realize it
9 came from surgery, and I myself talk myself through
10 it. Not easy what I go through day and night.

11 Q. But it's not so bad that you've
12 considered seeing a doctor for it?

13 MS. WALD: Form.

14 THE WITNESS: No.

15 BY MS. KENYON:

16 Q. Your medical records indicate you've had
17 issues with your teeth over the years; is that
18 right?

19 A. I do not remember.

20 Q. Do you recall having your teeth pulled?

21 A. Yes.

22 Q. Do you recall when -- strike that.
23 Why did you have to have your teeth
24 pulled?

25 A. I do not remember.

1 Q. Do you recall when you had your first
2 tooth pulled?

3 A. No.

4 Q. You've had all of your teeth removed; is
5 that right?

6 A. Yes.

7 Q. Have any of your doctors told you why
8 you've had to have your teeth pulled?

9 A. I do not remember.

10 Q. Have you ever been diagnosed with
11 bronchitis?

12 A. I do not know.

13 Q. Have you ever been diagnosed with
14 asthma?

15 A. No.

16 Q. You have not been diagnosed with COPD,
17 right? You have not been diagnosed with COPD; is
18 that right?

19 A. I do not remember. I do not know.

20 Q. Have you ever been diagnosed with acid
21 reflux?

22 A. I do not remember.

23 Q. Have you ever been diagnosed with GERD
24 or gastroesophageal reflux disease, gastroesophageal
25 reflux disease?

1 A. I do not remember, I do not know.

2 Q. Have you ever been diagnosed with
3 hypertension?

4 A. Blood pressure, yes.

5 Q. So you've been diagnosed with high blood
6 pressure?

7 A. Yes.

8 Q. When were you diagnosed with high blood
9 pressure?

10 A. I do not remember.

11 Q. Who diagnosed you?

12 A. I do not remember.

13 Q. Do you have to take medication for your
14 blood pressure?

15 A. Yes.

16 Q. Do you know what you take? If you don't
17 remember, that's fine. Do you know what you take
18 for blood pressure -- I'll start over.

19 Do you know what you take for your blood
20 pressure?

21 A. No.

22 Q. Is it something you take daily?

23 A. Yes.

24 Q. Has -- who prescribes the medication?

25 A. Wikler.

1 Q. Has Dr. Wikler ever told you a cause of
2 your high blood pressure?

3 A. I do not know. I do not remember.

4 Q. Have you ever been diagnosed with
5 hypertension?

6 A. What is that?

7 Q. So do you know if you've been diagnosed
8 with hypertension?

9 A. No, I do not remember. I do not know.

10 Q. Have you ever had high cholesterol?

11 A. I do not remember.

12 Q. Do you see a gynecologist regularly?

13 A. No.

14 Q. Have you ever been diagnosed with HPV?

15 A. No. Had hyster- -- hysterectomy.

16 Q. When did you have a hysterectomy?

17 A. I do not remember.

18 Q. I want to talk about your laryngeal
19 cancer and get some of the details. Okay.

20 What symptoms did you first experience?

21 A. I do not remember.

22 Q. Do you know when your symptoms started?

23 A. No.

24 Q. Do you know who you went to see for your
25 laryngeal cancer?

1 A. No.

2 Q. Do you recall anything leading up to
3 your diagnosis and surgery?

4 A. No.

5 Q. You told us that you were diagnosed with
6 laryngeal cancer in March of 2018?

7 A. Yes.

8 Q. Are you doing okay?

9 THE INTERPRETER: Do you need Tony?

10 MS. LUTHER: I think we need to go --
11 no?

12 THE WITNESS: Okay.

13 BY MS. KENYON:

14 Q. Was it Dr. Berke that diagnosed you with
15 laryngeal cancer?

16 MS. WALD: You can't ask Tony.

17 THE WITNESS: I do not remember. Don't
18 remember surgery and why and 17 days there in
19 hospital. I do not remember.

20 BY MS. KENYON:

21 Q. So the surgery, you had, you had a total
22 laryngectomy; is that right?

23 A. Yes.

24 Q. And after the laryngectomy, you spent
25 17 days in the hospital; is that right?

1 A. Yes.

2 Q. Did you undergo speech therapy in the
3 hospital?

4 A. I do not remember.

5 Q. Did you receive training or teachings on
6 how to take care of your trach in the hospital?

7 A. I do not remember.

8 Q. Did any of your family members learn how
9 to take care of your trach?

10 A. Yes.

11 Q. Who?

12 A. Tony.

13 Q. How did Tony feel about helping to take
14 care of your trach?

15 A. Very good about the whole thing.

16 Q. Was he taught how to suction and take
17 care of everything and clean it?

18 A. Everything.

19 Q. Did he ever refuse or say he didn't want
20 to learn how to suction or take care of your trach?

21 A. No. I do not remember.

22 Q. Did you come home after you were
23 discharged from the hospital?

24 A. Yes.

25 Q. After your surgery, did any of your

1 doctors discuss additional care and treatments that
2 were recommended for your laryngeal cancer?

3 A. I do not remember.

4 Q. In 2008, did your doctors recommend that
5 you undergo radiation therapy?

6 MS. LUTHER: '18.

7 MS. KENYON: Sorry. Let me repeat my
8 question. Thank you.

9 BY MS. KENYON:

10 Q. In 2018, did any of your doctors
11 recommend that you receive radiation treatments?

12 A. I do not remember.

13 Q. In 2018, after your surgery, do you
14 recall Dr. Berke recommending you receive radiation
15 to treat your laryngeal cancer?

16 A. I do not remember.

17 Q. Would seeing a record help you remember?

18 A. No.

19 Q. Do you dispute that or just not
20 remember?

21 A. I do not remember. I remember nothing
22 about before and after surgery.

23 Q. Do you recall seeing an oncologist named
24 David Pomerantz in May of 2018?

25 A. I do not remember.

1 Q. Do you remember Dr. Pomerantz
2 recommending you receive radiation?

3 A. I do not remember.

4 Q. Do you recall seeing a third doctor,
5 Dr. Weingarten, in 2018 who also recommended you
6 receive radiation to treat your cancer?

7 A. I do not remember.

8 (Exhibit 12 marked.)

9 BY MS. KENYON:

10 Q. I'm handing you what I've marked Defense
11 Exhibit 12.

12 Have you seen this letter before?

13 A. No.

14 Q. Do you see at the top, the date it reads
15 August 29th, 2018?

16 A. Yes.

17 Q. And in the middle there, it says,
18 Randall T. Weingarten, M.D. Do you see that?

19 A. Yes.

20 Q. And it's dated August 22, 2018?

21 A. Yes.

22 Q. And this is a letter to Dr. Wikler from
23 Dr. Weingarten. Do you understand that? Is that a
24 "yes"?

25 A. Yes. Yes.

1 Q. And the "Re" line, it reads, "Sandra
2 Camacho." Do you see where I'm at?

3 A. Where does it say Weingarten?

4 Q. Right at the top here it says,
5 "Dr. Randall Weingarten," and then at the bottom
6 "Sincerely, Randall Weingarten, M.D."

7 So are you following?

8 A. Yes.

9 Q. And it reads, Dear Eric, I had the
10 pleasure of seeing your patient, Sandra Camacho, on
11 8/22/18. She is a 72-year old woman who is status
12 post total laryngectomy. She comes in for routine
13 follow-up. She has refused her external beam
14 radiation."

15 Did I read that correctly?

16 A. What's "post"?

17 Q. So this letter is after your total
18 laryngectomy. So Dr. Weingarten is seeing you after
19 your total laryngectomy.

20 And all I'm asking is, did I read that
21 line of the record correctly? That first paragraph,
22 did I read it correctly? My question is simply did
23 I read it correctly?

24 A. I do not remember.

25 Q. So all I'm asking is if I read that

1 correctly?

2 A. Don't know when, but I did refuse both
3 because doctors said they were sure they got it all,
4 and left it up to me, and I said, "If you doctors
5 feel that way, then no."

6 Q. Okay. So then my next question is -- so
7 can you take a look at this record again from
8 Dr. Weingarten, the very last paragraph. Do you see
9 where I'm at? Can you follow along with me?

10 "My impression is that Sandra is status
11 post total laryngectomy. She is currently doing well
12 with no evidence of neck disease recurrence, and the
13 stoma is intact and looks clean. I am unclear as to
14 why she is refusing to follow up with an oncologist
15 for radiation therapy. I have stressed the
16 importance to both her and her husband for her to
17 get external beam radiation."

18 Did I read that correctly?

19 A. Yes. I do not remember.

20 Q. Do you recall telling your doctors in
21 2018 that you were refusing radiation even though
22 they recommended it?

23 MS. WALD: Form.

24 THE WITNESS: Don't know when, but I did
25 refuse both because doctors said they were sure they

1 got it all and left it up to me, and I said, "If you
2 doctors feel that way, then no."

3 BY MS. KENYON:

4 Q. Would seeing your medical records from
5 your doctors telling you to get radiation, help you
6 recall that they were recommending that you, in
7 fact, receive radiation?

8 A. They did say that, but didn't think I
9 needed it. Left it up to me.

10 Q. Are you the type of person who makes
11 your own decisions about your healthcare?

12 MS. WALD: Form.

13 THE WITNESS: Not now.

14 BY MS. KENYON:

15 Q. Have you been the type of person who
16 makes your own healthcare decisions?

17 MS. WALD: Form.

18 THE WITNESS: Used to.

19 BY MS. KENYON:

20 Q. And a person can accept or refuse any
21 treatment that their doctor advises, correct?

22 MS. WALD: Form.

23 THE WITNESS: Yes.

24 BY MS. KENYON:

25 Q. Because, ultimately, a person is

1 responsible for their own health and making their
2 own decisions about their health?

3 MS. WALD: Form.

4 THE WITNESS: No.

5 BY MS. KENYON:

6 Q. You don't think a person has -- you
7 don't think a person has responsibility for their
8 own health?

9 MS. WALD: Form. Asked and answered.

10 THE WITNESS: Both doctor and patient.

11 BY MS. KENYON:

12 Q. You have refused vaccinations that have
13 been recommended to you by your doctors; is that
14 right?

15 MS. WALD: Form. Mischaracterizes
16 testimony.

17 THE WITNESS: You're confusing me.

18 MS. KENYON: Let's go off the record and
19 take a break.

20 THE VIDEOGRAPHER: The time is 9:53. We
21 are going off the record.

22 (A recess is taken.)

23 THE VIDEOGRAPHER: The time is 10:01.

24 We are back on the record.

25 ///

1 BY MS. KENYON:

2 Q. Are you ready to go, Mrs. Camacho?

3 A. Okay. Yes.

4 Q. Have you ever refused to get the flu
5 vaccine?

6 A. I do not remember.

7 Q. Have you ever refused to get the
8 shingles vaccine?

9 A. I do not remember.

10 Q. Do you recall whether you've refused to
11 get any vaccinations that your doctors have
12 recommended?

13 A. COVID.

14 Q. Why have you refused to get the COVID-19
15 vaccine?

16 MS. WALD: Form.

17 THE WITNESS: Cancer doctor said if it
18 was my body, no. Then Wilkers (sic) tells me I
19 should. 50/50 chance I would die because I am
20 allergic to things.

21 BY MS. KENYON:

22 Q. So Dr. Wilker has told you that you
23 should get the COVID vaccine?

24 A. Yes.

25 Q. But ultimately you have made a choice

1 not to get the COVID-19 vaccine?

2 MS. WALD: Form.

3 THE WITNESS: Yes. Don't want to die.

4 BY MS. KENYON:

5 Q. Are you concerned about dying from COVID
6 given your current health status?

7 MS. WALD: Form.

8 THE WITNESS: No.

9 BY MS. KENYON:

10 Q. What are you allergic to?

11 A. I do know penicillin. Don't remember
12 rest.

13 Q. Do you know whether there's any
14 penicillin in the COVID-19 vaccine?

15 A. No.

16 Q. Have you talked to your doctors about
17 your -- about that?

18 A. I told Wikler I don't want it.

19 Q. Have you refused to get recommended
20 yearly screenings like mammograms?

21 A. No.

22 Q. You've never refused to see a urologist
23 for yearly screenings?

24 A. What's a urologist?

25 Q. If you don't know, that's fine.

1 Have you ever refused a colorectal
2 cancer screening?

3 A. No.

4 Q. So we were discussing what happened
5 after your total laryngectomy in 2018.

6 So after your surgery, you were in
7 remission, right?

8 A. Yes.

9 Q. And then in July of 2019, did you go to
10 your doctor for follow-up because you were having
11 trouble swallowing?

12 A. I do not remember.

13 Q. Do you recall seeing Dr. Weingarten in
14 July of 2019?

15 A. I do not remember.

16 Q. Do you recall in July of 2019
17 Dr. Weingarten finding a mass in your neck?

18 A. I do not remember.

19 Q. Do you remember Dr. Weingarten telling
20 you that he felt you had had a recurrence of your
21 laryngeal cancer?

22 A. I do not remember.

23 Q. Do you recall what treatment options
24 your doctors recommended in July of 2019?

25 A. I do not remember.

1 Q. Do you recall them recommending that you
2 undergo radiation and chemotherapy?

3 A. I know I had it.

4 Q. So what changed from 2018 when you
5 refused radiation to 2019?

6 A. Doctor.

7 Q. What do you mean?

8 A. He was sure. No if or buts.

9 Q. Can you write it down?

10 A. That's what I am told by daughter.

11 Q. What doctor are you referring to?

12 MS. HENNINGER: Daughter.

13 MS. LUTHER: Daughter.

14 THE WITNESS: All.

15 BY MS. KENYON:

16 Q. So when you were saying that's what your
17 doctor told you, that he was sure if -- no if, and
18 or buts, what doctor are you referring to?

19 A. I do not remember.

20 Q. Did your daughter go with you to your
21 appointments?

22 A. I do not remember.

23 Q. So why would -- or how did your daughter
24 know or why would she tell you that?

25 A. She knows. She said it's best I don't

1 know about surgery cancer. I do not remember.

2 Q. Your daughter told you it was best that
3 you not know about your cancer or surgery? Am I
4 understanding you?

5 A. That I don't remember both, cancer and
6 surgery.

7 Q. So I was asking you about radiation and
8 chemotherapy. Did your doctor go with you to any of
9 your appointments?

10 MS. LUTHER: Doctor? Daughter.

11 MS. KENYON: Too many Ds.

12 BY MS. KENYON:

13 Q. Did your daughter go with you to any of
14 your doctor appointments?

15 A. I do not remember.

16 Q. Has your daughter talked to any of your
17 doctors?

18 A. I do not know. I do not remember.

19 Q. Did you talk to your daughter about
20 whether you should receive radiation and chemo?

21 A. I do not remember.

22 Q. Do you know when you received radiation
23 and chemotherapy?

24 A. No.

25 Q. Do you know how many radiation

1 treatments you received?

2 A. They said nine weeks of both.

3 Q. Who said nine weeks?

4 A. Tony.

5 Q. How did you tolerate the radiation
6 treatments?

7 A. I do not remember.

8 Q. Did you have any side effects from the
9 radiation?

10 THE INTERPRETER: I'm sorry?

11 THE WITNESS: Yes. Yes.

12 BY MS. KENYON:

13 Q. What?

14 A. Memory loss, forgetful, jumpy, cry.

15 Q. Did you speak with your doctors about
16 those possible risks before you received radiation?

17 A. I do not remember.

18 Q. Have you talked with any of your doctors
19 about those issues?

20 A. I do not remember.

21 Q. Since receiving radiation and chemo,
22 have you talked with any of your doctors about
23 memory issues?

24 A. I do not know. I do not remember.

25 Q. You said you also underwent -- you had

1 chemotherapy treatments, correct?

2 A. Yes.

3 Q. And you received those during the nine
4 weeks?

5 A. Yes.

6 Q. How did you tolerate your chemotherapy
7 treatments?

8 A. I do not remember.

9 Q. You're currently cancer free; is that
10 right?

11 A. Yes.

12 Q. You've been in remission for almost
13 three years?

14 A. I guess so.

15 Q. When is your next follow-up scan?

16 A. I forgot.

17 Q. Have any of your doctors told you what
18 your prognosis is?

19 A. I do not remember.

20 Q. Did you ever ask any of your doctors
21 what caused your laryngeal cancer?

22 A. I don't know. I do not remember.

23 Q. Did any of your doctors ever tell you
24 that your laryngeal cancer was caused by smoking?

25 A. I do not remember.

1 Q. Switching gears a little bit. Yesterday
2 we talked about a news story you saw in the late
3 '80s or early '90s where the tobacco companies were
4 speaking.

5 MS. WALD: Objection. We've covered
6 this now in three different depositions, and if
7 you're just going to be getting her to change her
8 testimony now, I'm putting it on the record that we
9 have extensively covered this, and the reason that
10 you were given additional time and additional hours
11 is to cover new topics.

12 I can point to all the page and lines
13 that we've done this extensively for -- I don't
14 know -- going on ten hours now, and she's testified
15 to this multiple times. So I'll give you have a
16 very short leash here, but she's already testified
17 to all of this extensively.

18 MS. KENYON: Please just limit it to
19 objection. We can take a minute off our time for
20 that spiel.

21 BY MS. KENYON:

22 Q. Do you recall what tobacco companies
23 were present?

24 MS. WALD: Object to form. Asked and
25 answered.