

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 BY MS. KENYON:

2 Q. Go ahead.

3 A. Quite a few from tobacco company.

4 Q. Do you recall what specific tobacco
5 companies you saw?

6 MS. WALD: Form. Asked and answered.

7 THE WITNESS: I do not remember.

8 BY MS. KENYON:

9 Q. Do you recall what a specific tobacco
10 company said?

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

13 BY MS. KENYON:

14 Q. You can go ahead and answer.

15 A. Don't know which one said it, but said
16 no proof cigarettes are harmful.

17 Q. Do you recall ever reading, hearing or
18 seeing a specific statement about smoking and health
19 from Philip Morris USA?

20 MS. WALD: Form. Asked and answered.

21 THE WITNESS: That was on all news.

22 BY MS. KENYON:

23 Q. If you could listen to my question.

24 Do you recall ever reading, hearing or
25 seeing a specific statement from -- about smoking

1 and health from Philip Morris USA?

2 MS. WALD: Form.

3 THE WITNESS: A cigarette on billboard.

4 BY MS. KENYON:

5 Q. We discussed that yesterday. My
6 question is different.

7 Do you recall ever reading, hearing or
8 seeing a specific statement about smoking and health
9 from Philip Morris USA?

10 MS. WALD: Form. Asked and answered.

11 THE WITNESS: Like I said, don't know
12 names.

13 BY MS. KENYON:

14 Q. So is the answer to my question, no, you
15 don't recall reading, hearing or seeing a specific
16 statement about smoking and health from Philip
17 Morris USA?

18 MS. WALD: Form.

19 THE WITNESS: I do not understand the
20 question. I do not remember. I do not know.

21 BY MS. KENYON:

22 Q. Do you recall reading, hearing or seeing
23 a specific statement about smoking and health from
24 R. J. Reynolds Tobacco Company?

25 MS. WALD: Object to form. Instructing

1 my client not to answer. You asked this identical
2 question yesterday. She's not repeating her
3 answers, same answers. I'm instructing you not to
4 answer.

5 BY MS. KENYON:

6 Q. Do you recall reading, hearing --

7 MS. HENNINGER: What's the basis?

8 MS. WALD: She asked this identical
9 question yesterday.

10 MS. HENNINGER: Okay. So asked and
11 answered is the basis for your instruction not to
12 answer?

13 MS. WALD: Correct. We're --

14 MS. HENNINGER: That's all I want.

15 That's all I want.

16 MS. WALD: We're now in the ten hours --
17 ten hours of additional time --

18 MS. HENNINGER: I clarified it. Thank
19 you. That's it.

20 MS. WALD: -- discovery commissioner
21 that --

22 MS. KENYON: At this point, I'm just
23 adding time to our time. This is getting
24 ridiculous.

25 MS. WALD: It's not getting ridiculous.

1 I'm allowed to --

2 MS. KENYON: Stop.

3 MS. WALD: And please stop interrupting
4 me. I'm allowed -- I'm allowed to state my
5 objections on the record. You asked for additional
6 time to cover new material. This is not new
7 material. It has been asked and answered multiple
8 times, and I'm allowed to state anything I want on
9 the record.

10 MS. KENYON: Great. And I'm allowed to
11 take additional time because you're taking up my
12 time. Thank you.

13 MS. WALD: You're allowed to take 30
14 seconds.

15 BY MS. KENYON:

16 Q. Do you recall ever reading, hearing or
17 seeing a specific statement about smoking and health
18 from Lorillard Tobacco Company?

19 A. You confused me.

20 Q. Can you just answer my question?

21 MS. WALD: Objection. She's saying
22 you're confusing her.

23 BY MS. KENYON:

24 Q. Sure. I'll restate it.

25 Do you recall reading, hearing or --

1 hold on, wait for me to finish my question, please.

2 Now you're just parroting what your
3 attorney said. This is --

4 MS. HENNINGER: Why don't we take a
5 break?

6 MS. WALD: She's about to write an
7 answer.

8 MS. KENYON: Of what you told her to
9 say.

10 THE WITNESS: I answered many times.
11 Stop.

12 BY MS. KENYON:

13 Q. I'm going to ask my question again. I'm
14 entitled to ask you because this is a new question
15 that you've never been asked.

16 Do you recall reading, hearing or seeing
17 a specific statement about smoking and health from
18 Lorillard Tobacco Company --

19 THE REPORTER: Hold on.

20 BY MS. KENYON:

21 Q. You need to wait until I finish my
22 question. It's a brand new one. Your attorney can
23 search the transcript. I've never asked it.

24 THE REPORTER: I did not get the answer.

25 THE WITNESS: I do not remember. I do

1 not remember.

2 BY MS. KENYON:

3 Q. Do you recall reading, hearing or seeing
4 a specific statement about smoking and health from
5 Brown and Williamson Tobacco Corporation?

6 MS. WALD: Form.

7 THE WITNESS: Like I said, don't
8 remember names, just that no proof cigarettes are
9 harmful, so I smoked believing them liars.

10 BY MS. KENYON:

11 Q. So is the answer to my question that you
12 don't know?

13 A. Don't know who.

14 Q. Do you recall reading, hearing or seeing
15 a specific statement about smoking and health from
16 BAT Industries?

17 A. I do not remember.

18 MS. WALD: Form.

19 BY MS. KENYON:

20 Q. Do you recall reading, hearing or seeing
21 a specific statement about smoking and health from
22 Liggett Group?

23 MS. WALD: Form.

24 THE WITNESS: I do not remember.

25 BY MS. KENYON:

1 Q. Did you ever have any direct
2 communication or contact with any tobacco company?

3 A. You.

4 Q. Did you ever have direct communication
5 or contact with someone from the tobacco companies
6 besides any of the attorneys involved in this case?

7 A. No.

8 Q. Switching gears. Your husband told us
9 yesterday that it was him or your daughter that
10 decided to file this lawsuit. Is that true?

11 A. I do not remember.

12 Q. Did your husband decide to file the
13 lawsuit?

14 MS. WALD: Form.

15 THE WITNESS: I do not remember.

16 BY MS. KENYON:

17 Q. Did you know that someone in your family
18 was reaching out to plaintiff's attorneys about
19 filing a lawsuit?

20 A. Was told afterward.

21 Q. So it was not your idea to file this
22 lawsuit?

23 A. I do not remember.

24 Q. Well, if you were told afterwards, how
25 could it have been your idea?

1 MS. WALD: Form.

2 THE WITNESS: I don't know whose idea.

3 It could have been mine, but I don't remember.

4 BY MS. KENYON:

5 Q. When did you first learn a lawsuit was
6 filed?

7 A. I do not remember.

8 Q. Why was the decision made to bring this
9 lawsuit?

10 A. Because tobacco companies lied, and now
11 I am suffering because of them.

12 Q. In your own words, what should each
13 defendant have done differently to keep your injury
14 from occurring?

15 A. Be honest. Tell the truth.

16 Q. Do you believe that you have some
17 responsibility for your injuries?

18 A. No.

19 Q. Zero responsibility?

20 A. Zero.

21 Q. You chose to smoke your first cigarette?

22 A. Yes.

23 Q. You chose to smoke your second
24 cigarette?

25 A. Yes. Cool thing to do.

1 Q. You chose to smoke your second
2 cigarette?

3 A. Chose first one. Then smoked another
4 and another until I got addicted.

5 Q. Do you have any responsibility for your
6 decision to start smoking?

7 MS. WALD: Form.

8 THE WITNESS: No.

9 BY MS. KENYON:

10 Q. What do you hope to accomplish by filing
11 this lawsuit?

12 A. That the truth comes out.

13 Q. What truth? What truth needs to come
14 out now?

15 A. That I have lara- --

16 Q. Did you write laryngectomy?

17 A. That I have laryngectomy because tobacco
18 company lied all these years.

19 Q. Do you believe the tobacco companies
20 were at fault for your decision not to try harder to
21 quit?

22 MS. WALD: Form.

23 THE WITNESS: I tried many, many times.
24 Was addicted.

25 BY MS. KENYON:

1 Q. Who else do you blame besides the
2 tobacco companies and Silverado Smokes for the
3 injuries in this case?

4 A. I blame tobacco companies. They are the
5 main fault for lying.

6 Q. Do you blame the government for allowing
7 cigarettes to be legal?

8 A. I do not know.

9 Q. Do you blame the farmers that --

10 A. I blame tobacco companies, period. They
11 lied to not just me but everyone that smokes.

12 Q. Do you blame the farmers that grew the
13 tobacco? You can just answer my question. Do you
14 blame the tobacco farmers that grew the tobacco?

15 A. No.

16 Q. What about other retailers that sold
17 cigarettes?

18 MS. WALD: Form.

19 THE WITNESS: If they knew it was
20 harmful, yes, I do.

21 BY MS. KENYON:

22 Q. Are you to blame for selling cigarettes
23 at 7-Eleven and Texaco?

24 MS. WALD: Form.

25 THE WITNESS: No, because I thought they

1 were safe.

2 BY MS. KENYON:

3 Q. Have you talked to any doctors or
4 experts that have been hired by your attorneys in
5 this case? Have you talked to any doctors or
6 experts that have been hired by your attorneys in
7 this case?

8 A. No.

9 Q. Have you heard of a doctor named
10 Dr. Prochaska?

11 A. No.

12 Q. Have you talked to any of your doctors
13 about what, if any, treatments you need in the
14 future?

15 A. About what?

16 Q. Have you talked to any of your doctors
17 about what, if any, treatments you may need for your
18 cancer in the future?

19 A. I do know every four or five months, I
20 need open wider, scan every six months.

21 MS. WALD: Are you trying to mouth
22 "esophagus"?

23 THE WITNESS: (Nods head in the
24 affirmative.)

25 BY MS. KENYON:

1 Q. So every four or five months, you need
2 your esophagus open wider to swallow; is that right?

3 A. Yes.

4 Q. Do you know how long that will have to
5 continue?

6 A. Till I die.

7 Q. Are you seeking compensation -- well,
8 strike that.

9 Do you know how long you have to receive
10 cancer scans or cancer screening?

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

12 Q. Are you seeking compensation for your
13 medical expenses?

14 MS. WALD: Form.

15 THE WITNESS: No.

16 MS. WALD: And just for the record, she
17 is. She's not a lawyer here. So, I mean, she's
18 going to -- but we are seeking medical expenses.

19 BY MS. KENYON:

20 Q. What amount of your medical expenses
21 have you had to pay out of pocket versus being
22 covered by insurance?

23 A. Ask lawyer.

24 Q. So your lawyer knows what medical
25 expenses you paid out of pocket?

1 A. You both have medical records.

2 Q. Have you kept any receipts for medical
3 expenses you've had to pay out of pocket or bills?

4 A. Some. Daughter takes care of that.

5 Q. Does your daughter pay for any of your
6 medical bills?

7 A. Yes, had to ask my ex for help and
8 family members.

9 Q. You had to ask your ex or your daughter
10 did? Can you write it?

11 A. Daughter. When she told him about me,
12 he helped her.

13 Q. Do you know how much your ex-husband has
14 given Laura to pay your medical bills?

15 A. No.

16 Q. Do you know when she asked your
17 ex-husband for financial help to pay your bills?

18 A. No.

19 Q. Do you receive Medicare benefits? Do
20 you receive Medicare benefits?

21 A. I am on Medicare.

22 Q. Do you receive income from Social
23 Security?

24 A. Yes.

25 Q. Are you seeking compensation for future

1 medical expenses?

2 MS. WALD: Object to form.

3 BY MS. KENYON:

4 Q. You can answer.

5 MS. WALD: You can answer if it's not
6 based on conversations you and I have had.

7 THE WITNESS: No amount of money will
8 bring me back to myself. I'm sure it would help
9 with me and Tony.

10 BY MS. KENYON:

11 Q. What amount of money would compensate
12 you?

13 A. I do not know.

14 Q. Is there anyone who would know better
15 than you?

16 MS. WALD: Form.

17 THE WITNESS: Maybe lawyer. I don't
18 know. Up to jury, I guess.

19 BY MS. KENYON:

20 Q. So you think your lawyer is in a better
21 position to provide a reasonable amount that would
22 fully compensate you?

23 MS. WALD: Form.

24 THE WITNESS: Lawyer and jury will know.
25 I don't know.

1 BY MS. KENYON:

2 Q. You are not seeking to recover for lost
3 wages, correct?

4 MS. WALD: We will stipulate to that;
5 she's not seeking lost wages.

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

7 THE VIDEOGRAPHER: The time is 10:52.
8 We are going off the record.

9 (A discussion is held off the record.)

10 THE VIDEOGRAPHER: The time is 11:03.
11 We are back on the record.

12 MS. KENYON: Mrs. Camacho, thank you so
13 much for your time. I don't have any further
14 questions.

15 MS. LUTHER: She just said she doesn't
16 have any more questions.

17 EXAMINATION

18 BY MS. LUTHER:

19 Q. So now it's my turn. I feel like we're
20 old friends at this point because we've seen each
21 other so many times.

22 But my name is Kelly Luther, and I
23 represent the Defendant Liggett Group, LLC. Okay.

24 Can you point to okay, please?

25 A. Okay.

1 Q. Thank you. I do not have a clear mask
2 like Ms. Kenyon did. Can you hear me okay?

3 A. Yes. Okay.

4 Q. If it becomes a problem, let me know.
5 Okay?

6 A. Okay.

7 Q. But even if you can't hear me, the court
8 reporter can, and you should be able to read my
9 questions. Oh, I'm too loud?

10 MS. WALD: No, I think she wanted you to
11 slow.

12 BY MS. LUTHER:

13 Q. Okay. Yesterday when we were here for
14 your husband's deposition, some people stopped by
15 the house. Who were they?

16 A. I do not know.

17 Q. You didn't recognize them when you
18 looked through the window?

19 MS. WALD: Can you point to your answer?

20 THE WITNESS: No.

21 BY MS. LUTHER:

22 Q. You graduated high school in 1964,
23 correct?

24 A. Yes.

25 Q. And you also had your first cigarette

1 that same year, right, in 1964?

2 A. Yes.

3 Q. And you got that first cigarette from
4 your girlfriend, right?

5 A. Yes.

6 Q. And that cigarette was an L&M brand
7 cigarette, right?

8 A. Yes.

9 Q. Do you know why your girlfriend chose to
10 smoke L&M?

11 A. Yes.

12 Q. And why was that?

13 A. She said she thought they were safer --
14 or safe.

15 Q. Is it safe or safer?

16 A. Safe.

17 Q. Safe?

18 A. Safe.

19 Q. Is that a conversation you remember
20 having with your girlfriend, that she told you that
21 L&M were safe?

22 A. Yes.

23 Q. Can you remember any other details about
24 that conversation?

25 A. No.

1 Q. But before you had that first cigarette,
2 your girlfriend told you that the L&M was safe; is
3 that right?

4 A. Yes.

5 Q. That same day that you tried your first
6 cigarette, there were other people with you,
7 correct?

8 A. Yes.

9 Q. And was everybody smoking?

10 A. Yes.

11 Q. There were no holdouts? Nobody who
12 said, "No, I don't want to smoke"?

13 A. There were only four or three. We all
14 smoked.

15 Q. Did you have any friends at that time
16 who were not smokers?

17 A. No.

18 Q. Of the three or four people who were
19 there, was everybody smoking L&M or were they
20 smoking other brands, as well?

21 A. I do not know.

22 Q. Why is it that you took the cigarette
23 from the girlfriend who was smoking the L&M?

24 A. Because it was cool at that time to
25 smoke.

1 Q. If your girlfriend had been smoking a
2 brand other than L&M, would you have smoked that
3 instead?

4 MS. WALD: Form.

5 THE WITNESS: I do not remember. I do
6 not know.

7 BY MS. LUTHER:

8 Q. And then through the years, you
9 continued to smoke L&M until you moved to Nevada,
10 right?

11 A. Yes.

12 Q. And you continued to smoke L&M because
13 it was what you were familiar with, right?

14 MS. WALD: Form.

15 THE WITNESS: Yes.

16 BY MS. LUTHER:

17 Q. I have a vague recollection that at one
18 of your earlier sessions you said that one of the
19 friends who was with you that day smoked an
20 unfiltered cigarette.

21 Do you recall telling us that?

22 A. No.

23 Q. Do you recall telling us that you tried
24 an unfiltered cigarette that day?

25 A. Don't remember when, but took a puff of

1 nonfilter.

2 Q. Was that after you started smoking
3 regularly?

4 MS. WALD: Form.

5 BY MS. LUTHER:

6 Q. Point. Thank you.

7 A. Yes.

8 Q. And as I recall, you started smoking L&M
9 because it was filtered, right?

10 MS. WALD: Form.

11 THE WITNESS: Yes.

12 BY MS. LUTHER:

13 Q. And you thought filtered cigarettes were
14 safe?

15 MS. WALD: Form.

16 THE WITNESS: Yes.

17 BY MS. LUTHER:

18 Q. If that's so, why did you try an
19 unfiltered cigarette?

20 A. Curiosity.

21 Q. Both of your parents smoked unfiltered
22 cigarettes, right?

23 A. Yes.

24 Q. Did you ever talk to your parents about
25 the fact that filtered cigarettes were safer and

1 they should switch?

2 A. No.

3 Q. How come?

4 A. We just never did talk about it.

5 Q. Weren't you concerned about your
6 parents' health?

7 MS. WALD: Form.

8 THE WITNESS: Looking back, they
9 themselves didn't probably know it was harmful.

10 BY MS. LUTHER:

11 Q. Understood. But you -- you personally
12 thought that smoking a filtered cigarette was better
13 for your health than smoking an unfiltered
14 cigarette, right?

15 A. That's me.

16 Q. But you didn't feel that you should
17 share that information with your parents?

18 MS. WALD: Form.

19 THE WITNESS: No.

20 BY MS. LUTHER:

21 Q. You --

22 A. I'm sure they thought they were safe,
23 too.

24 Q. But you never had that conversation with
25 your parents, right? Can you point, please.

1 A. No.

2 Q. No you didn't have that conversation?

3 A. No.

4 Q. You earlier testified that you believed
5 L&M was safer because it had less nicotine.

6 Do you recall giving that testimony?

7 MS. WALD: Form.

8 THE WITNESS: Yes.

9 BY MS. LUTHER:

10 Q. How much nicotine did the L&M -- okay.

11 A. I just thought they were safer. Don't
12 remember nicotine.

13 Q. Okay. So if you said that you thought
14 they were safer because they had less nicotine
15 earlier, that's not your testimony today?

16 MS. WALD: Form.

17 THE WITNESS: It makes sense nonfilter
18 would have more.

19 BY MS. LUTHER:

20 Q. Did you -- why don't you clear off your
21 board there. You got full.

22 Did you ever compare the levels of
23 nicotine in the cigarettes that you smoked to other
24 brands that were available?

25 MS. WALD: Form.

1 THE WITNESS: No.

2 BY MS. LUTHER:

3 Q. Are you aware that there were brands
4 with less nicotine on the market at the times that
5 you were smoking L&M?

6 MS. WALD: Form.

7 THE WITNESS: I do not remember.

8 BY MS. LUTHER:

9 Q. Did you like the flavor of L&M?

10 A. No.

11 Q. Then why did you keep smoking it?

12 MS. WALD: Form.

13 THE WITNESS: Got addicted to having a
14 cigarette.

15 BY MS. LUTHER:

16 Q. When you -- when you had that very first
17 L&M, did you like the way that cigarette tasted?

18 MS. WALD: Form.

19 THE WITNESS: I do not remember.

20 BY MS. LUTHER:

21 Q. If you -- you done? If you had not
22 liked the way L&M tasted with that first cigarette,
23 you would have been able to stop then, right?

24 MS. WALD: Form.

25 THE WITNESS: No.

1 BY MS. LUTHER:

2 Q. So can you explain that, please?

3 A. All I know is that after first
4 cigarette, I wanted -- I wanted and then -- after
5 the first cigarette, I wanted another and then
6 another.

7 Q. Did you inhale when you smoked that
8 first cigarette?

9 A. Yes.

10 Q. And did you smoke the entire first
11 cigarette?

12 A. Yes.

13 Q. Did you ever think of trying a cigarette
14 that you thought might taste better instead of
15 continuing to smoke a cigarette that you didn't like
16 the taste of?

17 A. There is only two kinds of cigarette,
18 menthol or regular, so all regular tastes the same.

19 Q. You eventually tried Marlboro and Basic,
20 right?

21 A. Yes.

22 Q. Did L&M, Marlboro and Basic all taste
23 the same to you?

24 A. Yes.

25 Q. You've testified a couple of times

1 through the course of your deposition that you did
2 not enjoy smoking.

3 MS. WALD: Form.

4 BY MS. LUTHER:

5 Q. Do you recall that?

6 A. Yes.

7 Q. At what point was it that you realized
8 you did not enjoy smoking?

9 MS. WALD: Form.

10 THE WITNESS: My very first cigarette
11 was my choice. After that downhill, wanted more.

12 BY MS. LUTHER:

13 Q. All right. But I don't think that
14 answers my question. At what point did you realize
15 you didn't enjoy smoking?

16 MS. WALD: Form.

17 THE WITNESS: I was already addicted to
18 ever think about not enjoying a cigarette.

19 BY MS. LUTHER:

20 Q. So you did enjoy smoking?

21 MS. WALD: Form.

22 BY MS. LUTHER:

23 Q. You enjoyed the first one?

24 A. (Nods head in the affirmative.)

25 MS. WALD: Form.

1 BY MS. LUTHER:

2 Q. And every cigarette after that first
3 one, you did not enjoy?

4 A. No.

5 Q. My question wasn't good. Was that
6 statement correct, that you did not enjoy every
7 cigarette after the first cigarette?

8 A. I would say it took only one or two to
9 get addicted.

10 Q. I understand that you feel you were
11 addicted after the very first cigarette. But that's
12 not the question I'm asking.

13 You said that you didn't enjoy smoking,
14 right? Is that right? Could you point?

15 MS. WALD: Sandra, just point or write
16 it down.

17 BY MS. LUTHER:

18 Q. I'll ask you another question. How's
19 that?

20 You enjoyed the first cigarette, right?
21 Point.

22 A. Yes.

23 Q. After that very first cigarette, you no
24 longer enjoyed smoking; is that right?

25 MS. WALD: Form.

1 THE WITNESS: It was the thing to do at
2 the time, smoke.

3 BY MS. LUTHER:

4 Q. I understand. Let's try this one more
5 time. Do you -- have you understood my question?
6 I'm asking you about when you first realized you
7 didn't enjoy smoking, when you first knew that.

8 A. I do not remember.

9 Q. Do you think it was within the first
10 five years that you were smoking?

11 MS. WALD: Form.

12 THE WITNESS: I do not remember. I do
13 not know.

14 BY MS. LUTHER:

15 Q. Do you think it was when you were living
16 in Chicago or the Illinois area?

17 MS. WALD: Form.

18 THE WITNESS: I do not remember.

19 BY MS. LUTHER:

20 Q. Can you put any sort of time frame on it
21 as to when you first realized you no longer enjoyed
22 smoking?

23 A. No.

24 Q. All right. You mentioned that your
25 sister Donna quit?

1 A. Yes.

2 Q. Do you believe Donna was addicted?

3 MS. WALD: Form.

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

6 BY MS. LUTHER:

7 Q. But at least by Donna's example, you
8 knew that it was possible to quit smoking, right?

9 A. No.

10 Q. The fact that Donna was able to quit
11 didn't explain that to you?

12 MS. WALD: Form.

13 THE WITNESS: I do not know. I do not
14 remember.

15 BY MS. LUTHER:

16 Q. Okay. Have any of your physicians told
17 you that there's anything you can do to help with
18 your memory issues?

19 MS. WALD: Form.

20 THE WITNESS: They are gone for good.

21 BY MS. LUTHER:

22 Q. The doctors told you that?

23 MS. WALD: Form.

24 BY MS. LUTHER:

25 Q. Your doctors told you that?

1 MS. WALD: Form.

2 THE WITNESS: Chemo, radiation.

3 BY MS. LUTHER:

4 Q. I'm asking a slightly different
5 question, though. Have you had that conversation
6 with your doctors where they've told you that the
7 memories are gone for good?

8 A. I do not remember. I didn't make it up.

9 Q. I believe you. I'm sure you didn't.
10 I'm just trying to figure out where you got the
11 information from.

12 A. Doctor, I guess. Who else would know?

13 Q. You're the one with the information, so
14 you have to let me know.

15 A. I do not remember.

16 Q. Do you remember whether you talked to
17 your doctors about whether -- wait, wait, wait. Let
18 me get my question out. Just a minute. Let me get
19 my question out.

20 Have you had any conversations with your
21 doctors about whether there's anything you can do to
22 keep your memory from getting worse as time goes on?

23 A. I do not remember.

24 Q. Why did you have a hysterectomy?

25 A. I do not remember. I do know I was 35.

1 Q. Did it have something to do with a
2 health issue in that area? Point.

3 A. I do not remember.

4 Q. Okay. On one of your earlier sessions,
5 we talked about the different equipment that you
6 need. And one of the things that you used is the
7 humidifier, right?

8 A. Yes.

9 Q. When is it that you need to use the
10 humidifier?

11 A. When I get real dry.

12 Q. That happens a lot in Las Vegas?

13 A. Yes.

14 Q. I need to go back to south Florida in
15 the humidity down there.

16 How often a day do you think you need to
17 use the humidifier?

18 A. At least once.

19 Q. We've also talked about the fact that
20 you need to use the suction machine, right?

21 A. Yes.

22 Q. What I'd like to know is are there
23 activities or things that you do that make you need
24 the suction machine more?

25 A. When I try to talk.

1 Q. So is it safe to say that -- do you need
2 a break? Let's go off the record.

3 THE VIDEOGRAPHER: The time is 11:33.
4 We are going off the record.

5 (A recess is taken.)

6 THE VIDEOGRAPHER: The time is 11:35.
7 We are back on the record.

8 BY MS. LUTHER:

9 Q. You doing okay, Mrs. Camacho?

10 A. Okay.

11 Q. I'm not beating up on you, am I? I
12 actually want an answer to that question.

13 During the course of your deposition
14 sessions, would you say that you've needed to
15 suction more than on a normal day because you've
16 been trying to talk more?

17 A. No.

18 MS. LUTHER: Maybe we should break for
19 lunch now.

20 MS. WALD: I think this is just she's
21 getting emotional for the answer she's writing, so.

22 THE WITNESS: If I walk too much when I
23 try to help Tony.

24 BY MS. LUTHER:

25 Q. So you need to suction more when you're

1 walking, when you're active?

2 MS. WALD: Point.

3 BY MS. LUTHER:

4 Q. Yes?

5 A. Yes.

6 Q. Why is it that you don't use an
7 electrolarnyx, something to help you talk? Write it
8 out.

9 A. Tried many times. Can't do it.

10 Q. How come?

11 A. I do not know.

12 Q. So when you tried to use it, what
13 problems are you having with it? What's happening?

14 A. Gurgle.

15 Q. Gurgle. So the sound comes out as a
16 gurgle, is that what you're trying to say? Yes?

17 A. Yes.

18 Q. Have you tried more than one type of
19 electrolarnyx to see if another type works better
20 than what you tried?

21 MS. WALD: Don't get anything. Just
22 answer the question.

23 THE WITNESS: No.

24 BY MS. LUTHER:

25 Q. Do you have an electrolarynx here?

1 A. Yes.

2 Q. And do you sometimes use it?

3 A. Always try.

4 Q. How often do you try?

5 A. Every day.

6 Q. And apart from the gurgling, are you
7 able to form sounds with it? Are you able to form
8 words?

9 A. I hear myself, but nothing comes out but
10 gurgle.

11 Q. Have you explored getting additional
12 speech therapy to help you with that?

13 A. Nothing will bring my voice box back.

14 Q. I understand that. But have you -- have
15 you actually sought out additional speech therapy to
16 help you learn to use the electrolarynx?

17 A. They showed me how. Only one way to use
18 it.

19 Q. Have you asked your doctors to send you
20 to additional speech therapy?

21 A. No.

22 Q. How come?

23 A. If that don't help, there is not much
24 they can help me with.

25 Q. Have your doctors told you that?

1 A. Yes.

2 Q. Which doctors?

3 A. I do not remember.

4 Q. Was it something a doctor told you
5 recently?

6 A. No.

7 Q. Back around 2019 when you had the
8 surgery?

9 A. When I got the thing.

10 Q. The electrolarynx? Point.

11 A. Yes.

12 Q. And when did you get that? When you
13 were at UCLA?

14 A. Yes.

15 Q. Are you aware that in --

16 MS. WALD: Wait for a question. Okay?

17 BY MS. LUTHER:

18 Q. You good? Are you aware that in 1997,
19 my client, Liggett Group, publicly admitted that
20 smoking caused disease and was addictive?

21 A. I do not remember.

22 Q. Are you aware that in 1998, my client
23 Liggett Group put on all of its cigarette packs a
24 voluntary warning saying -- did I lose you? Did I
25 lose you?

1 A. I do not remember.

2 MS. WALD: Wait for her initial
3 question.

4 BY MS. LUTHER:

5 Q. Let me finish. Let me ask it over
6 again. Are you aware that in 1998, my client,
7 Liggett Group, put a voluntary warning on all of
8 its cigarette packs that says smoking is addictive?

9 A. I do not remember.

10 MS. LUTHER: Mrs. Camacho, thank you
11 very much for your time those are all the questions
12 I have for you.

13 MS. HENNINGER: Off the record for a
14 second, please.

15 (A recess is taken.)

16 THE VIDEOGRAPHER: The time is 11:52.
17 We are back on the record.

18 EXAMINATION

19 BY MS. HENNINGER:

20 Q. Good afternoon, Mrs. Camacho -- or it's
21 still morning. Good morning, Mrs. Camacho. My name
22 is Ursula Henninger, and we spent some time
23 together, but we haven't had an opportunity to speak
24 yet.

25 The good news for you is I have very few

1 questions. All right?

2 A. Okay.

3 Q. I represent R. J. Reynolds Tobacco
4 Company. Do you know what brand or brands of
5 cigarettes R. J. Reynolds Tobacco Company makes?

6 A. No.

7 Q. Do you know if you ever smoked a brand
8 made by R. J. Reynolds Tobacco Company?

9 A. No. I do not remember.

10 Q. Do you know which tobacco companies made
11 the cigarettes that you smoked?

12 A. I do not remember.

13 Q. Okay. If you didn't smoke -- let me
14 rephrase.

15 If you never smoked a brand made by
16 R. J. Reynolds, do you blame them for your laryngeal
17 cancer?

18 MS. WALD: Form.

19 THE WITNESS: I blame all cigarette
20 makers.

21 BY MS. HENNINGER:

22 Q. Fair enough. And that's because,
23 according to your testimony, they didn't tell the
24 truth, correct?

25 A. Yes.

1 Q. And as we sit here today, are you able
2 to say what tobacco company or which tobacco company
3 said what statement?

4 MS. WALD: Form.

5 THE WITNESS: No.

6 BY MS. HENNINGER:

7 Q. So yesterday -- yesterday Ms. Kenyon
8 asked you if you ever saw or heard a statement from
9 R. J. Reynolds, and you replied that there was no
10 proof that they were harmful. Do you remember that?

11 A. Yes.

12 Q. Is it accurate, is it correct to say
13 that you remember a tobacco company saying that, but
14 you just don't know which tobacco company said that?

15 MS. WALD: Form.

16 BY MS. HENNINGER:

17 Q. Can you point?

18 A. Correct.

19 Q. Okay. Now, a little bit ago you told
20 Ms. Luther, the lady in the purple sweater, you told
21 Ms. Luther that you did not like the taste of L&M
22 cigarettes. Do you remember that? The taste.

23 I don't want to confuse you. Is my
24 question confusing?

25 A. I never really tasted anything.

1 Q. You also told Ms. Luther you did not
2 enjoy smoking; is that correct?

3 MS. WALD: Form.

4 THE WITNESS: Correct.

5 BY MS. HENNINGER:

6 Q. My question for you is if you did not
7 like the taste and you did not enjoy cigarettes, why
8 did you keep smoking them in the '60s?

9 MS. WALD: Form.

10 THE WITNESS: Because it was the cool
11 thing to do and everyone was smoking, and I just
12 wanted more.

13 BY MS. HENNINGER:

14 Q. Is that the -- is that true for why you
15 continued to smoke in the '70s?

16 MS. WALD: Form.

17 THE WITNESS: No.

18 BY MS. HENNINGER:

19 Q. Why did you continue to smoke in the
20 '70s?

21 A. I was already addicted to smoking. I
22 tried many times to quit, but no good. Kept wanting
23 one.

24 Q. But you didn't try to quit in the '70s,
25 did you?

1 A. No.

2 Q. And you didn't try to quit in the '80s,
3 did you?

4 A. No.

5 Q. And you didn't try to quit in the '90s,
6 did you?

7 MS. WALD: Form.

8 THE WITNESS: I do not remember.

9 BY MS. HENNINGER:

10 Q. Okay. Give me one second. I think I'm
11 done.

12 MS. WALD: I think she's about to --

13 MS. HENNINGER: Sorry. I didn't realize
14 she was still writing.

15 BY MS. HENNINGER:

16 Q. "It was when I moved to Vegas."

17 A. It was when I moved to Vegas, that I
18 know.

19 Q. I do have a quick question. You told me
20 that your son, John, worked at Supreme Seafood with
21 his father, correct?

22 A. Yes.

23 Q. And you told me -- or you told us on the
24 very first day he had a child. Have you met John's
25 child?

1 A. No.

2 Q. Were you smoking when you were married
3 to your first husband?

4 A. Yes.

5 Q. Did you ever talk with him about your
6 smoking?

7 A. No.

8 Q. Did he ever ask you to quit smoking?

9 A. No.

10 Q. Was he smoking?

11 A. I do not remember.

12 Q. You don't think so. You were wording
13 that; is that correct? You said you don't think so?

14 MS. WALD: Point to --

15 THE WITNESS: I do not remember.

16 MS. WALD: Don't guess.

17 BY MS. HENNINGER:

18 Q. Do you remember talking with him -- let
19 me rephrase.

20 Did he ever talk with you about your
21 smoking?

22 A. No.

23 Q. He never asked you to quit?

24 A. No.

25 MS. HENNINGER: Okay. I think those are

1 all of my questions.

2 MS. WALD: All right. Do you want to go
3 off the record?

4 MS. HENNINGER: Yeah, for a second.

5 THE VIDEOGRAPHER: The time is 12:02.
6 We're going off the record.

7 (A recess is taken.)

8 THE VIDEOGRAPHER: The time is 12:04.
9 We are back on the record.

10 EXAMINATION

11 BY MS. WALD:

12 Q. All right. Sandra, so I have a few
13 questions for you. Okay?

14 MS. LUTHER: Kim, objection for one,
15 objection for all?

16 MS. WALD: I was just about to say, yes,
17 no problem.

18 BY MS. WALD:

19 Q. Sandra, you have been going for a little
20 under 12 hours of depositions over four days.

21 MS. KENYON: Form.

22 THE WITNESS: Correct.

23 BY MS. WALD:

24 Q. Are you feeling okay right now?

25 A. Okay.

1 Q. Can you understand me and hear me?

2 A. Yes.

3 Q. If you ever have a problem hearing me,
4 will you let me know?

5 A. Yes.

6 Q. How old are you today?

7 A. 75.

8 Q. What year were you born?

9 A. 1946.

10 Q. Do you have any children?

11 A. Yes, two.

12 Q. What are their names?

13 A. Laura, John.

14 Q. Are you married?

15 A. Yes.

16 Q. What is your husband's name?

17 A. Anthony. I call him Tony.

18 Q. Did you and Tony meet in 1978?

19 A. Yes.

20 Q. What year did you get married?

21 A. 1980.

22 Q. Where were you living when you met Tony?

23 A. River Grove, Illinois.

24 Q. Is that near Chicago?

25 A. Across the street from my home.

1 Q. Did you and Tony move to Las Vegas?

2 A. Yes.

3 Q. What year did you and Tony move to
4 Las Vegas?

5 A. 1990.

6 Q. Okay. Did you also grow up in River
7 Grove, Illinois?

8 A. Yes.

9 Q. Growing up in River Grove, Illinois, in
10 the '50s and '60s, do you remember cigarette
11 advertising?

12 MS. KENYON: Objection.

13 MS. HENNINGER: Object.

14 BY MS. WALD:

15 Q. Can you point to an answer?

16 A. Yes.

17 Q. Where do you remember seeing cigarette
18 advertising?

19 A. Magazine, billboards.

20 Q. Was smoking glamorous?

21 MS. KENYON: Objection.

22 BY MS. WALD:

23 Q. You can answer.

24 A. It was the cool thing to do then.

25 Q. Did everyone smoke?

1 MS. KENYON: Objection.

2 THE WITNESS: Yes.

3 BY MS. WALD:

4 Q. Now, during your deposition that was a
5 little under 12 hours for four days, were you shown
6 any cigarette advertisements?

7 MS. KENYON: Objection.

8 THE WITNESS: No.

9 BY MS. WALD:

10 Q. Would seeing some cigarette
11 advertisements help you remember if you saw
12 advertisements?

13 MS. KENYON: Objection.

14 THE WITNESS: Yes.

15 MS. WALD: I'm going to mark this as
16 Plaintiffs' Composite Exhibit 1.

17 MS. KENYON: Do you have a copy?

18 MS. WALD: I do not. It's two L&M ads.

19 MS. KENYON: May I look at them first?

20 MS. LUTHER: Yeah, me too.

21 BY MS. WALD:

22 Q. I'm handing you what I'm going to mark
23 as Plaintiffs' Composite 1.

24 (Plaintiffs' Exhibit 1 marked.)

25 BY MS. WALD:

1 Q. Can you take a look at Plaintiff's
2 Composite 1. I want to ask you -- let me know when
3 you're ready. Okay. I want to ask you, do you
4 recognize these advertisements? Can you point to an
5 answer?

6 A. Yes.

7 Q. Are these similar types of
8 advertisements that you saw growing up in the '50s
9 and '60s?

10 MS. KENYON: Objection.

11 MS. LUTHER: Form.

12 THE WITNESS: Yes.

13 BY MS. WALD:

14 Q. Do you remember seeing advertisements
15 like this for L&M?

16 MS. KENYON: Objection.

17 THE WITNESS: Yes.

18 BY MS. WALD:

19 Q. Where do you remember seeing these
20 advertisements?

21 A. Mags and billboards.

22 Q. How many times did you see these
23 advertisements or similar advertisements?

24 MS. KENYON: Objection.

25 MS. LUTHER: Form.

1 THE WITNESS: A lot.

2 BY MS. WALD:

3 Q. Do you remember seeing these
4 advertisements or similar ones more than five times?

5 MS. KENYON: Objection.

6 THE WITNESS: Yes.

7 BY MS. WALD:

8 Q. More than ten times?

9 MS. KENYON: Objection.

10 THE WITNESS: Yes.

11 MS. WALD: I'm going to mark this as
12 Plaintiffs' 2.

13 (Plaintiffs' Exhibit 2 marked.)

14 BY MS. WALD:

15 Q. Can you take a look at Plaintiffs' 2 for
16 me, Sandra?

17 A. Yes.

18 Q. Okay. Go ahead and look at all of them.
19 Have you had a chance to look through all of them?

20 A. Yes.

21 Q. Do you recognize what is in Plaintiffs'
22 Exhibit 2?

23 MS. KENYON: Form.

24 BY MS. WALD:

25 Q. Can you write down what you were just

1 mouthing? Show him.

2 A. Marlboro man smoking.

3 Q. Okay. And can you hold up to the camera
4 what you were referring to. Just hold it up, okay?

5 A. (Indicating.)

6 Q. Okay. Thank you, Sandra.

7 Do you remember seeing these
8 advertisements or similar advertisements?

9 MS. KENYON: Form.

10 BY MS. WALD:

11 Q. Can you point to an answer?

12 A. Yes.

13 Q. Where do you remember seeing these
14 advertisements for the Marlboro man?

15 MS. KENYON: Form.

16 THE WITNESS: Billboard, magazines.

17 BY MS. WALD:

18 Q. How many times did you see
19 advertisements for the Marlboro man?

20 MS. KENYON: Form.

21 THE WITNESS: Lots.

22 BY MS. WALD:

23 Q. What do you -- what do you consider
24 lots? Did you see this more than ten times?

25 MS. KENYON: Form.

1 THE WITNESS: Yes.

2 BY MS. WALD:

3 Q. Did you see all sorts of different types
4 of advertisements?

5 MS. KENYON: Form.

6 THE WITNESS: Yes.

7 MS. WALD: We're going to mark this as
8 Plaintiffs' Exhibit 3.

9 (Plaintiffs' Exhibit 3 marked.)

10 BY MS. WALD:

11 Q. Sandra, can you look at Exhibit 3 for
12 me. Look at all three pages. What are you looking
13 at in Exhibit 3? Can you write it down?

14 A. Basin in my -- "Basics with my coffee."

15 Q. Do these ads look familiar to you?

16 MS. KENYON: Form.

17 THE WITNESS: Yes.

18 BY MS. WALD:

19 Q. Do you remember seeing advertisements
20 like this for Basic when you were smoking Basic?

21 MS. KENYON: Form.

22 THE WITNESS: Yes.

23 BY MS. WALD:

24 Q. Where would you see these advertisements
25 for Basic?

1 MS. KENYON: Form.

2 THE WITNESS: Magazine.

3 BY MS. WALD:

4 Q. How many times did you see
5 advertisements for Basic cigarettes?

6 MS. KENYON: Form.

7 THE WITNESS: Lots of times.

8 BY MS. WALD:

9 Q. Does that mean you've seen this more
10 than ten times?

11 MS. KENYON: Form.

12 THE WITNESS: Yes.

13 BY MS. WALD:

14 Q. Were there times growing up in River
15 Grove, Illinois where you saw commercials on
16 television for cigarettes?

17 A. Yes.

18 Q. Would it help you if I showed you a
19 video to see if you remembered? Can you point to an
20 answer?

21 A. Yes. Show me then I probably could
22 remember if you show me.

23 MS. WALD: I'm going to mark this as
24 Plaintiffs' Exhibit 4. I'll send it to you somehow
25 electronically. It's just the very end for "The

1 Call For Philip Morris."

2 MS. KENYON: Can you play it.

3 (Video played.)

4 BY MS. WALD:

5 Q. Okay, Sandra, I'm going to show you a
6 video, okay? Okay. Wait for me to show you the
7 video.

8 (Video played.)

9 A. Yes.

10 Q. She pointed to yes?

11 A. Yes.

12 Q. Seeing this video, do you remember
13 hearing "Call for Philip Morris" on a television
14 growing up?

15 MS. KENYON: Form.

16 THE WITNESS: Yes.

17 BY MS. WALD:

18 Q. Are these commercials from over 50 years
19 ago that you're remembering?

20 MS. KENYON: Objection.

21 MS. LUTHER: Object to the form.

22 THE WITNESS: Yes.

23 BY MS. WALD:

24 Q. I don't have a question, Sandra.

25 How old were you when you first started

1 smoking?

2 MS. HENNINGER: Objection.

3 THE WITNESS: 17 or 18.

4 BY MS. WALD:

5 Q. Would that have -- would that have been
6 around 1964?

7 A. Yes.

8 Q. What brand of cigarette did you first
9 smoke?

10 A. L&M.

11 Q. Why did you smoke an L&M cigarette?

12 A. Because I thought they were safer.

13 Q. How long after you smoked your first
14 cigarette did it take you to become a regular daily
15 smoker?

16 A. Soon.

17 Q. How many packs of cigarettes per day did
18 you smoke throughout your lifetime?

19 MS. KENYON: Form.

20 THE WITNESS: Two packs.

21 BY MS. WALD:

22 Q. When you were in Chicago, how many packs
23 of cigarettes per day did you smoke?

24 MS. KENYON: Form.

25 THE WITNESS: One.

1 BY MS. WALD:

2 Q. When you moved to Las Vegas, how many
3 packs of cigarettes per day did you smoke?

4 MS. KENYON: Form.

5 THE WITNESS: Two.

6 BY MS. WALD:

7 Q. How many years did you smoke L&M
8 cigarettes?

9 A. When I was 17 or 18 till 1990.

10 Q. What brand of cigarette did you switch
11 to in 1990?

12 A. Marlboro.

13 Q. How many years did you smoke Marlboro?

14 A. Ten years. Ten years to 15 years.

15 Q. You seem to get a little confused during
16 that last question. It took you a while to answer.

17 MS. HENNINGER: Objection.

18 MS. KENYON: Form.

19 BY MS. WALD:

20 Q. What brand did you smoke after Marlboro?

21 A. Could not find L&M when I moved here.

22 Then Marlboro was getting expensive. Switched to
23 Basic.

24 Q. Did you smoke Basic cigarettes for a
25 longer period of time than Marlboro cigarettes?

1 A. No.

2 Q. How long did you smoke Basic cigarettes?

3 A. I do not remember.

4 Q. Can you write that down, what you just
5 mouthed?

6 A. Smoked Basic till cancer.

7 Q. So I just want to make sure I'm
8 understanding you. When you moved to Vegas, you
9 smoked Marlboro for a few years and then you
10 switched to Basic until you got sick?

11 MS. KENYON: Form.

12 MS. LUTHER: Form.

13 THE WITNESS: Yes.

14 BY MS. WALD:

15 Q. When you used to smoke when you woke up
16 in the morning, what was the first thing you would
17 do?

18 A. Light a cigarette.

19 Q. How many minutes between waking up until
20 you would light a cigarette?

21 MS. KENYON: Form.

22 THE WITNESS: One hour, maybe sooner.

23 BY MS. WALD:

24 Q. When you woke up in the morning, how
25 long did it take you until you smoked your first

1 cigarette?

2 MS. KENYON: Form.

3 MS. LUTHER: Objection.

4 MS. HENNINGER: Objection.

5 THE WITNESS: One minute to walk to
6 kitchen.

7 BY MS. WALD:

8 Q. You had just written down one hour?

9 MS. KENYON: Form.

10 BY MS. WALD:

11 Q. Right? Can you point?

12 A. THE WITNESS: No.

13 Q. So just so we're clear -- Sandra, it's
14 okay. It's okay. Just look at me, okay. It's been
15 a long day. Okay.

16 MS. KENYON: Form.

17 BY MS. WALD:

18 Q. When you woke up in the morning before
19 you did anything else, what would you do?

20 MS. LUTHER: Form.

21 MS. KENYON: Form.

22 BY MS. WALD:

23 Q. Can you show him?

24 A. Smoke.

25 Q. So it wouldn't take you one hour --

1 MS. KENYON: Form.

2 BY MS. WALD:

3 Q. -- to smoke?

4 A. No. One hour between cigarettes to
5 smoke another.

6 Q. Okay. So if I'm understanding you, you
7 would have a cigarette every hour throughout the
8 day?

9 A. Yes.

10 Q. That's why you wrote 'one hour' on the
11 board?

12 MS. LUTHER: Form.

13 MS. HENNINGER: Form.

14 MS. KENYON: Form.

15 THE WITNESS: Yes.

16 BY MS. WALD:

17 Q. Before you went to work in the morning,
18 how many cigarettes would you have?

19 A. Three.

20 Q. On your drive to work, would you smoke?

21 A. Yes.

22 Q. While you were at work, would you take
23 breaks to smoke?

24 A. Yes.

25 Q. Would you -- strike that.

1 How often would you take breaks at work
2 to smoke?

3 A. Every chance I get. After taking
4 customer order, went back.

5 Q. Did you smoke while you cooked dinner?

6 A. Yes.

7 Q. If you went to a movie theater, could
8 you sit through the entire movie without smoking?

9 A. No.

10 Q. What would you do?

11 A. Go outside and have one.

12 Q. Did you ever burn your clothing with
13 cigarettes?

14 A. Yes.

15 Q. Did you ever burn the car seat with
16 cigarettes?

17 A. Yes.

18 Q. Did you smoke while you were pregnant
19 with John?

20 A. Yes.

21 Q. Did you smoke while you were pregnant
22 with Laura?

23 A. Yes.

24 Q. Did you smoke around Laura when she was
25 pregnant with her children?

1 A. Yes.

2 Q. What was the last thing you did at night
3 before you went to sleep?

4 A. Smoke.

5 Q. Did you ever wake up in the middle of
6 the night to smoke?

7 A. Yes.

8 Q. How many -- how often did you wake up in
9 the middle of the night to smoke?

10 A. Almost every night.

11 Q. Do you know what a chain smoker means?

12 A. Yes.

13 Q. What does that mean to you?

14 A. Light one after another.

15 Q. Did you ever chain smoke?

16 A. Yes.

17 Q. Where were you living when you chain
18 smoked?

19 A. Chicago and here.

20 Q. Sandra, if you were sick with a cold,
21 would you still smoke?

22 MS. KENYON: Form.

23 THE WITNESS: Yes.

24 BY MS. WALD:

25 Q. Did you enjoy smoking?

1 A. First one, yes.

2 Q. After the first one, did you enjoy
3 smoking?

4 A. No.

5 Q. Do you think you were addicted to
6 cigarettes?

7 A. Yes.

8 Q. Even now after everything you've been
9 through and the condition you're in, do you still
10 crave cigarettes?

11 MS. KENYON: Form.

12 THE WITNESS: Yes.

13 BY MS. WALD:

14 Q. Were there times in your life when you
15 tried to quit smoking?

16 A. Yes.

17 Q. When did you first try to quit smoking,
18 what year?

19 A. After moving here.

20 Q. And "here," you mean Las Vegas?

21 A. Yes.

22 Q. How many times in your life did you try
23 to quit smoking?

24 A. Many.

25 Q. Can you put any amount of -- strike

1 that.

2 Can you put a number of times that
3 you've tried to quit smoking?

4 A. All I know, I tried a lot.

5 Q. When you would try, how long could you
6 go without a cigarette?

7 A. One hour.

8 Q. What's the longest you could ever go
9 without a cigarette when you were trying to quit?

10 A. Never made a day.

11 Q. When you would try to quit, would your
12 personality change?

13 A. Yes.

14 Q. Tell me how your personality would
15 change?

16 A. Miserable, mean, anxious.

17 Q. What are some things you used to try to
18 quit smoking?

19 A. Regular gum, Nicorette Gum,
20 e-cigarettes, threw pack in garbage and sometimes
21 crushed them.

22 Q. What would you do with the cigarettes
23 after you through threw them and crushed them in the
24 garbage?

25 A. Because they were almost full packs, I

1 took them out.

2 Q. Took them out of the garbage?

3 A. Yes.

4 Q. Did you want to quit smoking?

5 MS. KENYON: Form.

6 THE WITNESS: Yes.

7 BY MS. WALD:

8 Q. Was there anything you could have tried
9 harder to do to stop smoking?

10 MS. KENYON: Form.

11 THE WITNESS: No.

12 BY MS. WALD:

13 Q. Until you started getting sick, were you
14 able to quit cigarettes for good?

15 MS. KENYON: Form.

16 BY MS. WALD:

17 Q. Until you started getting sick with
18 cancer, were you able to stop smoking for good?

19 MS. KENYON: Same objection.

20 THE WITNESS: I remember I quit when I
21 had surgery.

22 BY MS. WALD:

23 Q. I want to switch topics.

24 When is the first time you knew smoking
25 could be bad for you?

1 A. I do not remember.

2 MS. KENYON: And for the record, she's
3 mouthing "When I had this" and pointing to her
4 throat.

5 MS. WALD: She was just about to write
6 it down.

7 THE WITNESS: When I got cancer.

8 BY MS. WALD:

9 Q. Throughout the years, did you ever hear
10 and rely upon statements from the tobacco companies?

11 MS. KENYON: Objection.

12 MS. HENNINGER: Form.

13 MS. KENYON: Form.

14 MS. LUTHER: Objection.

15 THE WITNESS: Yes.

16 BY MS. WALD:

17 Q. What years do you remember hearing
18 statements from tobacco companies?

19 MS. KENYON: Form.

20 THE WITNESS: It was late '80s, early
21 '90s, on news that there was no proof smoking was
22 bad. So I just kept on smoking. Harmful.

23 BY MS. WALD:

24 Q. Who was making these statements on the
25 news?

1 MS. KENYON: Form.

2 MS. HENNINGER: Objection. Misstates
3 testimony.

4 THE WITNESS: People from tobacco
5 company.

6 BY MS. WALD:

7 Q. How do you know it was people from the
8 tobacco company?

9 MS. KENYON: Form.

10 THE WITNESS: They said it, but I don't
11 remember their names.

12 BY MS. WALD:

13 Q. Wipe the board.

14 How many times did you see these
15 statements from the tobacco companies?

16 MS. KENYON: Form. Mischaracterizes the
17 testimony.

18 BY MS. WALD:

19 Q. You can answer. Can you write it down?

20 A. A lot on all channels.

21 Q. Do you remember hearing this when you
22 were living in River Grove?

23 MS. KENYON: Form.

24 MS. HENNINGER: Objection.

25 BY MS. WALD:

1 Q. You can answer.

2 A. Yes.

3 Q. Do you remember hearing this when you
4 moved to Las Vegas?

5 MS. KENYON: Form.

6 THE WITNESS: Yes.

7 BY MS. WALD:

8 Q. Did you believe what the tobacco company
9 said on the news?

10 MS. KENYON: Form.

11 MS. HENNINGER: Form.

12 THE WITNESS: Yes.

13 BY MS. WALD:

14 Q. Did you continue to smoke because you
15 believed them?

16 MS. KENYON: Form.

17 THE WITNESS: Yes.

18 BY MS. WALD:

19 Q. You were diagnosed with laryngeal cancer
20 in 2018.

21 A. Okay.

22 Q. Did you undergo a total laryngectomy?

23 A. Yes.

24 Q. And does that mean that your voice box
25 had to be removed?

1 A. Yes.

2 Q. I know. These are hard so we're going
3 to go slow. Does that mean that you have a hole in
4 your throat?

5 A. Yes.

6 Q. As a result, are you able to speak?

7 A. No.

8 Q. Can you tell us what a typical day is
9 like for you? I'll keep asking you questions.

10 A. Sleep all night with machine. Wake up.
11 Have to use suction machine throughout the day. Ten
12 missiles a day, morning, night. If stuck, use picks
13 to get rest of it. If I can't get it, Tony does.
14 Humidify a couple times a day.

15 Have to put stoma in every -- have to
16 put stoma in every day for four hours. That is
17 miserable because I cough a lot and suction a lot.

18 Q. Do you do anything for fun?

19 A. No.

20 Q. How is your quality of life?

21 MS. KENYON: Form.

22 MS. HENNINGER: Objection.

23 THE WITNESS: Terrible, but I'm alive.

24 BY MS. WALD:

25 Q. Besides doctors and grocery store and

1 the occasional Dairy Queen, do you leave the house?

2 MS. KENYON: Form.

3 THE WITNESS: Have to go with Tony. No,

4 I don't leave house. Sit in car, Dairy Queen.

5 Food, go with Tony. If Laura or Neil comes, then I

6 don't have to, but my daughter has her own problem

7 plus works.

8 BY MS. WALD:

9 Q. Do you have multiple machines you have
10 to bring with you if you leave the house?

11 A. Yes.

12 Q. Can you be at the house by yourself?

13 A. No.

14 Q. Why not?

15 A. I can't talk, hear, and one eye. If
16 doorbell should ring, I jump.

17 Q. You have a suction machine that you have
18 to use; is that correct?

19 MS. LUTHER: Form.

20 THE WITNESS: Yes. Sometimes I cough
21 too much and forget to turn on machine and can't
22 find hole.

23 BY MS. WALD:

24 Q. When that happens, does Tony help you?

25 A. Yes. He is always around. I clap long

1 (indicating).

2 Q. Are you -- strike that.

3 If you didn't have Tony, who would help
4 you?

5 MS. KENYON: Form.

6 THE WITNESS: I would hope my daughter,
7 but her husband has the disease Michael J. Fox has.

8 BY MS. WALD:

9 Q. Sandra, if you knew as a 17 or 18-year
10 old that smoking cigarettes could cause cancer,
11 would you ever have started to smoke?

12 MS. HENNINGER: Objection.

13 MS. KENYON: Form.

14 MS. LUTHER: Form.

15 THE WITNESS: No.

16 MS. WALD: Okay. Thank you, Sandra,
17 those are all of my questions.

18 MS. HENNINGER: Should we go outside
19 real quick?

20 MS. LUTHER: Yep.

21 MS. WALD: We can go off the record.

22 THE VIDEOGRAPHER: The time is 1:01. We
23 are going off the record.

24 (A recess is taken.)

25 THE VIDEOGRAPHER: The time is 1:12, and

1 we are back on the record.

2 EXAMINATION

3 BY MS. KENYON:

4 Q. All right. Your deposition was taken
5 over four days, correct?

6 A. Correct.

7 Q. But they were not full days, correct?

8 A. No. Correct.

9 Q. Your deposition was taken for two days
10 in November and two days in December, correct?

11 A. Correct.

12 Q. We came to your house so that you would
13 be more comfortable; is that correct?

14 A. Correct.

15 Q. We took breaks whenever you needed one,
16 correct?

17 A. Correct.

18 Q. And we stopped for the day as soon as
19 you needed to, correct?

20 A. Correct.

21 Q. Are you aware that the court ruled that
22 it was appropriate for us to have extra time to
23 complete your deposition?

24 MS. WALD: Form.

25 BY MS. KENYON:

1 Q. You mouthed, "I guess." Can you write
2 it?

3 MS. WALD: Write what you just mouthed.

4 THE WITNESS: I guess.

5 BY MS. KENYON:

6 Q. You were shown a commercial, "Call For
7 Philip Morris." You were shown a commercial, "Call
8 for Philip Morris." Yes?

9 A. Yes.

10 Q. Despite claiming you saw that
11 commercial, you never smoked a Philip Morris brand
12 cigarette, correct?

13 MS. WALD: Form.

14 THE WITNESS: I don't remember what
15 cigarette is from whose company.

16 BY MS. KENYON:

17 Q. So we've gone over you smoked L&M,
18 Marlboro, and Basic cigarettes?

19 A. Correct.

20 Q. You never smoked a Philip Morris brand
21 cigarette, correct?

22 A. I do not know.

23 MS. HENNINGER: Jen, switch it; say
24 "brand called."

25 BY MS. KENYON:

1 Q. You never smoked a brand of cigarettes
2 called Philip Morris?

3 A. No.

4 Q. The "Call for Philip Morris" commercial
5 that Ms. Wald showed you, what was glamorous about
6 that?

7 A. His singing. Outfit.

8 Q. Do you recall what you were watching
9 when that commercial played?

10 A. I do not remember.

11 Q. You were shown some ads by Ms. Wald. So
12 I'm going to hand you back Plaintiffs' Exhibit 2.
13 These are the Marlboro ads.

14 You said you recall seeing these ads?

15 MS. WALD: Write it down.

16 THE WITNESS: Correct.

17 BY MS. KENYON:

18 Q. Do you recall seeing the warning, the
19 Surgeon General warning that's on every single ad
20 that your attorney gave you?

21 A. I do not remember.

22 Q. Well, take a look at that first one. Do
23 you see the Surgeon General warning label very
24 clearly on that ad?

25 A. (Indicating.)

1 Q. Correct. Can you see that?

2 A. I see it now.

3 Q. You weren't paying attention to the
4 warning labels on cigarettes when you were smoking,
5 were you?

6 MS. WALD: Form.

7 THE WITNESS: I do not remember.

8 BY MS. KENYON:

9 Q. Is it because you didn't care?

10 MS. WALD: Form.

11 THE WITNESS: I do not remember. I do
12 not know.

13 BY MS. KENYON:

14 Q. Okay. So -- let me see those for a
15 second. So the warning label on here reads
16 "Quitting smoking now greatly reduces serious risk
17 to your health."

18 But when you saw these ads, you didn't
19 care what the warning label said?

20 MS. WALD: Form. Asked and answered.

21 THE WITNESS: I do not remember.

22 BY MS. KENYON:

23 Q. You didn't -- you did not start --

24 MS. WALD: I think she wanted to write
25 something.

1 THE WITNESS: I remember ads, but the
2 warning label.

3 BY MS. KENYON:

4 Q. Because you weren't paying attention,
5 were you?

6 MS. WALD: Form. Asked and answered.

7 BY MS. KENYON:

8 Q. You wanted to smoke?

9 MS. WALD: Form.

10 THE WITNESS: I did smoke because you
11 people said no proof it was harmful.

12 BY MS. KENYON:

13 Q. Move to strike as nonresponsive.

14 So you didn't smoke Marlboro until 1990.

15 Are you aware that any ad you may have seen would
16 have contained a Surgeon General warning?

17 A. I do not remember.

18 Q. What magazines did you look at as a kid?

19 A. I do not remember.

20 Q. How do you know you even saw ads?

21 MS. WALD: Form.

22 THE WITNESS: I had two eyes then.

23 BY MS. KENYON:

24 Q. Do you recall -- do you remember any ads
25 for other products in magazines?

1 MS. WALD: Form.

2 THE WITNESS: Show me pictures and I
3 maybe could remember.

4 BY MS. KENYON:

5 Q. I'm asking you if you remember seeing
6 ads in magazines for other products?

7 A. I do not remember.

8 Q. You were also shown some ads for Basic
9 cigarettes. I'm going to hand you back Plaintiff
10 Exhibit 2 -- or Exhibit 3. Do you see at the bottom
11 there's a -- do you see the Surgeon General warning
12 label on that ad?

13 A. Yes.

14 Q. Do you want to flip through -- can you
15 flip through and confirm that the Surgeon General
16 warning is on every single Basic ad. Did you see
17 the ad? Did you see the Surgeon General warning on
18 every ad?

19 A. Yes.

20 Q. You didn't start smoking Basic until the
21 2000s sometime. So any ad you may have seen would
22 have contained a Surgeon General warning.

23 Are you aware of that?

24 A. Believe me, I do not remember things
25 about cigarettes. Wish I did.

1 Q. You seem to remember when your attorney
2 was asking you?

3 MS. WALD: Well, objection. That's not
4 a question.

5 MS. KENYON: I'll withdraw my question.

6 MS. WALD: She's not asking a question,
7 Sandra. Wait for a question.

8 BY MS. KENYON:

9 Q. Even though you testified that you crave
10 cigarettes now, you have never smoked another
11 cigarette after your surgery, have you?

12 A. No.

13 MS. WALD: Form.

14 THE WITNESS: Would you?

15 BY MS. KENYON:

16 Q. That -- you told Ms. Wald that you heard
17 statements from tobacco companies in the late '80s
18 or early '90s that there was no proof smoking was
19 harmful so you kept smoking.

20 Did you hear messages on the same news
21 programs that smoking was dangerous?

22 MS. WALD: Form.

23 BY MS. KENYON:

24 Q. Dangerous.

25 A. I do not remember.

1 Q. You said you heard this on a lot of
2 channels. Is it your testimony that it was only the
3 tobacco companies denying that there was no proof
4 that cigarette was dangerous?

5 MS. WALD: Form.

6 THE WITNESS: That's what I saw and
7 heard.

8 BY MS. KENYON:

9 Q. Never heard a news program that smoking
10 was dangerous?

11 MS. WALD: Form.

12 THE WITNESS: I do not know. I do not
13 remember.

14 MS. KENYON: Those are all the questions
15 I have. I believe Ms. Luther is going to have some.

16 MS. LUTHER: I do.

17 MS. WALD: Don't ask any question,
18 Sandra.

19 MS. LUTHER: We're close, really close.

20 EXAMINATION

21 BY MS. LUTHER:

22 Q. These are what were marked by your
23 attorney as Exhibit 1. Okay. I'm going to have to
24 repeat my question because I forgot to put on my
25 microphone.

1 These are the exhibits -- these
2 documents were marked by your attorney as Composite
3 Exhibit 1. They are advertisements for L&M,
4 correct?

5 A. Correct.

6 Q. One advertisement looks like it's an
7 architect; is that right? An architect. If you're
8 not sure, that's fine. Let me see them for just two
9 seconds. Thank you.

10 There isn't an entire person in either
11 of these ads, right? It's just the hands of a man
12 in each of the ads. Do you agree?

13 A. Correct.

14 Q. Is it your testimony that these ads made
15 smoking look cool to you?

16 A. Yes.

17 Q. And what is it about these particular
18 ads that made smoking look cool to you?

19 A. They were all over billboards,
20 magazines.

21 Q. So is it just the fact that they were
22 published that you think made them look cool?

23 A. It looked cool.

24 Q. But what about these particular ads?
25 You think that's cool?

1 MS. WALD: Form.

2 THE WITNESS: People golfing, smoking,
3 other one, drawing, smoking.

4 BY MS. LUTHER:

5 Q. Were you ever interested in golfing?
6 Were you ever --

7 MS. WALD: I don't think she answered.

8 THE WITNESS: No.

9 BY MS. LUTHER:

10 Q. Sorry. I take that back. Were you ever
11 interested in golf?

12 A. No.

13 Q. And were you ever interested in drawing?

14 A. I did like to draw when young. Not now.

15 Q. Do you know what an architect is?

16 A. (Nods head in the affirmative.)

17 Q. Did you ever want to be an architect.

18 A. Yes.

19 MS. WALD: You asked two questions in
20 one. She was answering yes to your second one.

21 BY MS. LUTHER:

22 Q. You know what an architect is?

23 A. Yes.

24 Q. And I have to retract my statement
25 because after looking --

1 MS. WALD: She just wants to clarify
2 that she doesn't want to be an architect, I think.

3 BY MS. LUTHER:

4 Q. You never wanted to be an architect?

5 A. (Shakes head in the negative.)

6 Q. There you go. And looking at this
7 closer, it has nothing to do with being an
8 architect, it's a person charting --

9 MS. WALD: Let her ask the question,
10 Sandra.

11 BY MS. LUTHER:

12 Q. Do you know what this ad is, what's
13 depicted in that top ad?

14 MS. WALD: Form.

15 BY MS. LUTHER:

16 Q. He's on a boat? Can you point? He's
17 charting a course on a boat, is that what the ad is?

18 A. On a boat.

19 Q. Okay. Did you ever want to be a boat
20 captain?

21 A. No, but enjoyed boat rides.

22 Q. Me too. As long as it's someone else's
23 boat.

24 Do you remember how old you were when
25 you saw the Johnny, the bell hop ad? The video that

1 your attorney showed you earlier for Johnny, the
2 bell hop?

3 A. Late '50s, '60s.

4 Q. That's your recollection?

5 A. (Nods head in the affirmative.)

6 MS. WALD: Can you point? Can you point
7 to an answer?

8 THE WITNESS: Correct.

9 MS. WALD: Thank you, Sandra.

10 BY MS. LUTHER:

11 Q. And thank you for staying on top of
12 that. I'm getting sloppy in my old age.

13 One last question maybe. Do you agree
14 that it would have been easier for you to stop
15 smoking in the 1960s than it was in 2017?

16 MS. WALD: Form.

17 THE WITNESS: All I can say, if tobacco
18 company was honest with the people, I know I would
19 have never smoked.

20 BY MS. LUTHER:

21 Q. And I appreciate that that's your
22 position, but can you answer the question that I
23 asked you.

24 Would it have been easier for you to
25 quit if you had tried in the '60s, than when you

1 finally did quit --

2 A. No.

3 Q. -- in 2017?

4 A. No.

5 Q. And why do you think that's the case?

6 A. I was already addicted.

7 Q. Do you think your addiction remained
8 constant throughout the time that you smoked?

9 MS. WALD: Form.

10 THE WITNESS: All the way till cancer.

11 BY MS. LUTHER:

12 Q. So in your opinion, your addiction to
13 smoking never got worse as the years went on?

14 MS. WALD: Form.

15 THE WITNESS: Yes, from one pack to two
16 is worse.

17 BY MS. LUTHER:

18 Q. So it would have been easier for you to
19 quit when you were only smoking one pack, right?

20 MS. WALD: Form.

21 THE WITNESS: No.

22 BY MS. LUTHER:

23 Q. Okay. You don't agree with that
24 statement?

25 MS. WALD: Form.

1 BY MS. LUTHER:

2 Q. Is that right? You don't agree with
3 that statement that it wouldn't have been easier for
4 you to quit when you were smoking one pack?

5 MS. WALD: Form.

6 THE WITNESS: No.

7 BY MS. LUTHER:

8 Q. Why do you think that is?

9 MS. WALD: Form.

10 THE WITNESS: Because I was already
11 addicted. Wanted more of them.

12 MS. LUTHER: Okay. I have no more
13 questions for you. Thank you, Mrs. Camacho.

14 MS. HENNINGER: I have just a quick one
15 or --

16 MS. WALD: One more attorney. Don't
17 write anything. There's no question. It's okay.

18 EXAMINATION

19 BY MS. HENNINGER:

20 Q. Have you ever heard of someone named
21 Luther Terry? Luther Terry. No?

22 MS. WALD: Can you point?

23 THE WITNESS: No.

24 BY MS. HENNINGER:

25 Q. When you were 17 or 18 in 1964, do you

1 recall the United States Surgeon General coming out
2 with a report that was all over the news linking
3 smoking with -- I didn't finish.

4 Do you recall all over the news in 1964
5 the United States Surgeon General Luther Terry going
6 on television with a report saying smoking causes
7 lung cancer?

8 MS. WALD: Form.

9 THE WITNESS: No.

10 BY MS. HENNINGER:

11 Q. Have you ever heard of the Surgeon
12 General of the United States?

13 A. I do not know. I only know what you
14 people said, remember.

15 Q. You don't remember anything?

16 MS. WALD: Form.

17 Wait for -- is there a question pending?

18 BY MS. HENNINGER:

19 Q. Yeah. You don't remember back into the
20 '60s; is that what you're telling me?

21 MS. WALD: Form.

22 BY MS. HENNINGER:

23 Q. Right?

24 A. Yes.

25 MS. HENNINGER: Okay. Those are all the

1 questions I have.

2 MS. WALD: All right. She is going to
3 read and we are concluding with this deposition.

4 THE VIDEOGRAPHER: That concludes
5 today's deposition of Sandra Camacho, Volume IV.
6 The time is 1:40 p.m. We are off the record.

7 (Plaintiffs' Exhibit 4 marked.)

8

9

10 (The deposition concluded at 1:40 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 8, 2021 at
10 9:04 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.

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

Karen L. Jones

KAREN L. JONES, CCR NO. 694

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