

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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*Attorneys for Petitioners, Sandra Camacho and Anthony Camacho*

1 Q. Right. So my question is, any information  
2 about her smoking prior to the time you met her is  
3 not based on your personal knowledge?

4 A. Yeah. I don't understand the question,  
5 ma'am. I'm sorry. Try to rephrase it so I can  
6 understand it right. I'm not picking that up.

7 Q. You didn't know her before 1978?

8 A. Right. I didn't know her.

9 Q. So you don't know anything about her  
10 smoking history before you met her?

11 A. Oh, no, ma'am.

12 MS. LUTHER: That's confusing. Does he  
13 agree with you?

14 BY MS. KENYON:

15 Q. I'll ask it again.

16 You do not have any personal knowledge  
17 about Mrs. Camacho's smoking prior to the time you  
18 met her in 1978; right?

19 A. No, ma'am.

20 MS. LUTHER: That's correct?

21 BY MS. KENYON:

22 Q. That's correct?

23 A. Yes.

24 Q. Do you know when Mrs. Camacho started  
25 smoking?

1           A.    I don't know that, ma'am.  I didn't know  
2   her at the time.  I just met her, and she was  
3   smoking, and it was okay with me.

4           Q.    Do you know anything about the  
5   circumstances surrounding her first cigarette?

6           A.    No, I don't know that.

7           Q.    You don't know where she was when she had  
8   her first cigarette?

9           A.    No, ma'am.

10          Q.    You don't know who she was with?

11          A.    No, ma'am.

12          Q.    You don't know what her reaction was?

13          A.    No, ma'am.

14          Q.    You don't know what brand her first  
15   cigarette was?

16          A.    No, ma'am.  Other than L&M when I met her.  
17   That's about it.

18          Q.    But you don't know what the first brand of  
19   cigarette she smoked was; right?

20                MS. WALD:  Form.

21                THE WITNESS:  No, ma'am.

22   BY MS. KENYON:

23          Q.    You don't know when Ms. Camacho smoked her  
24   second cigarette; is that right?

25          A.    No, ma'am.  I don't.

1 Q. You don't know when Mrs. Camacho became a  
2 regular, daily smoker; is that correct?

3 A. Right. I don't know that.

4 Q. You don't know when she started purchasing  
5 cigarettes?

6 A. I don't know that either, ma'am.

7 Q. You said that Mrs. Camacho was smoking L&M  
8 cigarettes when you met her?

9 A. When I met her, ma'am.

10 Q. Did she tell you why she smoked L&M  
11 cigarettes?

12 A. No, ma'am.

13 Q. Did she tell you why she smoked a filtered  
14 cigarette?

15 A. No, ma'am.

16 Q. Did you ever ask her why she was smoking a  
17 filtered cigarette?

18 A. No, ma'am.

19 Q. At any point did you ever have a  
20 conversation with Mrs. Camacho about why she smoked  
21 a filtered cigarette?

22 A. No, ma'am.

23 Q. And that's at any point in time. You never  
24 had a conversation with Mrs. Camacho about why she  
25 smoked a filtered cigarette?

1 MS. WALD: Form. Asked and answered.

2 THE WITNESS: No, ma'am.

3 BY MS. KENYON:

4 Q. Do you know why she smoked a filtered  
5 cigarette?

6 A. No, ma'am.

7 Q. How many cigarettes per day was  
8 Mrs. Camacho smoking when you met her in 1978?

9 A. I don't even want to guess. It was  
10 constantly smoking. I can't say how many.

11 Q. Did you ever count or track the number of  
12 cigarettes she smoked in a day?

13 A. No, not at all.

14 Q. Do you know how many cigarettes per day  
15 Mrs. Camacho was smoking at any point in time?

16 A. No, ma'am.

17 Q. Did the amount that she smoked ever  
18 increase or decrease?

19 A. I'm going to say increase. When we moved  
20 here, I guess.

21 Q. Do you know whether it increased when you  
22 moved here?

23 A. Yeah, when we moved here, it did increase.

24 Q. How many cigarettes a day was she  
25 smoking --

1 A. I don't know exactly.

2 Q. Let me finish the question.

3 How many cigarettes a day was Mrs. Camacho  
4 smoking when you moved to Las Vegas?

5 A. I don't know that.

6 Q. And you don't know how many cigarettes per  
7 day she was smoking when she quit?

8 A. No.

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

11 A. Yes.

12 Q. How do you define it?

13 A. People who light one up after another.

14 Q. Did you ever consider Mrs. Camacho to be a  
15 chain-smoker?

16 A. No, ma'am.

17 Q. From what you observed, is smoking  
18 something that Mrs. Camacho enjoyed?

19 A. No.

20 Q. Why not?

21 A. She was hooked on it. It couldn't be  
22 helped. But I know she didn't enjoy it. Once she  
23 smoked, she already got hooked on it, and she had to  
24 have it for some reason.

25 Q. How do you know that she didn't enjoy it?

1           A.    She told me.  She told me many times, "I  
2    would like to quit one day," but she was already  
3    hooked on it.

4           Q.    When did she tell you that?

5           A.    I don't know, ma'am.  Somewhere probably  
6    when we moved here.  Maybe in the middle 2000s  
7    sometime.  I don't really know the exact dates.  But  
8    she started getting concerned about it.  Like I  
9    said, she was having a hard time dealing with trying  
10   to get out of it.

11          Q.    When she said she would like to quit, did  
12   she actually make an effort to quit?

13          A.    Yes, ma'am.

14          Q.    Based on your observations, does smoking  
15   relax her?

16          A.    Yes, ma'am, it did.

17          Q.    Did smoking help her concentrate?

18          A.    I don't know if it did that, ma'am.  I  
19   don't know about that.

20          Q.    Did she enjoy smoking with you in the  
21   mornings and having coffee?

22          A.    Yes.

23                MS. WALD:  Object to form.

24   BY MS. KENYON:

25          Q.    When you were living in the River Grove

1 area, did Ms. Camacho smoke inside the home?

2 A. Yes, she did.

3 Q. Did that ever change?

4 A. Let me turn my machine. Sorry.

5 Q. Did that ever change, smoking inside your  
6 home?

7 A. In River Grove?

8 Q. Yeah.

9 A. She smoked in River Grove, and she smoked  
10 at our new home here in Las Vegas.

11 Q. Was that the Buckingham Estates?

12 A. Yeah, Buckingham. She smoked there too.

13 Q. Did she smoke inside the Wigwam address?

14 A. Yes, she did, ma'am.

15 MS. KENYON: Off the record.

16 (A break was taken.)

17 BY MS. KENYON:

18 Q. Did she smoke inside your current address?

19 A. This one?

20 Q. Yes.

21 A. Yes, ma'am. Right in that coffee table.

22 Q. Were there any rooms in the River Grove  
23 house that she did not smoke in?

24 A. River Grove?

25 Q. Uh-huh.



1           A.    Always contained to the kitchen because it  
2    had the coffee table. Or maybe in the front room  
3    where we watched TV, because they were not that big.  
4    She'd go there and light up and watch TV.

5           Q.    So if I understand you correctly, at the  
6    River Grove property she only smoked in the kitchen  
7    and the living room?

8           A.    Right, ma'am.

9           Q.    She didn't smoke in the bedrooms?

10          A.    No, ma'am.

11          Q.    And then in Las Vegas at the Buckingham  
12    Estates property was it the same, she only smoked in  
13    the kitchen?

14          A.    Yeah, only in the kitchen. For some reason  
15    she liked smoking in the kitchen.

16          Q.    She didn't smoke in the bedrooms?

17          A.    No, no. Absolutely not.

18          Q.    Why do you say "Absolutely not"?

19          A.    Because I didn't want a fire on a mattress  
20    or something. That was my biggest fear about  
21    smoking. Don't smoke in bed. You fall asleep or  
22    you drop an ash on a mattress, you can start a fire.  
23    So I enforced that. I said, "You stay here. Let's  
24    not do that in the bedroom because you can start a  
25    fire," which is true.

1 Q. So she never smoked in bed?

2 A. No, ma'am.

3 Q. Is it correct that she never smoked in bed  
4 at any of your properties, any of your homes?

5 A. No, ma'am, not our properties that we  
6 owned. I wouldn't allow it.

7 Q. When you moved to the Wigwam address, was  
8 it the same, where she would only smoke in the  
9 kitchen?

10 A. Yeah. She was always -- yeah. At these  
11 addresses she was always staying at the table for  
12 some reason.

13 Q. She never smoked in the bedrooms at the  
14 Wigwam address?

15 MS. WALD: Form.

16 THE WITNESS: No, ma'am.

17 BY MS. KENYON:

18 Q. When you moved to your current home, was it  
19 the same, where she would only smoke in the kitchen?

20 A. Yeah, right in there (indicating).

21 Q. She did not smoke in the bedrooms --

22 A. No.

23 Q. Let me finish.

24 A. I'm sorry.

25 Q. That's okay.

1           She did not smoke in the bedrooms of your  
2   current property?

3           A.    Never.

4           Q.    Did she keep her cigarettes in a certain  
5   place?

6           A.    On the coffee table, ma'am, with her  
7   lighter and ashtray.

8           Q.    And was the ashtray that was in the  
9   kitchen, is that the only ashtray you had in the  
10   home?

11          A.    And outside there, ma'am, on the patio. On  
12   the patio table.

13          Q.    And was that consistent in your other homes  
14   as well?

15          A.    If we had a patio or a porch, yes. We'd do  
16   the same thing in River Grove too.

17          Q.    So the only places you would have ashtrays  
18   in the home were in the kitchen and, if you had a  
19   patio, on the patio?

20          A.    Yeah.

21          Q.    No ashtrays in the bedroom?

22          A.    No, absolutely not.

23          Q.    Did you and Mrs. Camacho ever go to the  
24   movies?

25          A.    Sandra and I?

1 Q. Yeah.

2 A. We used to go until my injury. I couldn't  
3 sit through a movie.

4 Q. When you and Sandra would go to the movies,  
5 was she able to sit through the whole movie?

6 A. She would.

7 Q. Would she sit through the whole movie  
8 without smoking?

9 A. Yes, ma'am. She would try. I don't know  
10 if -- we have the casinos, all of them have the  
11 theaters. Maybe she said she was going to the  
12 bathroom. I don't know if she went to the lobby and  
13 lit up, which was allowed at the time. I don't know  
14 that.

15 Q. But to your knowledge, she would sit  
16 through an entire movie without smoking?

17 MS. WALD: Object to form.

18 THE WITNESS: Yeah. Unless she had to go  
19 to the bathroom. Then again, I don't know if she  
20 was going to the bathroom. I assume she was.

21 BY MS. KENYON:

22 Q. Right. I'm just asking what you know.

23 A. That's all I know. I know from my  
24 knowledge I never saw her get up to go light up.

25 Q. Were there certain people who she would not

1 smoke around?

2 A. Yes, ma'am. We're going back to Chicago.  
3 Okay? Her girlfriend Jan Puccio did not allow  
4 smoking in the house, and she didn't mind if Sandra  
5 wanted to go out in the patio. That was okay.

6 Q. Did Sandra follow that rule?

7 A. She had to. Yes, ma'am. Some of these  
8 people were strict about it. You go outside.

9 Q. Even though she had to smoke outside at  
10 Jan's home, did she still go and visit her friend?

11 A. Yeah, she had no problem with it. She just  
12 went out in the yard. And even if it was below  
13 zero, have her smoke and come back in the house.  
14 Even if it was below zero outside, she would light  
15 up and swallow the smoke and come back in because it  
16 was too cold.

17 Q. She never complained about having to go  
18 outside to smoke?

19 A. Never.

20 Q. Did she smoke while she was pregnant?

21 A. I don't know that. I wasn't around.

22 Q. When Laura and John had children, would  
23 Sandra smoke around her grandchildren?

24 A. Probably in the patio. Laura wouldn't  
25 allow her to be around the kids. The kids stayed in

1 the house. She went in the patio.

2 Q. Does Laura smoke inside her home?

3 A. No. Laura never did in her home, in this  
4 home here. She's got a setup in the patio.  
5 Strictly in the patio. Not even in the house. She  
6 doesn't -- you know, she don't want to, I guess,  
7 stain her furniture, she told me.

8 Q. Has Laura ever allowed smoking inside her  
9 home?

10 A. Never. Never.

11 Q. Has she ever asked Sandra not to smoke  
12 around her children?

13 A. No. She didn't have to ask. Laura  
14 wouldn't allow anybody to smoke around her children.  
15 You had to go in the patio.

16 Q. Did Sandra understand why she didn't  
17 want -- why Laura didn't want her smoking around her  
18 children?

19 MS. WALD: Form.

20 THE WITNESS: I guess she didn't want the  
21 kids to come in contact with the smoke. They're  
22 gonna smell like cigarettes then. She was concerned  
23 with the smoke going into her clothing and stuff.  
24 She always told the kids, "Stay in there," and they  
25 would. Whoever was there, that was their smoking

1 designated area.

2 BY MS. KENYON:

3 Q. Did Sandra -- strike that.

4 Did Laura ever say that she didn't want  
5 Sandra smoking around her kids because it was bad  
6 for their health?

7 MS. WALD: Form.

8 THE WITNESS: No, I never heard that. I  
9 never heard that. She was concerned with the smoke  
10 getting on their clothes and stuff. She had a term,  
11 like "reeking of smoke."

12 BY MS. KENYON:

13 Q. Did Sandra ever complain about having to  
14 smoke outside at Laura's?

15 A. Never.

16 Q. Before you met Mrs. Camacho in 1978, you do  
17 not know what she did on a daily basis; is that  
18 correct?

19 A. Right, ma'am. I didn't know.

20 Q. You don't know when she woke up?

21 A. No.

22 Q. Or when she went to work?

23 A. No.

24 Q. Or went to bed?

25 A. No.

1 Q. So I want to talk about your daily routine  
2 with her after you met her in 1978.

3 A. Daily routine?

4 Q. Yeah.

5 A. Husband and wife. I don't know.

6 MS. WALD: She's going to ask you  
7 questions.

8 BY MS. KENYON:

9 Q. I'm just letting you know where I'm going.

10 A. Okay.

11 Q. So when you were dating, you were not  
12 living with Mrs. Camacho; right?

13 A. No, I wasn't living there, ma'am.

14 Q. Do you know when you were dating what time  
15 she would wake up in the morning?

16 A. Get up early. She had the early shift at  
17 Denny's, at the restaurant, so she had to get up  
18 early to be there. I don't know what time that was,  
19 but it was early.

20 Q. You weren't there when she woke up?

21 A. No, ma'am.

22 Q. And you weren't there when she would have  
23 her first cigarette of the day?

24 A. No, ma'am. I wasn't living there.

25 Q. Do you know what time she would get home



1 during the day?

2 A. After her shift, whenever it ended in the  
3 afternoon.

4 Q. Do you know what she would do after she  
5 got home?

6 A. Say again?

7 Q. Do you know what she did when she got home?

8 A. I don't know that either, because she went  
9 home. I wasn't living there with her. I was just  
10 dating her. I don't know what she did when she  
11 got home.

12 Q. Do you know -- so is it fair to say you  
13 don't know if she would have a cigarette when she  
14 got home?

15 A. I don't know that. I wasn't there to know  
16 that.

17 Q. Do you know what time she went to bed?

18 A. I don't know that either.

19 Q. Do you know when she had her last cigarette  
20 of the day?

21 A. No, I don't know that either, ma'am.

22 Q. And then after you were married and you  
23 moved in with her --

24 A. Yes, ma'am.

25 Q. -- she was still working as a waitress?

1 A. Yes.

2 Q. What time did you wake up in the morning?

3 A. Sandra?

4 Q. What time did you wake up in the morning?

5 A. Well, I don't -- I worked mornings. So I  
6 can't give you a specific time, but it was maybe  
7 between 7:00 and 8:00, to be at work.

8 MS. WALD: What time frame are we talking  
9 about?

10 MS. KENYON: After they were married.

11 BY MS. KENYON:

12 Q. And she was still working at Denny's at  
13 that point; right?

14 A. Yes, ma'am.

15 Q. And she would work the early morning shift?

16 A. Yeah, she was morning shift.

17 Q. So did she wake up before you did?

18 A. Yes, ma'am.

19 Q. Did you see her in the mornings, before she  
20 went to work?

21 A. No.

22 Q. Were you still asleep -- strike that.

23 Do you know when she had her first  
24 cigarette of the day?

25 A. Probably in the morning because she always

1 did. She always had to have it lighting up.

2 Q. But you were asleep?

3 A. Right, I was asleep. But maybe she did get  
4 up. I don't know that.

5 Q. You don't know when she had her first  
6 cigarette of the day?

7 A. No, I don't, no.

8 Q. And then when she was working her shift at  
9 Denny's, how often would you see her while she was  
10 at work?

11 A. During lunch break I would stop by and see  
12 her.

13 Q. Would you see her every day?

14 A. Not every day, because I had a different  
15 schedule to keep with the airlines.

16 Q. How often would you stop by and see her  
17 during lunch break?

18 A. Probably once. If I was near the  
19 restaurant, I would stop once.

20 Q. Once a week?

21 A. No. Once a day, if I could.

22 Q. Between the time that she left for work and  
23 when you would stop by on a lunch break, do you know  
24 what she was doing?

25 A. Waiting on customers.

1 Q. Do you know how often or how much she was  
2 smoking during that time?

3 A. No, I have no idea.

4 Q. When you'd go visit her on a lunch break,  
5 on your lunch break, did she also take a break?

6 A. No. She -- not allowed to do that. She  
7 had to wait on the customers.

8 Q. Do you know how much she would smoke while  
9 you were there during your lunch break?

10 A. Oh, I don't know that either.

11 Q. And then after you left, would she finish  
12 out her shift?

13 A. She would finish whenever she'd finished in  
14 the afternoon sometime.

15 Q. Do you know how much she was smoking during  
16 that time?

17 A. Oh, I don't know that. I wasn't present to  
18 see that.

19 Q. After she got off, after she finished her  
20 shift, what did she do?

21 A. I don't know what she did. She probably  
22 came straight home.

23 Q. When did you get off work?

24 A. I had a different schedule from her. I  
25 don't know either. My schedule kept changing all

1 the time because I had to keep up with the airline  
2 schedule.

3 Q. So in the evenings when would you see  
4 Mrs. Camacho again?

5 A. Whenever I got home from whatever shift I  
6 was working. Whenever everything was done, I would  
7 go home. My hours were not flexible hours. They'd  
8 change according to the airline schedules. It was  
9 an airline. I was responsible for being out there  
10 when these planes arrived.

11 Q. During that time when you were working, you  
12 did not see Mrs. Camacho; right?

13 A. I saw her. We didn't have a set time  
14 schedule.

15 Q. When you were working, when you were on  
16 shift, you would not see her?

17 A. I'd stop there when I could on my lunch,  
18 whenever that was. Sometimes I got there and she  
19 was already gone.

20 Q. After she got off work, if you were still  
21 working, you did not see her during that time?

22 A. Sometimes I did. It depends. Again, if  
23 she was there at 1:00, and I had a schedule change,  
24 I would see her at 1:00. If not, I didn't see her.  
25 I would miss her. It was all different times.

1 Q. When she got off work in the afternoons --  
2 strike that.

3 Would you and Sandra have dinner together?

4 A. Have dinner together?

5 Q. Yeah, in the evenings.

6 A. Sometimes, if my schedules didn't change,  
7 we did enjoy dinner together. If not, there was no  
8 dinner for me.

9 Q. Were there some times when you wouldn't see  
10 her --

11 A. There was times when I didn't see her at  
12 work because my schedule changes all the time.

13 Q. Were there some times when she would  
14 already be in bed when you got home from your work?

15 A. Yes, ma'am.

16 Q. On those days, do you know how much she was  
17 smoking during that time?

18 A. I don't know that. I wasn't present to see  
19 that. I was at work.

20 Q. So you don't know when she had her last  
21 cigarette of the day?

22 A. No, I don't. I wasn't present to see that.

23 Q. And on days when you would be home for  
24 dinner, was Mrs. Camacho the one who cooked the  
25 dinners?

1 A. Of course.

2 Q. Did you ever help with the cooking?

3 A. No. Never.

4 Q. And when you were home for dinner, did  
5 Mrs. Camacho smoke when you guys were home together?

6 A. Yeah. When we were home together, we  
7 smoked.

8 Q. Would she smoke while she was cooking?

9 A. Yeah. She did that a lot.

10 Q. Would she smoke while you were sitting down  
11 eating dinner, like during dinner?

12 A. After dinner. At the table after dinner  
13 she would light up. As soon as she got done, light  
14 up.

15 Q. Did she enjoy having a cigarette after a  
16 meal?

17 MS. WALD: Object to form.

18 THE WITNESS: I don't know if she enjoyed  
19 it or not. She just lit up.

20 BY MS. KENYON:

21 Q. She did not smoke during the meal?

22 A. No, never. It was always a habit, when we  
23 got done, for some reason we would light up.

24 Q. And what would you guys do after you  
25 finished dinner?

1           A.    I don't know.  If we felt energetic, go  
2   visit friends.  If not, we'd just watch TV.

3           Q.    What time did she go to bed?

4           A.    Different times.  It depends.  If she had  
5   to go to work, she was in bed.  Or I would stay up.  
6   Or sometimes we'd both go to bed and sleep.

7           Q.    Do you know how many cigarettes she would  
8   smoke between having that cigarette after a meal and  
9   going to bed?

10          A.    She would get up in the middle of the night  
11   and have one.  That's for sure.

12          Q.    That wasn't my question.

13                Do you know how many cigarettes she would  
14   have between the time that she finished her meal and  
15   went to bed?

16          A.    I don't know that because I was already  
17   sleeping.  I don't know if she got up and lit up and  
18   went back.  I don't know that.

19          Q.    Did she ever wake up in the middle of the  
20   night to smoke?

21          A.    Yeah.  She did that a lot.

22          Q.    Do you know -- did she have problems  
23   sleeping?

24          A.    I don't know that.  Sometimes she just  
25   slept right through.  Sometimes she got up for



1     whatever reason.

2           Q.    Do you know if it was a situation where she  
3     just got up and had to use the restroom and decided  
4     to have a cigarette?

5           A.    I think we both got up for bathroom breaks  
6     for some reason during the middle of the night.

7           Q.    Do you know whether she would smoke when  
8     she got up?

9           A.    Sometimes she didn't come back to the room.  
10    She would light up and then go back.

11          Q.    If she did smoke in the middle of the  
12    night, she was doing it in the kitchen?

13          A.    Yeah, in the kitchen.

14          Q.    Do you know how often she would get up in  
15    the middle of the night to smoke?

16          A.    No, I don't, ma'am.  Sorry.

17          Q.    Was that -- the daily routine we just went  
18    over, was that consistent throughout the time that  
19    you lived in River Grove?

20          A.    Yeah, it was consistent.

21          Q.    And then once you both moved to Las Vegas,  
22    did your daily routine change?

23          A.    Same habit.

24          Q.    The shift work that she did at 7-Eleven and  
25    Texaco, she still had the early morning shifts;

1 right?

2 A. Yeah, early morning shift.

3 Q. Would she be up and out the door before you  
4 were up?

5 A. Yes, ma'am.

6 Q. So you did not see her smoking routine in  
7 the morning?

8 A. No.

9 Q. And then were you home in the evenings with  
10 her when you moved to Las Vegas?

11 A. In Las Vegas, yeah, most of the time if I  
12 wasn't working a different shift. Like at Hertz  
13 Rent-a-Car, it was a different shift. When I was a  
14 crazy bus driver, it was regular hours, 4:00 to  
15 12:00 midnight. And then of course we would bid on  
16 shifts. That would change. Sometimes I would be  
17 home for dinner; sometimes no. Because my shifts  
18 always changed with the rent-a-car company.

19 Q. So on days that you worked a midnight  
20 shift, is it fair to say you didn't see Mrs. Camacho  
21 during that time?

22 A. When I worked a graveyard shift?

23 Q. Yeah.

24 A. Yeah, I wouldn't see her -- by the time I  
25 got off from the bus company, she was already gone

1 to work.

2 Q. So you don't know anything about her  
3 smoking during that time?

4 A. No. Not at all, ma'am.

5 Q. And when you would be home for dinner,  
6 would she smoke while she was cooking?

7 A. Yes, ma'am.

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

10 MS. KENYON: I'm talking about a different  
11 time period. I'm talking about in Las Vegas. So it  
12 hasn't been asked and answered.

13 BY MS. KENYON:

14 Q. Then what did you and Mrs. Camacho do in  
15 the evenings when you were living in Las Vegas?

16 A. If I was home, we'd watch TV. And on my  
17 days off, we would go out. On working days we would  
18 stay in and get ready for work the next day.

19 Q. Would you go out to South Point?

20 A. Only on our days off. If we had the money,  
21 we would go. If not, we would stay home.

22 Q. Do you know how much she smoked between the  
23 time you got home for dinner and when she went to  
24 bed?

25 A. I don't know that.

1 Q. Do you know when she would smoke her last  
2 cigarette of the day?

3 A. Before going to bed, I guess.

4 Q. Do you know?

5 A. Yeah. Most of the time she lit up her last  
6 cigarette if I was present. She had a habit of  
7 doing that. I witnessed that she would smoke and  
8 then go to bed. That was the last one of the day.

9 Q. When you were living in Las Vegas, do you  
10 recall her ever waking up in the middle of the night  
11 to smoke?

12 A. Yes. Many times.

13 Q. How often?

14 A. I don't know that, but she did wake up in  
15 the middle of the night to smoke. I don't know if  
16 it was one or two times, but she did get up and  
17 smoke.

18 Q. Do you know if she got up specifically to  
19 smoke or if something else woke her up?

20 A. I don't know that. All I know, if she was  
21 going to light up, she lit up. If she was going to  
22 the bathroom, she'd go to the bathroom. I didn't  
23 keep tabs on that, ma'am.

24 Q. Did you ever get up in the middle of the  
25 night to smoke?

1 A. Yes, here and over at the other homes.

2 We'd smoke and then go right back to bed.

3 Q. So that was during the time when you lived  
4 in Las Vegas?

5 A. Yeah, Las Vegas.

6 Q. Mrs. Camacho drinks coffee; right?

7 A. Yes, ma'am.

8 Q. Did she smoke while she was drinking  
9 coffee?

10 A. Yes, ma'am.

11 Q. Is that something that she seemed to enjoy  
12 doing?

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

15 THE WITNESS: She just did it. I don't  
16 know if she enjoyed it. But she did it. I don't  
17 know about the enjoyment in it, but that was her  
18 habit.

19 BY MS. KENYON:

20 Q. She would smoke and drink coffee?

21 A. Right, ma'am.

22 Q. Have you ever bought cigarettes for  
23 Mrs. Camacho?

24 A. Yes, ma'am. All the time.

25 Q. Were you the one who primarily bought

1 cigarettes for you and Mrs. Camacho?

2 A. Yeah. I would go get them at the smoke  
3 shop.

4 Q. What smoke shop was that?

5 A. The one over here on Silverado. I think  
6 it's 430 East Silverado, in the Walmart center.  
7 There's a smoke shop there. I don't have the exact  
8 address, but I know it's 400 East.

9 Q. Did you ever buy cigarettes anywhere else?

10 A. Walgreens, 7-Eleven. Anywhere they carry  
11 Basic, ma'am. There was a lot -- Basics were easy  
12 to get to.

13 Q. Did you ever buy cigarettes for her while  
14 you guys were living in the Chicago area?

15 A. Yeah.

16 Q. Where would you buy them when you were  
17 living in Chicago?

18 A. At convenience stores.

19 Q. Did you ever buy cigarettes at the 7-Eleven  
20 where you worked for Mr. and Mrs. Yost?

21 A. If Sandra called me and asked me to bring  
22 them, I would buy what she needed and bring them  
23 home.

24 Q. Have you ever refused to buy cigarettes for  
25 Mrs. Camacho?

1 A. No, ma'am.

2 Q. Is there anyone else who's ever bought  
3 cigarettes for her?

4 A. Probably my stepdaughter, Laura.

5 Q. Do you know that for sure?

6 A. Yes. If she was on her way here or  
7 something, Sandra would ask her to stop and get her  
8 something at one of the stores.

9 Q. Do you know whether Mrs. Camacho ever  
10 received free cigarettes?

11 A. No, ma'am. I don't know that.

12 Q. To your knowledge, has Mrs. Camacho ever  
13 bought cigarettes directly from a cigarette  
14 manufacturer?

15 A. Yes. From the convenience stores.

16 Q. To your knowledge, has Mrs. Camacho ever  
17 bought cigarettes abroad, overseas?

18 A. No, not at all.

19 Q. When Mrs. Camacho would buy cigarettes,  
20 where would she purchase them?

21 A. At the smoke shop, Walgreens, 7-Eleven.  
22 Whoever carried Basics.

23 Q. Was that the same when you were smoking  
24 Marlboro as well?

25 A. Marlboros were easy to get to, but they

1       were expensive. So that's why we switched to Basic.

2           Q. To your knowledge, has Mrs. Camacho ever  
3       used coupons or special promotions to purchase  
4       cigarettes?

5           A. Not to purchase cigarettes.

6           Q. She's never used a coupon to get a discount  
7       on cigarettes?

8           A. No, ma'am.

9           Q. Did she collect Marlboro Miles?

10          A. Me. Not her.

11          Q. You collected Marlboro Miles?

12          A. Yes, ma'am.

13          Q. Did you use her packs?

14          A. Yeah. I took -- when we were smoking the  
15       Marlboros, we would collect the miles. I would take  
16       Laura's miles. And then at work, people would throw  
17       away their packages, and I would rip them up.

18                 And back in the day, Silverado wasn't  
19       there. It was just a dirt road. I used to walk up  
20       and down collecting miles.

21          Q. When did you start collecting Marlboro  
22       Miles?

23          A. As soon as I received the catalog in the  
24       mail.

25          Q. Were you already smoking Marlboro at the



1 time?

2 A. Yeah.

3 Q. So you did not start smoking Marlboro  
4 because of the miles?

5 A. No, not because of that. We were already  
6 smoking, ma'am.

7 Q. Can you just explain to me how the Marlboro  
8 Miles program worked?

9 A. Yes. If I wanted, like, for instance, the  
10 duffel bags, the catalog would have how many miles  
11 you'd have to save. If I wanted a specific item, I  
12 would save for that. I would bundle them in 20  
13 coupons and then mail it to Marlboro.

14 Like I said, they were all different.  
15 Maybe I needed 500 miles for the bags or for the  
16 lantern or whatever. They were different miles.  
17 Some were more miles for the better stuff like those  
18 duffel bags. I would save the miles for the bags,  
19 send them in, and then they would ship it to me.

20 Q. Do you know how many miles each pack of  
21 cigarettes was?

22 A. I can only say they had the bar code for  
23 the miles. And I don't want to guess. I'll just  
24 tell you maybe it said maybe one specific number. I  
25 would look at the specific number, and then I would

1 start gathering. You know what I mean?

2 But the actual bar code with the coupon,  
3 that would always stay the same. You would have to  
4 collect them. If this coupon was a hundred miles,  
5 that number stayed like that. So then, you know,  
6 you have to save what the catalog would tell you.

7 Q. You've alluded to this, and we took  
8 photographs. You still have four of the items that  
9 you received from the Marlboro Miles program?

10 A. Yes, ma'am. The two bags, two lanterns,  
11 and I believe my Leatherman. I used to get them in  
12 little white boxes. Like I said, those were cheap.  
13 I used to send in, and I used to get them and just  
14 give them away to friends.

15 Q. You're talking about the Leatherman knife?

16 A. Leatherman knife.

17 Q. It's sort of like a pocketknife?

18 A. Yeah. It's a folding knife, and you open  
19 it, and it's got multi-tools for survival.

20 Q. Do you know how many of those knives you  
21 got over the years?

22 A. I'm going to estimate about five. I used  
23 to -- I never did it all together. I would save for  
24 one, send in. I would wait, look around for  
25 another.

1 Q. Do you know how many miles the knives were?

2 A. No, ma'am. That was -- I'm going to say  
3 that's going back 20 years. Somewhere in that area.

4 Q. Did you enjoy collecting the Marlboro  
5 Miles?

6 A. Yeah. I had fun doing it.

7 Q. You said you also got a lantern?

8 A. Yeah. My grandson has the other one in  
9 Reno. He's in college. He took it to Reno with  
10 him.

11 Q. Do you know how many miles the lantern  
12 cost?

13 A. No, ma'am. I have no knowledge. I can't  
14 even remember. All I know is I was real good at  
15 collecting them, especially when I worked at the bus  
16 company. The bus drivers would always sell me  
17 theirs if they didn't. Because there was a lot of  
18 people saving them. Some didn't care. Some of them  
19 saved it for me. That's how I got so many.

20 Q. You have two red Marlboro duffel bags?

21 A. Yes, ma'am.

22 Q. They're large?

23 A. Large.

24 Q. Large size with wheels on them.

25 Do you know how many miles the bags cost?

1 A. No, ma'am.

2 Q. Why did you keep all the Marlboro gear  
3 after you and Sandra quit smoking?

4 A. I have more, but some of them weren't as  
5 good as the bags and the lanterns. So I kept those.  
6 Because the lanterns, I always wanted the railroad  
7 lanterns, and I kept them. So that. And the bags  
8 for traveling, and they're handy for that.

9 Q. So even though you blame Philip Morris for  
10 your wife's injuries, you kept the bags and the  
11 lantern?

12 A. Yeah.

13 MS. WALD: Object to form.

14 THE WITNESS: Yeah, I kept them. I don't  
15 know -- I just kept them. I earned them, and I kept  
16 them. I didn't want to get rid of them.

17 BY MS. KENYON:

18 Q. Do you still use the bags today?

19 A. Yeah. Sometimes I use -- yes, I do.

20 Q. Do you still use the lantern and the knife?

21 A. At nighttime, yes.

22 Q. Did Mrs. Camacho ever look through the  
23 Marlboro catalog?

24 A. Yeah, she would look through it, but she  
25 wasn't interested or nothing. I was more interested

1 in the catalogs.

2 Q. When you would have to fill out the order  
3 form, was it you that filled them out, or did your  
4 wife fill them out?

5 A. I did, ma'am.

6 Q. Did you ever fill out an order form on  
7 behalf of Mrs. Camacho?

8 A. No. I would fill out with my information.

9 Q. Did you continue collecting Marlboro Miles  
10 after you switched to Basic?

11 A. No. We stopped altogether.

12 Q. So you didn't continue smoking Marlboro  
13 because of the promotional program?

14 A. I couldn't get no more miles and no more  
15 jobs where I knew people, so I just gave up on it.

16 Q. Do you recall there ever being a time where  
17 the Marlboro Miles stopped, or the program stopped?

18 A. I don't know when they stopped, ma'am. I  
19 don't know when they stopped.

20 Q. Were you still smoking Marlboro at that  
21 time, or had you switched?

22 A. Basics.

23 Q. Do you remember the Marlboro Miles  
24 promotion ending?

25 A. No, I don't know that at all. I don't know

1     when it terminated.

2           Q.    Did Mrs. Camacho ever sign up to receive  
3     any coupons or promotions from a tobacco company?

4           A.    Not that I know of, ma'am.

5           Q.    Did she ever try a new brand solely because  
6     of the coupon or promotion?

7           A.    No.

8           Q.    Did you ever try a new brand solely because  
9     of the coupon or promotion?

10          A.    No, ma'am.

11          Q.    Did you ever receive coupons for a brand in  
12     the mail?

13          A.    Not that I remember, no.

14          Q.    Did Mrs. Camacho?

15          A.    I don't know that, ma'am.

16          Q.    The order forms you would fill out for the  
17     Marlboro merchandise, do you recall anything on the  
18     order form?

19          A.    Like items?

20          Q.    Do you recall what the order form said?

21          A.    No. I never paid attention to that. I  
22     just pay attention to filling in my information for  
23     mailing, checking off on the miles that I'm sending  
24     in and the special envelope that I had, and that's  
25     all I remember about it. I don't know nothing about

1 it. Just from my experience filling it out and  
2 making sure they got the right miles.

3 Q. So you were primarily focused on what you  
4 were getting back?

5 A. Exactly.

6 Q. You weren't paying attention to what was  
7 written on the order form?

8 A. No, ma'am.

9 Q. To your knowledge, did Mrs. Camacho ever  
10 complete any surveys or sweepstake entries with  
11 tobacco companies?

12 A. No, ma'am.

13 Q. Have you ever completed any cigarette  
14 surveys or sweepstake entries?

15 A. No, ma'am.

16 Q. Did you ever complete any cigarette surveys  
17 or sweepstake entries on behalf of Mrs. Camacho?

18 A. No, ma'am.

19 Q. Did she ever complete any cigarette surveys  
20 or sweepstake entries on behalf of you?

21 A. I don't know that, ma'am.

22 Q. Did Mrs. Camacho ever try a low-nicotine  
23 cigarette?

24 A. Not that I know of.

25 Q. Or a de-nicotized cigarette?

1 A. Not that I know of.

2 Q. Has Mrs. Camacho ever used any other form  
3 of tobacco?

4 A. Just the three brands I told you.  
5 That's it.

6 Q. And I'm asking you specifically about other  
7 forms of tobacco, like a pipe or a cigar.

8 A. Oh, no, ma'am.

9 Q. Has she ever used an e-cigarette?

10 A. Not to my knowledge. I don't know that.

11 Q. Has she ever smoked marijuana?

12 THE WITNESS: Do I have to answer that?

13 MS. WALD: Yes.

14 THE WITNESS: Yes, she did.

15 BY MS. KENYON:

16 Q. When?

17 A. I guess when we moved here.

18 Q. How often?

19 A. Not very often.

20 Q. When's the last time she smoked marijuana?

21 A. I don't know that, but -- I don't know how  
22 many years ago, but it wasn't -- we just tried it a  
23 few times. I don't know. Maybe five, six years ago  
24 maybe we tried it.

25 Q. Was anyone with you?



1 A. No. Just my wife and I.

2 Q. Has she ever used any products derived from  
3 the marijuana plant?

4 MS. WALD: Object to form.

5 THE WITNESS: No, she never used that.

6 BY MS. KENYON:

7 Q. Like gummies or hemp oil?

8 A. No.

9 Q. Does Mrs. Camacho drink alcohol?

10 A. No.

11 Q. Has she ever?

12 A. No.

13 Q. Mrs. Camacho is not currently smoking;  
14 correct?

15 A. She can't smoke. No, ma'am, she don't  
16 smoke.

17 Q. When did she quit smoking for good?

18 A. Four years ago when she was diagnosed.

19 Q. Why did she quit at that time?

20 A. She couldn't smoke no more. She was  
21 suffering, and she just didn't want to smoke  
22 anymore.

23 Q. Did her doctors tell her to quit?

24 A. No. She did it on her own.

25 Q. Did she make the decision to quit?

1           A.    Yeah.  She had to because she knew what was  
2   coming when she was diagnosed.  She got really  
3   scared.  A lot of crying.  Like she thought she was  
4   going to die.

5           Q.    How did she quit?

6           A.    Cold turkey.

7           Q.    Is there anything anyone could have told  
8   her to make her quit smoking sooner?

9           MS. WALD:  Form.

10          THE WITNESS:  I don't think so.

11   BY MS. KENYON:

12          Q.    How did she act when she quit?

13          A.    Well, she was concerned with her medical  
14   problem.  She was real scared.  A lot of crying and  
15   scared, constantly thinking she was going to pass  
16   and all that.

17          Q.    After she quit, was she able to carry on  
18   with her daily responsibilities?

19          MS. WALD:  Form.

20          THE WITNESS:  Yes.

21   BY MS. KENYON:

22          Q.    Was she able to carry on with her daily  
23   activities?

24          A.    Yeah, she did.  You know, keeping up the  
25   house and cooking and everything.

1 Q. After she quit, was there anything she  
2 couldn't do?

3 A. Well, other than when she was operated,  
4 there's a lot of stuff she couldn't do.

5 Q. Specifically related to when she quit  
6 smoking though, was there anything after she quit  
7 smoking that she could not do?

8 A. No. She was still doing everything all the  
9 way until the surgery.

10 Q. After she quit for good four years ago, she  
11 has never smoked another cigarette?

12 A. No, ma'am.

13 MS. KENYON: Let's take a five-minute  
14 break.

15 (A break was taken.)

16 BY MS. KENYON:

17 Q. We're back on the record. Are you ready to  
18 go?

19 A. Yes, ma'am.

20 Q. Feeling okay?

21 A. Yes.

22 Q. We've talked about the fact that you and  
23 Mrs. Camacho met in 1978. Is it fair to say that  
24 you have no personal knowledge about whether  
25 Mrs. Camacho ever quit smoking before 1978?

1 A. '78?

2 Q. Right. Before the time you met her, you  
3 have no personal knowledge?

4 A. Right. I have no knowledge of that. I  
5 didn't know her at the time.

6 Q. Let me just get my question out really  
7 quick.

8 You have no personal knowledge about  
9 whether Mrs. Camacho quit smoking before you met her  
10 in 1978; is that correct?

11 A. Yes, ma'am. I don't know that.

12 Q. While you were living in River Grove with  
13 Mrs. Camacho, did she ever quit smoking?

14 A. No.

15 Q. When you moved to Las Vegas and were living  
16 at the Buckingham Estates address, did Mrs. Camacho  
17 ever quit smoking?

18 A. No, ma'am.

19 Q. When you were living at the Wigwam address,  
20 did Mrs. Camacho ever quit smoking?

21 A. No, ma'am.

22 Q. Prior to the time when she permanently quit  
23 four years ago and you were living at your current  
24 address, did Mrs. Camacho ever quit smoking?

25 MS. WALD: Form.

1 THE WITNESS: When she was diagnosed.

2 BY MS. KENYON:

3 Q. Yes. Before the time that she permanently  
4 quit smoking when she was diagnosed, did she ever  
5 quit smoking?

6 A. She quit smoking when she was diagnosed,  
7 ma'am.

8 Q. Right. So you told me that you moved to  
9 your current address, the 531 Morning Mauve, in 2007  
10 or 2008; right?

11 A. Yes, ma'am.

12 Q. And Mrs. Camacho permanently quit smoking  
13 four years ago.

14 A. Yes, ma'am.

15 Q. So that would be about 2018?

16 A. Okay. I guess so, four years ago.

17 Q. Sorry. My math is wrong. 2017. Four  
18 years ago would be 2017.

19 A. That sounds about right.

20 Q. So she quit smoking permanently in 2017?

21 A. Yes, ma'am.

22 Q. So from the time you moved to this address  
23 in 2007 or 2008 until the time that she permanently  
24 quit in 2017, did Mrs. Camacho ever quit smoking?

25 A. She quit, yes, ma'am.

1 Q. When is the first time you recall her ever  
2 quitting smoking?

3 A. Well, when she was diagnosed four years  
4 ago.

5 Q. Is that the only time you ever recall her  
6 quitting smoking?

7 A. Yes, ma'am.

8 MS. WALD: Form. Mischaracterizes his  
9 previous testimony.

10 BY MS. KENYON:

11 Q. Did you ever see her throw away her matches  
12 and lighters in an effort to quit smoking?

13 A. Yes, ma'am.

14 Q. When?

15 A. Probably in the middle of 2000s sometime,  
16 she threw her cigarettes away.

17 Q. I'm confused, because you just said between  
18 2007 and 2017 that she never quit smoking.

19 A. She tried to quit, ma'am. Not quit. In  
20 the middle, around -- somewhere around the middle of  
21 2000s somewhere, '05 or '06, she was trying to. She  
22 threw away her cigarettes. She did all kinds of  
23 stuff to try to quit. She did not quit.

24 Q. You say she threw away her cigarettes in  
25 the mid-2000s?

1           A.   Somewhere in there. I'm not specific on  
2   the year, but she did try. She tried hiding them,  
3   breaking them, throwing them away, putting away  
4   ashtrays. Nothing worked. She went right back  
5   to it.

6           Q.   When she threw her cigarettes out in an  
7   effort to quit, did she actually quit smoking for  
8   any period of time?

9           A.   No. Next day back to the same thing again,  
10   smoking.

11          Q.   Do you think she actually wanted to quit at  
12   that time?

13          A.   She tried. Because when she tried, her  
14   attitude changed. She became meaner toward me. She  
15   was real hostile about everything. She needed the  
16   cigarette, I guess. When she went back on it, she  
17   was okay again with her attitude.

18          Q.   But for any period of time did she actually  
19   not smoke when she threw her cigarettes away?

20          A.   Maybe just one day, ma'am, the most, that I  
21   recall. I don't know if it was longer. But like I  
22   told you, she probably just went that one day or  
23   two, and there was no way she could do it. She just  
24   turned into a different person.

25          Q.   Do you know if she even went one day

1 without smoking?

2 A. I don't think so. I don't think so, ma'am.

3 Q. Why did she start smoking again?

4 A. I guess she needed whatever was in the  
5 cigarettes. She needed it. She was hooked on it,  
6 and she needed it.

7 Q. Did she tell you that?

8 A. She said, "Yes, Tony it's hard, it's hard."  
9 She even cried. She said, "I need one."

10 I don't know what was in the cigarette. I  
11 wasn't about to tell her to stop when I was sneaking  
12 out smoking.

13 Q. Did you try to quit with her when she threw  
14 her cigarettes away?

15 A. No. I was no help.

16 Q. Why didn't you quit with her?

17 A. Huh?

18 Q. Why not?

19 A. Because I was sneaking out doing it behind  
20 her back where she wouldn't know. I made off like I  
21 was doing it, but I was either in the RV or on the  
22 side of the garage between the two houses. Go out  
23 there and light one up, put it away, and come back  
24 later. She didn't know. But meanwhile, she was  
25 there suffering.



1           It didn't last long. She went on it real  
2 quick again. She was hooked big time. She thought  
3 she was in her deathbed, I'd better quit.

4           And then I started getting scared and said  
5 I'd better quit.

6           Q. I'm specifically talking about the  
7 mid-2000s she threw her cigarettes away. She didn't  
8 think she was on her deathbed, did she?

9           A. Say that again?

10          Q. I'm specifically talking about the  
11 mid-2000s when she threw her cigarettes away. Are  
12 you with me?

13          A. Yeah.

14          Q. How many times did she throw her cigarettes  
15 away?

16          A. I would say twice she tried. She did try.  
17 She tried twice, ma'am.

18          Q. But you don't know if she actually ever  
19 refrained from smoking when she threw them away?

20               MS. WALD: Form.

21               THE WITNESS: She tried to refrain, but it  
22 didn't work. She went right back to it.

23               BY MS. KENYON:

24          Q. Do you think she could have done more to  
25 not smoke at that time?

1 A. I can't say that, ma'am. I don't know.

2 Q. Why was she trying -- why was she throwing  
3 her cigarettes away in an effort to quit at that  
4 time?

5 A. Well, she was trying to quit. She knew she  
6 was in trouble with the addiction, and she kept on  
7 doing it. She tried, but she had to have that  
8 cigarette again.

9 I could understand. I mean, a person  
10 that's hooked on something, you try to take them  
11 off, everything changes and they go right back to  
12 it. She tried.

13 Q. Was she trying to quit at that time because  
14 she knew it was bad for her health?

15 MS. WALD: Object to form.

16 THE WITNESS: I don't know about her  
17 health. She was hooked on it. How do you say that  
18 word? She was addicted to cigarettes. It wasn't  
19 for her health. She just needed it for some reason.

20 BY MS. KENYON:

21 Q. Have you ever used the -- has she ever used  
22 the word "addicted"?

23 A. Her?

24 Q. Yeah.

25 A. Yes, ma'am. She said, "I'm addicted to

1 cigarettes."

2 Q. When is the first time she said that?

3 A. I don't know. I'm not going to say how  
4 many times she did mention it. Maybe a few. Maybe  
5 more; maybe less. But I heard that.

6 Q. When is the first time she said that?

7 A. I don't know, ma'am. I can't tell you.  
8 But on and off I did hear the word "addicted."

9 Q. When she threw her cigarettes away in an  
10 effort to quit, did she ask you to smoke outside?

11 A. No. She thought I quit, and I was sneaking  
12 around, I told you, behind the building or over  
13 here.

14 Q. So you weren't being very supportive?

15 A. You got it.

16 Q. Do you know whether Mrs. Camacho's doctors  
17 ever told her to quit smoking?

18 MS. WALD: Form.

19 THE WITNESS: I don't know that. Because  
20 her doctor visits I sat in the lobby all the time.  
21 I never went in the back with them.

22 BY MS. KENYON:

23 Q. Did she ever tell you what her and her  
24 doctors talked about during her appointments?

25 A. Probably her obesity. The weight was up

1       there. They were concerned with her obesity.

2           Q.    Can you explain that?

3           A.    She was overweight. Probably pushing maybe  
4    260. And they'd tell her, "You have to lose weight  
5    because" -- what is that? Diabetic? "You're going  
6    to be a diabetic, or diabetes. You have to lose  
7    weight."

8                   Then she started getting Jenny Craig to  
9    lose weight. She was concerned with her weight.  
10   She was too heavy. The doctor was concerned. She  
11   told me, "I've got to lose weight, Tony. I'm too  
12   heavy." So -- you know what I mean?

13          Q.    Did she try to lose weight?

14          A.    Yeah. Jenny Craig.

15          Q.    How long was she on Jenny Craig?

16          A.    Not very long. But she ordered three times  
17   Jenny Craig and couldn't handle the pigeon food they  
18   gave her, bird food. Three times. I said, "Quit  
19   ordering. Try something else."

20                   "I'll try Jenny Craig one more time."

21                   I said, "Okay."

22                   So she'd get the food and probably on it a  
23   month, and it was over. Then what'd she do? Get  
24   rid of the food, call Jenny Craig again and again.  
25   Three times, Jenny Craig.

1 Q. Did she lose any weight while she was doing  
2 Jenny Craig?

3 A. I don't know. I don't know if it did any  
4 good or not. But she was pretty heavy for her size.  
5 The doctors kept telling her that for her size and  
6 everything she shouldn't be 260.

7 Q. Was she ever able to lose weight?

8 A. With the operation she did. 17 days in  
9 bed, unable to eat, just IV bags. She lost weight  
10 there, and I lost weight.

11 Q. Did she gain it back when she was released?

12 A. No. She's pretty good now. She's about --  
13 last time we weighed her at the cancer center she  
14 was like 240. She never got the 20 back. She's  
15 always at 240 for some reason.

16 I'm still concerned because if she falls, I  
17 can't pick her up with my back. I don't want to  
18 call the paramedics at 3:00, 4:00 in the morning.

19 Q. Did she ever try anything besides Jenny  
20 Craig to lose weight?

21 A. Say again?

22 Q. Did she ever try anything besides Jenny  
23 Craig to lose weight?

24 A. She tried cooking her own stuff, like  
25 salads and stuff. She tried. But the weight was a

1     losing thing. She came from a big Italian family,  
2     and they loved to eat. She was eating all the time.  
3     Pasta, meatballs. It was hard for her to kick the  
4     food habit. It was like she was on a yo-yo diet.

5           Q. It was difficult for her to diet?

6           A. Yeah. It was difficult for the weight.

7           Q. Do you think she was motivated to lose  
8     weight?

9           A. Yes, ma'am. She was.

10          Q. She just wasn't able to?

11          A. She wasn't able to until this happened.  
12     Then like I told you, that's what happened.

13          Q. Do you know what doctors told her about the  
14     health risks of being overweight?

15          A. Probably most likely it was Dr. Atkinson, I  
16     believe her name was. Dr. Adaoag, Aloha Clinic,  
17     they were all concerned with her weight.

18                 She told me with Atkinson -- and of course,  
19     you know, every year the insurance, they drop. So  
20     we had to change doctors. Atkinson was concerned  
21     with her weight. And Dr. Adaoag at Aloha Clinic, he  
22     was concerned with her weight.

23          Q. Do you know what Dr. Atkinson told her  
24     about her weight?

25          A. Only what Sandra told me. I never went in

1 the back with them.

2 Q. What did Sandra tell you?

3 A. She came out and said, "I've got to lose  
4 weight, Tony."

5 I said, "What did you weigh?"

6 "260."

7 "Holy Jesus," I said, "we've got to do  
8 something about that."

9 Q. She told you that Dr. Atkins said she had  
10 to lose weight? Sandra told you that?

11 A. Yeah. Everything I'm saying is hearsay.  
12 She did tell me every time she came out of the room.  
13 Maybe she was holding other stuff back, but she  
14 always told me about the weight. Always something  
15 with the weight.

16 Q. Was it Dr. Adaoag?

17 A. Yeah, Aloha Clinic, Dr. Adaoag, and  
18 Dr. Atkinson at St. Rose building. St. Rose  
19 Hospital building there. She has an office.

20 Q. I think I asked your wife about Dr. Adaoag  
21 yesterday. Has she seen that doctor for a while?

22 A. We have a new primary, again, because of  
23 the insurance company. They no longer carry those.  
24 So we have to find who carries the new insurance --  
25 the same insurance. But they didn't renew their

1 contract with Aetna, so we had to go to Dr. Wikler,  
2 which was a blessing.

3 Q. But prior to the time that you had to  
4 switch because of insurance, had she been seeing  
5 Dr. Adaoag for a number of years?

6 A. Maybe a year or two the most.

7 Q. I think from the records we looked at  
8 yesterday, she had been seeing him for at least five  
9 years.

10 A. Maybe I'm wrong then.

11 Q. Do you know how long she saw Dr. Atkinson  
12 for?

13 A. No, not really, ma'am.

14 Q. Do you know what Dr. Adaoag told her about  
15 her weight?

16 A. No. I wasn't present to hear. Only what  
17 Sandra told me, ma'am.

18 Q. Did Mrs. Camacho's weight impact her  
19 quality of life?

20 A. Yeah. She had problems. Yeah, she did.  
21 She had problems with clothes and probably sleeping  
22 at night because she was heavy and stuff. It  
23 bothered her. She got, like, a complex.

24 Q. You say it bothered her at night. Did she  
25 have problems sleeping because of her weight?



1           A.    Yeah, there was problems.  Yes.  She did  
2   have problems.  I don't want ...

3           Q.    Go ahead.

4           MS. WALD:  There's no question pending.

5           MS. KENYON:  He looked like he was about to  
6   say something.

7           MS. WALD:  Wait for a question.

8           THE WITNESS:  I am waiting.  I'm stretching  
9   back.  She said she's not ready.  She's ready now.

10          BY MS. KENYON:

11          Q.    No.  It looked like you were going to say  
12   something.

13          A.    I was just going back.

14          MS. WALD:  You were just stretching?

15          THE WITNESS:  Yeah.

16          MS. WALD:  Let's ask the next question.

17          BY MS. KENYON:

18          Q.    Did her weight affect your marriage?

19          A.    Not with me, no.  I didn't mind it.  I  
20   didn't care.  But I did care for her health, but  
21   what can I do?

22          Q.    Did she care about her health?

23          MS. WALD:  Object to form.

24          THE WITNESS:  Yes, she did.  Very much.

25        ///

1 BY MS. KENYON:

2 Q. Do you think she was addicted to food?

3 A. I don't know about addicted, but she liked  
4 her food. She comes from an Italian family. They  
5 always cook big meals. Until today they're still  
6 doing that. That was their upbringing. They ate  
7 all the time. And when I was there, I was  
8 overweight and eating all the time.

9 Q. You also mentioned -- because we were  
10 talking about Mrs. Camacho quitting. You said that  
11 she hid her cigarettes?

12 A. Yeah, hid them or -- what do you call that?  
13 Squash? Squashed the pack, throw it away, and  
14 whatever else she did. It didn't last very long.

15 Q. When did she hide her cigarettes?

16 A. When did she, like, put them away to hide?

17 Q. Did she hide her cigarettes in an effort to  
18 quit smoking?

19 A. Yeah, she did hide cigarettes.

20 Q. When?

21 A. I don't know when. When she was trying to  
22 probably in the dates I told you, in the mid-2000s  
23 when she was doing that. I can't remember specific  
24 dates. But she did throw her cigarettes away. She  
25 did squash them. She hid them in the cabinet. And

1 it didn't last long. What dates or times, I don't  
2 know. It could have been right in there in the  
3 2000s sometime. I can't be specific with the date.

4 Q. When she hid her cigarettes in an effort to  
5 quit, did she do that one time?

6 MS. WALD: Object to form.

7 THE WITNESS: Two times.

8 BY MS. KENYON:

9 Q. Did she actually stop -- when she hid her  
10 cigarettes, did she actually stop smoking for a  
11 period of time?

12 A. Not for a period. It was -- I don't even  
13 say it was for six hours. She just went right back  
14 to it. And then proceeded the second time, she went  
15 right back to it.

16 Q. Did Sandra ever ask you to hide her  
17 cigarettes?

18 A. No. Never asked me. Never.

19 Q. I just want to make sure I'm understanding  
20 correctly.

21 So you said she hid her cigarettes two  
22 times and threw them away.

23 A. Yes, ma'am.

24 Q. Was it only two instances total that she  
25 did all of these things?

1           A.    That I can recall. To my knowledge, only  
2   two, ma'am.

3           Q.    So in one instance in the mid-2000s she  
4   threw her cigarettes away, and she hid them, and she  
5   broke them; is that right?

6           A.    I don't know about that 2000 date. I'm  
7   only telling you the time I remember. I don't know  
8   if it was in the mid-2000s, '05 or '06, when that  
9   happened. I can't be specific on the date. She did  
10   try twice during that period.

11          Q.    Right. I apologize if I misspoke. I  
12   thought I said mid-2000s. I just want to make sure  
13   I'm understanding correctly.

14                So at some point in the mid-2000s --

15          A.    Yes.

16          Q.    -- there was one instance where she threw  
17   her cigarettes away, hid her cigarettes, and broke  
18   her cigarettes?

19                MS. WALD: Object to form.

20   Mischaracterizes testimony. He clearly stated two.

21                THE WITNESS: Yes.

22                MS. KENYON: Hold on.

23   BY MS. KENYON:

24          Q.    So in one instance where all three things  
25   happened, where those three things happened --

1 right?

2 A. Not three. Two times.

3 Q. I'm getting there. Hold on.

4 MS. KENYON: This is why you're just  
5 supposed to object to form, because you're  
6 misstating things.

7 BY MS. KENYON:

8 Q. In the mid-2000s there are only two  
9 instances where she made an effort to quit smoking?

10 A. To my knowledge, ma'am, yes.

11 Q. In one of those instances in the mid-2000s  
12 she threw her cigarettes away, hid her cigarettes,  
13 and broke her cigarettes?

14 A. Yes, ma'am.

15 Q. Then there was a second instance in the  
16 mid-2000s where she did the same thing?

17 A. Yes, ma'am.

18 Q. There was a second instance in the  
19 mid-2000s where she threw her cigarettes away, she  
20 hid her cigarettes, and she broke her cigarettes; is  
21 that correct?

22 A. Yes, ma'am.

23 Q. Those are the only two times, other than  
24 her permanent quit in 2017, that you're aware of  
25 that she quit smoking?

1           A.    To my knowledge, those are the only times I  
2   witnessed it, ma'am.

3           Q.    So I'm going to talk about the first  
4   instance.  Do you recall her refraining from smoking  
5   for a period of time where she threw her cigarettes  
6   away or hid her cigarettes or broke them on that  
7   first occasion?

8           A.    When she threw them away, it didn't last  
9   very long.  She went right back to it.  Maybe a  
10   couple of hours.  I can't be specific on the hours.  
11   But it wasn't days, that's for sure.  It was hours.  
12   And she would repeat, get the cigarettes, and go  
13   right back to it.

14          Q.    And then the second instance in the  
15   mid-2000s, did she refrain from smoking for any  
16   period of time?

17          A.    Only for a couple of hours, a few hours, to  
18   my knowledge.

19          Q.    Did she ever seek help from a professional  
20   to quit smoking?

21          A.    No, ma'am, not to my knowledge that I know  
22   about.  No, ma'am.

23          Q.    Did she ever ask for help to quit from her  
24   doctors?

25          A.    Not that I know of.  I wasn't back there

1     when she went. I stayed in the lobby. I don't know  
2     if a conversation took place. I don't know that.

3           Q. Did she ever talk to a doctor about  
4     quitting smoking?

5           A. I don't know that either, ma'am.

6           Q. Did her doctors ever tell her that she  
7     needed to quit smoking?

8           A. I don't know that either, ma'am.

9           Q. Did her doctors ever give her advice or  
10    strategies for how to quit smoking?

11          A. I don't know, ma'am. I don't know that  
12    either, I'm sorry.

13          Q. Did she ever attend a stop-smoking clinic?

14          A. No, ma'am.

15          Q. Did she ever try hypnosis to quit?

16          A. No, ma'am.

17          Q. Did she ever ask you for help to quit  
18    smoking?

19          A. No, ma'am.

20          Q. Did she ever ask anyone else for help to  
21    quit smoking?

22          A. Not to my knowledge.

23          Q. Did she ever use nicotine patch?

24          A. No, ma'am. No, ma'am. No patch.

25          Q. Did she ever use nicotine gum?

1           A.    Nicorette gum. That's for people who  
2   smoke, I guess. If you chew the gum, you'll be able  
3   to get rid of the cigarette or something. Nicorette  
4   or something like that.

5           Q.    Did she ever use nicotine gum?

6           A.    Is that what Nicorettes are?

7           Q.    Did she ever use Nicorette gum?

8           A.    Yeah, she did use it. Didn't help.

9           Q.    I thought you just told me there were only  
10  two instances where she quit smoking or she tried to  
11  quit smoking.

12          A.    You stipulate was it hiding or throwing  
13  cigarettes away. Now you're talking about  
14  Nicorettes. I didn't know that was attributed to  
15  the throwing stuff away.

16                All I can tell you is she tried Nicorettes.  
17  That's not throwing the cigarettes away or throwing  
18  them in the garbage. Now, if you would have stuck  
19  to the specifics on that, I could have answered  
20  that. You didn't mention anything. You were  
21  focused on the packs that she hid, the packs that  
22  she threw away, and everything else. But you never  
23  mentioned anything about chemical that she tried,  
24  other than now.

25          Q.    With all due respect, I've asked you



1 several times for you to tell me when and if she  
2 has -- if she tried to quit smoking. What I'm  
3 asking you about is based on what you have told me.

4 A. Right. I'm only answering what you're  
5 bringing up. If you would have brought up  
6 Nicorettes, I would have said yes, ma'am.

7 Q. Why don't you tell me about Nicorette gum  
8 then.

9 A. That she tried it, and it didn't work,  
10 ma'am.

11 Q. When did she try Nicorette gum?

12 A. I have no idea, but she did try it  
13 somewhere probably in the mid-2000s. I don't know  
14 when. There was a time she did try it.

15 Q. Did she try it one time?

16 A. I don't know that either. But she did  
17 try it.

18 Q. Do you know whether she needed a  
19 prescription for the gum?

20 A. Not to my knowledge.

21 Q. Do you know whether she needed a  
22 prescription for the Nicorette gum?

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

25 THE WITNESS: I don't know that, about

1 prescriptions for that gum.

2 BY MS. KENYON:

3 Q. You don't know whether --

4 A. No, I don't know.

5 Q. Hold on.

6 You don't know whether she needed a  
7 prescription for the Nicorette gum?

8 MS. WALD: Asked and answered three times.

9 THE WITNESS: I don't know. She could have  
10 got it over the counter or doctor prescription. I  
11 don't know how she got it. I'm sorry.

12 BY MS. KENYON:

13 Q. Do you know how many packs of Nicorette gum  
14 she chewed?

15 A. I don't know that either, ma'am.

16 Q. Do you know whether she continued to smoke  
17 while chewing the Nicorette gum?

18 A. I don't know that either. I'm sorry.

19 Q. Did she throw out her cigarettes when she  
20 used the Nicorette gum?

21 A. I don't know that either, ma'am.

22 Q. Do you think she actually wanted to quit  
23 smoking when she used the Nicorette gum?

24 A. She -- I don't know that. All I know is  
25 she tried the gum. That's all know.

1 MS. KENYON: I'm going to ask my question  
2 again.

3 (The question was read.)

4 THE WITNESS: Yes. That's why she was  
5 using it was to try to quit.

6 BY MS. KENYON:

7 Q. Do you know whether she was actually  
8 motivated to quit smoking at that time?

9 MS. WALD: Form.

10 THE WITNESS: She was motivated. She  
11 tried. It was hard. She was addicted already.

12 MS. KENYON: Move to strike as  
13 nonresponsive.

14 BY MS. KENYON:

15 Q. Did you try to quit with her at that time?

16 A. No, ma'am. Not in any time.

17 Q. Did you encourage her to quit when she used  
18 the Nicorette gum?

19 A. I don't recall, ma'am, no.

20 Q. Based on your observations, how did she  
21 feel when she was using the Nicorette gum?

22 A. I don't know that either, ma'am.

23 Q. Did you observe any changes in her when she  
24 used the Nicorette gum?

25 A. I don't know that either.

1 Q. You don't know whether she stopped smoking  
2 while using the Nicorette gum?

3 A. I don't know that either, ma'am.

4 Q. At some point she started smoking again --  
5 strike that.

6 Why did she decide -- at some point did she  
7 stop using the Nicorette gum?

8 A. Yeah, at some point she stopped. I don't  
9 know when, but she did stop.

10 Q. Why did she stop using the Nicorette gum?

11 A. I don't know why. She went back to  
12 smoking. Maybe it didn't work for her. It doesn't  
13 work for everybody, I guess.

14 Q. Did you talk to her about it?

15 A. No, not at all.

16 Q. Why not?

17 A. I didn't feel it was important. Because  
18 she was already hooked. And she went right back to  
19 the cigarettes, so why talk?

20 Q. You didn't feel like it was important to  
21 encourage her to quit?

22 MS. WALD: Form.

23 THE WITNESS: It was important for me to  
24 ask her to quit, but she was already addicted to the  
25 tobacco. There was nothing I could do anymore. I

1       wasn't going to wreck my marriage over it.

2       BY MS. KENYON:

3           Q.     But you never asked her to quit?

4           MS. WALD:   Form.

5           THE WITNESS:   I never asked her to quit.

6       Because she was hooked on it already.   And I was  
7       smoking too.   I'd be a hypocrite to tell her not to  
8       smoke when I was smoking.

9       BY MS. KENYON:

10          Q.     Well, you didn't start smoking though until  
11       you met her?

12          A.     That's right.

13          Q.     So you could have asked her at that point  
14       not to smoke?

15          A.     No.   I just got married.   You think I want  
16       a divorce over a pack of cigarettes?   I didn't know  
17       it was going to lead to this now.   I thought maybe  
18       down the line we could quit.   It didn't happen.

19          Q.     So when you started smoking, you thought  
20       down the line you wanted to quit?

21               MS. WALD:   Object to form.

22       Mischaracterizes --

23               THE WITNESS:   No, that's --

24               (Simultaneous speaking.)

25               (Reporter admonishment.)

1 BY MS. KENYON:

2 Q. I'll ask a different question.

3 Since you seem to be a little thrown off by  
4 some of my questions, I'll just ask:

5 Are there any other instances, after you  
6 moved to your current home, when Mrs. Camacho tried  
7 to quit smoking ever?

8 MS. WALD: Objection. Mischaracterizes  
9 testimony. Argumentative.

10 You can answer.

11 THE WITNESS: I can answer?

12 MS. WALD: Yes.

13 THE WITNESS: Here, at this residence?

14 BY MS. KENYON:

15 Q. Yes.

16 MS. WALD: At this residence? Or in  
17 Nevada?

18 MS. HENNINGER: In Vegas, I thought.

19 MS. WALD: Let's repeat the question  
20 because we are getting multiple --

21 MS. KENYON: It was here because he said --  
22 the record will speak for itself, so I'm not going  
23 to go back through.

24 But I'm specifically talking about -- I  
25 mean, I guess we'll just open it up to Vegas. I

1 don't know.

2 Can you repeat my question?

3 (The question was read.)

4 THE WITNESS: Answer?

5 BY MS. KENYON:

6 Q. Mm-hmm.

7 A. Only the two times that I remember, ma'am.

8 Q. Did she try the Nicorette gum during one of  
9 the -- so you're saying two times?

10 A. Yeah, throwing away the cigarettes.

11 Q. So both of those times is when she was  
12 throwing away her cigarettes?

13 A. Right, ma'am.

14 Q. During those two times, is that when she  
15 tried the Nicorette gum as well?

16 A. I believe so.

17 Q. Do you know whether she tried the Nicorette  
18 gum one time or two times?

19 A. That I don't know, ma'am.

20 Q. Besides those two instances in the  
21 mid-2000s, is there any other times where  
22 Mrs. Camacho tried to quit smoking?

23 A. Not to my knowledge.

24 Q. To your knowledge, when did Mrs. Camacho  
25 first learn that cigarette smoking could be

1     addictive?

2                 MS. WALD:   Object to form.

3                 THE WITNESS:   Answer?

4                 MS. WALD:   Yes.

5                 THE WITNESS:   Somewhere around 2000, when  
6     the surgeon -- the doctor, that meeting they had  
7     where it was -- I guess when they exposed that  
8     they -- there was evidence, and it came out in 2000,  
9     that it was hazardous to our health.

10     BY MS. KENYON:

11             Q.     But she did not try to quit smoking at that  
12     time, did she?

13             A.     She was already hooked.   No, ma'am.

14             Q.     Can you just answer my question?

15                     She did not try to quit smoking at that  
16     time, did she?

17             MS. WALD:   Object to form.   He is answering  
18     your question.

19             MS. KENYON:   He's answering it and adding.

20             THE WITNESS:   I'm telling you she knew, I  
21     knew, but we didn't stop.   We were already hooked on  
22     the tobacco.   We needed whatever was in there.   We  
23     didn't stop.   It was too late.

24                     Through the '80s and '90s all they did was  
25     lie, lie, lie.   In 2000 the big lie came out, and it



1 was too late for a lot of souls.

2 You know, that's the way I'm interpreting  
3 it to you, ma'am.

4 MS. KENYON: Move to strike as  
5 nonresponsive.

6 THE WITNESS: Huh?

7 MS. KENYON: I'm moving to strike as  
8 nonresponsive. There was not a question pending.

9 MS. WALD: Well, for the record, he's  
10 trying to answer your question.

11 THE WITNESS: I'm trying to answer to the  
12 best of my --

13 MS. WALD: Tony, wait for the next  
14 question.

15 THE WITNESS: Next question, please.

16 BY MS. KENYON:

17 Q. Your wife did not try to quit after she saw  
18 the news report in 2000, did she?

19 A. No, ma'am.

20 Q. How would you describe Mrs. Camacho's  
21 personality?

22 A. She has a very good personality.

23 Q. Can you describe it for me?

24 A. She's friendly, very friendly, and she's  
25 just a nice person all around. She's the best wife

1 I ever had for 41 years. No problems. Always the  
2 same attitude.

3 Q. Is she intelligent?

4 A. Very intelligent.

5 Q. Is she strong-willed?

6 A. I don't know about that, because we have  
7 the issues with the cigarettes and the food. I  
8 don't know if strong-willed -- if you mean food and  
9 cigarettes, I don't know about that. She's not  
10 strong in that area, ma'am.

11 Q. Is she a decisive person?

12 A. What does that mean?

13 Q. Is she able to make decisions easily?

14 A. Well, with the operation and all the  
15 radiation, chemo, and oxygen levels and all that,  
16 it's a little difficult for her now to do certain  
17 things. Not all, but certain.

18 Q. I don't understand. I don't think that was  
19 answering my question.

20 A. Before her operation, she did a lot of  
21 things, and she was -- her mind was a hundred  
22 percent. After the surgery, when the radiation  
23 started and the chemo for nine weeks and with the  
24 oxygen loss, something happened. We don't know what  
25 happened. Sometimes she's with us; sometimes she's

1 not. You witnessed that yesterday when you were  
2 talking to her. She looked around. We don't know  
3 what that's from. I'm not a doctor. I don't know,  
4 ma'am. Sometimes she cries a lot just out of the  
5 blue. I can't understand it either.

6 Q. Is she someone who is able to make her own  
7 decisions and stick to them?

8 A. I said in some areas, yes, she's very  
9 strong. I'm not going to make her out to be a  
10 mental case, but there's some area where she's real  
11 sharp, and in some areas she has to think before she  
12 does it. This all started with the chemo and  
13 radiation that she needed, ma'am.

14 Q. Is she someone who doesn't like to be told  
15 what to do?

16 A. No, she's not like that at all. She has a  
17 real good sense of humor. She's strong.

18 Q. Would you describe her as a risk-taker?

19 A. No, ma'am. She's not a risk-taker.

20 Q. Has she ever been rejected for any health  
21 insurance policy?

22 A. No, ma'am, not to my knowledge.

23 Q. When you fill out the health insurance  
24 forms, you understand that there's a higher premium  
25 that smokers have to pay?

1 A. Yeah, I'm aware of that.

2 Q. Did you both have to pay that higher  
3 premium?

4 A. Not to my knowledge. We just fill out the  
5 forms, or the broker who fills out the thing, they  
6 ask you right on the form. The question is right in  
7 some of those forms. We honestly filled them out to  
8 the truth that we both were smokers, and we never  
9 saw no increases in our Aetna insurance.

10 Q. Did you ever see a decrease in your  
11 insurance when you stopped smoking?

12 A. I don't know that either, ma'am. All I  
13 know is we have Aetna insurance. We pay our  
14 deductibles. But I don't know anything about that,  
15 ma'am.

16 Q. Have you ever heard the phrase "coffin  
17 nails"?

18 A. No, ma'am. I never heard that phrase.

19 Q. Have you ever heard Mrs. Camacho use the  
20 term "coffin nails"?

21 A. No.

22 Q. Have you ever heard the phrase "cancer  
23 sticks"?

24 A. No.

25 Q. Have you ever heard Mrs. Camacho use the

1 term "cancer sticks"?

2 A. No, ma'am.

3 Q. Have you ever heard the term "nicotine  
4 fit"?

5 A. Yeah.

6 Q. What do you understand "nicotine fit" to  
7 mean?

8 A. Just people talking at the bus company. I  
9 heard it many times. "I couldn't pull over. I was  
10 having a nicotine fit." That's where I heard it.  
11 Just through people having conversations. That's  
12 how I heard it.

13 Q. Did you ever use the term?

14 A. No. Never need to.

15 Q. Never had a nicotine fit?

16 A. No, I never had those fits.

17 Q. Did you ever hear Ms. Camacho use the term  
18 "nicotine fit"?

19 A. I heard a couple of times her mention that.  
20 She mentioned that a couple of times.

21 Q. What did she say?

22 A. She needs a cigarette. I said, "Where you  
23 going?"

24 "Nicotine. I'm gonna go into a nicotine  
25 fit."

1                   And she would have one.

2           Q.    When did you first hear her say that?

3           A.    I don't know. Through life, I guess. I  
4   don't know, ma'am. 41 years, I must have heard it.  
5   I don't know. I can't tell you specific times and  
6   dates.

7           Q.    Do you recall if she said it while you were  
8   living in Chicago?

9           A.    I don't know that either, ma'am. Maybe,  
10   probably. Who knows? I don't know, ma'am. I can't  
11   be specific on that question.

12          Q.    Do you read the newspaper?

13          A.    I used to read it.

14          Q.    When did you stop reading it?

15          A.    I can't give you an answer there either,  
16   because we moved so many times and canceled and  
17   got it. I don't know times and dates we  
18   discontinued it.

19          Q.    Did you read the newspaper while you were  
20   living in River Grove?

21          A.    No, not in River Grove. I didn't read  
22   newspapers.

23          Q.    Did Ms. Camacho read the newspaper when  
24   living in River Grove?

25          A.    I don't know that. She could have read

1     them at work. They had them at Denny's on the  
2     counters. Maybe she could have read them there. I  
3     don't know that.

4           Q.    When you were living in River Grove, did  
5     you have ever a newspaper delivered to your home?

6           A.    No, ma'am. Not to my knowledge.

7           Q.    When you moved to Las Vegas, did you ever  
8     have a newspaper delivered to your home?

9           A.    Yes, we did.

10          Q.    At which home?

11          A.    I don't know, because we had four different  
12     homes in 30 years. I don't know which home it was,  
13     but we did get it delivered.

14          Q.    What paper was delivered?

15          A.    RJ. Las Vegas Review-Journal.

16          Q.    Was that the daily paper?

17          A.    Yeah. Used to be \$0.50. Now it's 3.50.

18          Q.    Do you recall when you were living in River  
19     Grove ever reading any articles about cigarettes or  
20     smoking?

21          A.    I don't remember that at all, ma'am. That  
22     was a long time ago.

23          Q.    When you were living in Las Vegas, do you  
24     recall ever reading any newspaper articles about  
25     cigarettes or smoking?

1           A.    I don't remember, ma'am.  I don't remember  
2   that at all.

3           Q.    When you were living in River Grove, did  
4   you ever have any subscriptions to magazines?

5           A.    I don't know that either, ma'am.  I don't  
6   recall that.

7                   (A break was taken.)

8   BY MS. KENYON:

9           Q.    Did Mrs. Camacho ever have a subscription  
10   to any magazine?

11          A.    Yes, ma'am.  Enquirer, Star, and -- and  
12   that's it.  The two.

13          Q.    When did she have a subscription to  
14   Enquirer?

15          A.    I believe last year, and she stopped it.  
16   And they send us, like, a couple of courtesies to  
17   get you back onto it, but she didn't go for it.  She  
18   just read them, and I'm not going to subscribe  
19   again.

20          Q.    And then when did she have a subscription  
21   to Star magazine?

22          A.    Star?  The same as Enquirer, the same time.

23          Q.    Other than those two magazine subscriptions  
24   in the last year, did she ever subscribe to any  
25   other magazines at any point?



1 A. Not to my knowledge.

2 Q. Did she ever read any other magazines at  
3 any point?

4 A. Only those two that I know of.

5 Q. And that was within the last year; is that  
6 right?

7 A. Yeah, I think it was last year.

8 Q. So prior to last year are there any other  
9 magazines that she read?

10 A. Does that include, like, women magazines to  
11 order clothes or no? Like Roaman? Women's clothing  
12 and stuff.

13 Q. Like a catalog?

14 A. Yeah, catalogs. Does that include  
15 catalogs?

16 Q. Did she get catalogs?

17 A. Yeah. Roaman and another one. It's Women's  
18 Fashion. It's got all women dressed in real nice  
19 clothing.

20 Q. Were they catalogs you could order clothes  
21 from?

22 A. Yeah. That's how she got most of her  
23 clothes.

24 Q. Is Roaman, is that a department store?

25 A. It's a big distributor for women's

1 clothing. I don't know how she got it. But when  
2 you buy clothing, probably somewhere all these  
3 catalogs start to appear.

4 Q. Did the catalogs have advertisements for  
5 anything besides women's clothing in them?

6 A. Just shoes and apparels.

7 Q. What was the name of the second one?

8 A. Roaman, and I think something with Women,  
9 like Women Fashion.

10 Q. When did she get those catalogs?

11 A. She gets them all the time. A couple of  
12 weeks ago I got two in the mail. And God knows I  
13 haven't checked the mail for a week because I can't  
14 walk that far. There's probably two more in there  
15 now. The reason she gets them, because she does  
16 order the plus sizes, because she can't get some of  
17 the stuff, you know. But now she could not order.  
18 She could probably go somewhere and get them. But  
19 she did order clothing from them constantly.

20 Q. Did you ever get Reader's Digest?

21 A. Let me think on that one.

22 No, but they did send me samples, that  
23 Reader's Digest, that little book. It's a little  
24 book, Reader's Digest, and they tell you stories.  
25 They sent a sample, but I never subscribed to it.

1 Q. When did they send you a sample of Reader's  
2 Digest?

3 A. I found one in the mailbox in a plastic  
4 little bag about a year ago.

5 Q. Did you ever receive a Reader's Digest  
6 sample while you were living in River Grove?

7 A. Oh, I don't know that.

8 Q. So is it just one sample of Reader's Digest  
9 you got a few years ago?

10 A. Yes, ma'am.

11 Q. Did Mrs. Camacho ever have -- ever read  
12 Reader's Digest?

13 A. I don't know. I left the book after I read  
14 it. Maybe she did read it. I don't know, ma'am.

15 Q. Did she ever read Life magazine?

16 A. Not Life, no. I know Life very well. It's  
17 been around for ages.

18 Q. Did she ever read Time magazine?

19 A. Yeah. I used to subscribe to Times [sic].  
20 But I don't know if it was here or Chicago. But I  
21 used to read those articles, try to read them  
22 sometimes, because they were a little difficult for  
23 me to understand, fancy words and stuff. But I did  
24 have a subscription at one time for Times.

25 Q. Do you recall reading any articles in Time

1 magazine about cigarettes or smoking?

2 A. I don't recall that, ma'am. It was a long  
3 time ago.

4 Q. Did Sandra read Time magazine?

5 A. No. She don't care for that magazine.

6 Q. Why not?

7 A. I guess probably because it's full of  
8 political stuff, and she doesn't care to read it at  
9 the time.

10 Q. In River Grove did you and Mrs. Camacho  
11 watch television together?

12 A. Yes, ma'am.

13 Q. What were your favorite programs to watch?

14 A. Back in the '70s, all the old -- like Good  
15 Times, with JJ. The one with the Fonz, Happy Days.  
16 And Chico and the Man. And Welcome Back, Kotter.  
17 Those were all comedies.

18 There was other ones that I -- mostly all  
19 the comedies in the '70s. They were funny.

20 Q. What about in the '80s?

21 A. '80s, not too much. We moved -- no, not in  
22 the '80s. After '80s, everything started to change,  
23 programs and stuff. So we didn't watch it very  
24 much. It was mostly reruns.

25 Q. And then when you were living in River

1 Grove, did you and Mrs. Camacho watch the news?

2 A. Yeah. Channel 9, WGN News. That was our  
3 favorite station to watch.

4 Q. Did you watch the news on a nightly basis?

5 A. When we could, if we didn't have companies.  
6 It was something we did. But if we had company, no.

7 Q. Did Mrs. Camacho have a favorite  
8 broadcaster or announcer that she liked to watch?

9 A. Oh, I don't know that.

10 Q. Did you ever see anything on television  
11 when you were living in River Grove regarding the  
12 health hazards of smoking?

13 A. I'm sure we saw that on TV in the '80s when  
14 we were in River Grove. I'm sure we saw something  
15 about it. But we didn't pay no attention to the  
16 tobacco -- how do you say it? Commercial -- I mean  
17 the commercial -- not the commercial. The news with  
18 the data about smoking. You know, we just ignore  
19 them.

20 Q. Is that because you didn't want to hear it?

21 A. No, not because we didn't want to hear it.  
22 We weren't interested in it. We were already  
23 smoking. As far as we knew, the filters were okay  
24 with us, everything was cool, and we just kept on  
25 smoking.

1 Q. When you were living in -- once you moved  
2 to Las Vegas, did you and Mrs. Camacho watch TV  
3 together?

4 A. Yeah, occasionally.

5 Q. What were your favorite programs during  
6 that time?

7 A. She likes to watch those Law & Order  
8 programs and police programs. I didn't really watch  
9 too much because I was involved in my hobby.

10 Q. What's your hobby?

11 A. Aviation.

12 Q. What do you do for that?

13 A. Collect books and die-cast airplanes and go  
14 to the air shows. I have a ton of books and used to  
15 read those books on planes. The TV would be in  
16 front of me, but I was more interested in reading  
17 the book. To keep Sandra company, sit next to her  
18 while she was watching her programs.

19 Q. The WGN, the Channel 9 you used to watch in  
20 the Chicago area, was that local news?

21 A. Local news. Right, ma'am.

22 Q. Was there ever a national news that you  
23 watched in Chicago?

24 A. I don't recall.

25 Q. Was there a local news that you watched in

1 the Las Vegas area?

2 A. Channel 13.

3 Q. Was there a national news program you  
4 watched?

5 A. Either we watch that ABC with Lester Holt  
6 or we watch -- what was the little fellow, the Greek  
7 fellow? Kopolis [sic]? Like Nightline.

8 Q. Stephanopoulos?

9 A. Yeah. We watch him, Lester Holt, on these  
10 programs, and Nightline News, Nightline, and ABC. I  
11 don't know the name of that one. ABC, but Lester  
12 Holt.

13 Q. Did you ever see anything on the local news  
14 in Las Vegas about smoking and health?

15 MS. WALD: Object to form. Asked and  
16 answered.

17 You can answer.

18 THE WITNESS: Yeah, I saw the materials. I  
19 saw on the news the media talking about it.

20 BY MS. KENYON:

21 Q. Is that what we've already discussed today?  
22 Is that what you're referring to?

23 A. Say again?

24 Q. The congressional hearings? You've already  
25 mentioned that today.

1           A.    Yeah.  I saw the congressional hearings  
2   with the official being drilled by politicians.

3           Q.    Yeah.  Sorry.  I'm not trying to cut you  
4   off.  I'm asking if you saw any local news stories  
5   about smoking and health while living in Las Vegas.

6           MS. WALD:  Form.

7           You can answer.

8           THE WITNESS:  There was talk in some of our  
9   news channels.  We ignored it.  We were already  
10  smoking.  We were already addicted to it.  So, you  
11  know, we ignored them.

12  BY MS. KENYON:

13          Q.    Have you ever seen any antismoking  
14  commercials on TV?

15          A.    I probably did, and I ignored them.

16          Q.    Why did you ignore them?

17          A.    Everybody said the filters were safe, you  
18  can smoke.  Then everything happened in 2000, it was  
19  turned around, and we were addicted by then.

20          Q.    When do you first recall seeing an  
21  antismoking commercial on TV?

22          A.    I can't recall, but I did see them on TV.

23          Q.    Do you know whether Sandra saw an  
24  antismoking commercial on TV?

25          A.    I'm sure we saw them together.  We see



1 commercials on antismoking, but we didn't pay no  
2 attention to them, ma'am.

3 Q. Did you ever discuss the antismoking  
4 commercials with Sandra?

5 A. No.

6 Q. Have you ever seen any public service  
7 announcements on television?

8 A. Public announcements?

9 Q. Public service announcements, like PSAs.

10 A. No, not to my knowledge, ma'am.

11 Q. Do you recall an antismoking/anti-tobacco  
12 commercial featuring Bill Talman of Perry Mason?

13 A. No, I don't recall that commercial.

14 Q. Do you know who Yul Brynner is?

15 A. I do recall Yul Brynner in a cigarette  
16 commercial or something like that back in the day,  
17 before he passed.

18 Q. You recall seeing a commercial with Yul  
19 Brynner?

20 A. Yeah. I know he did pass. It was like  
21 cancer or something. I understand he was a very  
22 heavy smoker. I don't know how many packs, but they  
23 said heavy, and he passed. And I did see something  
24 on television about Yul Brynner.

25 Q. Was Sandra with you when you saw that?

1           A.    I don't know. That was a long time ago.  
2    You just brought it up now and it rung a bell,  
3    Yul Brynner.

4           Q.    Do you recall when you saw the antismoking  
5    commercial with Yul Brynner?

6           A.    I don't even want to guess, but I did see  
7    it, ma'am.

8                   MS. WALD: Don't guess.

9                   THE WITNESS: I'm not going to guess.  
10   That's what I said.

11   BY MS. KENYON:

12           Q.    Did you see an antismoking commercial --  
13   strike that.

14                   Do you know who Larry Hagman is?

15           A.    No, ma'am.

16           Q.    Have you ever heard of the Great American  
17   Smokeout?

18           A.    I heard of that.

19           Q.    What did you hear?

20           A.    I think it was people getting together and  
21   they wanted to just do away with cigarettes. It was  
22   something for antismoking. I don't know -- I think  
23   I saw it on TV. I don't want to guess when. But I  
24   did hear about it. And I'm pretty sure I probably  
25   saw it on TV, the Great American Smokeout.

1 Q. Did you participate?

2 A. No. I probably was smoking watching it on  
3 TV.

4 Q. Why didn't you participate?

5 A. No, I didn't participate. I don't  
6 participate in stuff like that, ma'am.

7 Q. Why not?

8 A. I don't know. I'm just not interested in  
9 participating. That's all.

10 Q. Do you know whether Sandra has heard of the  
11 Great American Smokeout?

12 A. I don't know. I don't know if she did or  
13 not.

14 Q. Did you ever discuss it with her?

15 A. No, not really.

16 Q. No, not really, or --

17 A. No, ma'am. I never discussed it with her.

18 Q. And we've talked quite a bit about her  
19 quits, when she permanently quit and then when she  
20 tried to quit.

21 Besides the two instances in the mid-2000s  
22 that we've already talked about, are there any other  
23 instances at any time when Mrs. Camacho tried to  
24 quit smoking?

25 MS. WALD: Object to form. Asked and

1 answered.

2 You can answer.

3 THE WITNESS: Does that include the  
4 Nicorettes? Chemicals?

5 BY MS. KENYON:

6 Q. The two times we've already talked about,  
7 is there any other --

8 A. Try any other products to quit?

9 Q. Hold on.

10 At any point in time --

11 A. Right.

12 Q. -- besides the two instances that we have  
13 discussed in the mid-2000s, is there any other time  
14 that Mrs. Camacho tried to quit smoking?

15 MS. WALD: Form.

16 THE WITNESS: Only the two times with the  
17 throwing the cigarettes away, ma'am. That's all I  
18 remember.

19 BY MS. KENYON:

20 Q. Does Mrs. Camacho listen to the radio?

21 A. No.

22 Q. Has she ever?

23 A. We never had radios in the house. Since we  
24 were married, we never owned radios. Just in the  
25 car when we drove.

1 Q. Do you listen to music?

2 A. Yeah, I listen to CDs a lot. I don't  
3 listen to the radio.

4 Q. Did she ever listen to news on the radio?

5 A. No, never.

6 Q. Have you ever heard the song "Smoke! Smoke!  
7 Smoke! (That Cigarette)"?

8 A. No, ma'am.

9 Q. Do you know whether Sandra has?

10 A. I don't know that, ma'am.

11 Q. Have you ever heard the song "Smoking in  
12 the Boys' Room"?

13 A. Yeah. That was back in the '70s.

14 Q. Do you know who sang that song?

15 A. Was it David Lee Roth?

16 Q. I'm asking you.

17 A. I don't know, ma'am. But it was a famous  
18 rock star.

19 Q. Do you recall when you first heard that  
20 song?

21 A. Sandra?

22 Q. Do you recall when you first heard that  
23 song?

24 A. On TV, yes, ma'am. I think it was in  
25 the '70s.

1 Q. Do you recall what the message of the song  
2 was?

3 A. No. I'm not good with lyrics, ma'am.

4 Q. Did you ever hear stories about smoking on  
5 the radio?

6 A. No, ma'am.

7 Q. Do you know whether Sandra ever heard  
8 stories about cigarette smoking on the radio?

9 A. Not to my knowledge, ma'am, no.

10 Q. Have you heard of the United States Surgeon  
11 General's reports?

12 MS. WALD: Form.

13 THE WITNESS: I think in 2000; right? When  
14 he announced -- there was an announcement on TV that  
15 smoking was hazardous to your health?

16 BY MS. KENYON:

17 Q. I'm asking a little bit different question.

18 Have you ever heard of the Surgeon  
19 General's reports?

20 A. Not the report. Just what I saw on TV with  
21 the Surgeon General.

22 Q. What do you recall seeing on TV with the  
23 Surgeon General?

24 A. Well, when he said about smoking is  
25 hazardous to your health and, you know, other

1 complications. I did hear the words "hazardous to  
2 your health."

3 Q. When do you recall seeing that?

4 A. I think it was in 2000 when it was real  
5 popular, and it started to pop up all over the  
6 television during commercials, on the news, and  
7 stuff.

8 Q. Do you recall the Surgeon General report on  
9 smoking in 1964?

10 A. I was only 10 years old. I don't have no  
11 memory of that. That was 60 years ago. I was real  
12 young then, ma'am. I don't know.

13 Q. Are you familiar with the warnings on the  
14 side of the cigarette packs?

15 A. There's warnings, but we'd just brush them  
16 off. Because they were there, and it was okay to  
17 smoke with the filter, so we ignored it.

18 Q. Are you aware that in 1966 the first  
19 Surgeon General warning was placed on all packs of  
20 cigarettes?

21 A. I was too young at the time. Probably 11  
22 now. In the '60s I barely made it through school  
23 with reading, let alone reading a pack of cigarettes  
24 that I knew nothing about. I wasn't involved with  
25 tobacco.

1 Q. So the first warning label was placed on  
2 cigarette packs before you ever smoked a cigarette;  
3 is that right?

4 MS. WALD: Object to form.

5 THE WITNESS: Answer?

6 MS. WALD: Yes.

7 THE WITNESS: They were there when Sandra  
8 and I were smoking.

9 BY MS. KENYON:

10 Q. Right. So my question is, there were  
11 warnings on cigarette packs before you ever smoked a  
12 cigarette; right?

13 A. Yes, ma'am, they were there.

14 Q. And the 1966 warning said "Caution:  
15 Cigarette smoking may be hazardous to your health."

16 Do you recall ever seeing that warning?

17 A. In the '60s I was too young. I wasn't  
18 playing with cigarettes in the '60s. I didn't have  
19 no knowledge of what even a pack of cigarettes  
20 looked like.

21 Q. So then the warning changed in 1970.

22 A. Yeah, when I was too young. That was 60  
23 years ago.

24 Q. So then the warning changed in 1970, and it  
25 said "Warning: The Surgeon General has determined



1     that cigarette smoking is dangerous to your health."

2             Do you recall seeing that warning?

3             A.    Then again, I wasn't smoking cigarettes in  
4     the '70s.  I started smoking in the '80s with my  
5     wife.  Then I noticed it.

6             Q.    So the warning that went on packs of  
7     cigarettes was on there from 1970 to 1985.  So  
8     the warning that would have been on the packs of  
9     cigarettes when you started smoking said  
10    "Warning:  The Surgeon General has determined that  
11    cigarette smoking is dangerous to your health."

12            A.    Okay.

13            Q.    So they would have been on the packs when  
14    you started smoking.

15            A.    They were there, and I recall seeing them.  
16    But then again we ignored it because it was  
17    cigarettes were safe.  There was no scientific data  
18    proving otherwise.

19            Q.    So a label that said the Surgeon General  
20    has determined that cigarette smoking is dangerous  
21    to your health wasn't scientific?

22            A.    That's not scientific data.  They never  
23    showed anybody, until 2000, that it was proven to  
24    be -- how do you say it? -- it was proven to be bad  
25    for your health.  In 2000.

1 Q. Right. But the warning label that went on  
2 packs of cigarettes in 1970 says the Surgeon General  
3 has determined that cigarette smoking is dangerous?

4 A. Yeah. If it was there, we ignored it. We  
5 were already addicted to cigarettes. But, again, we  
6 had to wait until 2000 to find out the truth. So I  
7 don't know what to tell you, ma'am.

8 Q. So do you know what the Surgeon General of  
9 the United States does?

10 A. Says?

11 Q. Do you know what the Surgeon General of the  
12 United States, do you know what that person is?

13 MS. WALD: Form.

14 THE WITNESS: Well, he works for Centers of  
15 Disease Control, I guess, or something. He's the  
16 top surgeon or doctor that knows what's going on.

17 BY MS. KENYON:

18 Q. Exactly. The Surgeon General is the top  
19 doctor in the United States.

20 A. Right.

21 Q. So this label that was on the packs of  
22 cigarettes when you started smoking said that the  
23 Surgeon General, the top doctor in the  
24 United States, the Surgeon General, has determined  
25 that cigarette smoking is dangerous to your health.

1           A.    Right.  Again, there was no proven data  
2   that it did until 2000.  That's when we heard about  
3   it.

4           Q.    You think the Surgeon General just put the  
5   label on there without --

6           A.    No.

7                   MS. WALD:  Wait to answer.

8                   THE WITNESS:  Go ahead, ma'am.

9   BY MS. KENYON:

10          Q.    You think the label was just on there and  
11   the Surgeon General had no proof that cigarette  
12   smoking is dangerous to your health?

13                  MS. WALD:  Object to form.  Argumentative.  
14   Mischaracterizes the testimony.

15                  You can answer.

16                  THE WITNESS:  No.  I'm sure he's a doctor.  
17   He knows.

18                  But my question is why did they wait so  
19   long, to 2000, to get the data on it?  That's what I  
20   don't understand.

21   BY MS. KENYON:

22          Q.    I don't understand what data you're talking  
23   about.

24          A.    The data that -- the scientific data that  
25   smoking is bad for your health.  It didn't come out;

1 right?

2 Q. You don't think the Surgeon General had any  
3 data in 1970?

4 MS. WALD: Object to form. Asked and  
5 answered. Argumentative.

6 THE WITNESS: All I know, ma'am, he's a  
7 doctor. Okay? He tried his best, whatever he put  
8 on the cigarettes. But we didn't find out until  
9 2000 that it was bad.

10 BY MS. KENYON:

11 Q. So do you trust what tobacco companies say  
12 over what doctors say?

13 A. No, I'm not saying that at all. Don't  
14 contradict me. I know what the doctor said. The  
15 doctor said there was a hazard to smoking. But why  
16 did it take to 2000 for them to come out with the  
17 truth that it was causing cancer and killing people?  
18 Why?

19 Q. Well, if it came out in 2000, why didn't  
20 you try to quit?

21 A. We were addicted already to the nicotine.  
22 It's not that easy, ma'am.

23 Q. But you didn't even try to quit?

24 A. Right. We were addicted.

25 Q. But you didn't even try to quit?

1 MS. WALD: Object to the form. Now you're  
2 just bickering with the witness at this point. So I  
3 would ask that -- I don't know if we're reaching a  
4 breaking point, but bickering back and forth with  
5 the witness is not helping at this point. So I'd  
6 ask you to ask questions and not just be getting  
7 into an argument with my client.

8 BY MS. KENYON:

9 Q. That was a question.

10 A. Okay. The question is Sandra got cancer.  
11 She got scared. She quit. I got scared. We quit.  
12 Whether we were addicted or not, we had to quit.  
13 And it's all because of the cancer she got from  
14 smoking when she was in her teens. That's all,  
15 ma'am.

16 I'm not disputing the Surgeon General.  
17 He's a professional doctor. He knows what he's  
18 talking about.

19 But the politicians, whoever got paid off,  
20 they didn't put the truth out that it was bad.  
21 That's all I'm saying, ma'am.

22 Q. Are you aware that in 1985 the pack  
23 warnings changed to a series of rotating warnings  
24 which are the same warnings that are on cigarette  
25 packs sold in the U.S. today?

1 A. Say again?

2 Q. Are you aware that in 1985 the pack  
3 warnings changed to a series of rotating warnings  
4 which are the exact same warnings that are on packs  
5 of cigarettes today?

6 A. I wasn't aware of that.

7 Q. Are you aware that those warnings include a  
8 specific warning about smoking causing cancer?

9 A. Not the word "cancer." Hazardous to your  
10 health. I don't know what they meant by that. That  
11 it was bad for your health, but they never mentioned  
12 the word "cancer."

13 Q. So you're not aware that there's been a  
14 warning label on every cigarette pack from 1985, and  
15 still is today, that says smoking causes cancer?

16 MS. WALD: Form. Asked and answered.

17 THE WITNESS: If it was there, I ignored  
18 it, ma'am. I was addicted. I wasn't going to read  
19 labels. I'm sorry.

20 BY MS. KENYON:

21 Q. And the warning label also says that  
22 smoking causes emphysema?

23 MS. WALD: Form.

24 THE WITNESS: Never heard that one. I'm  
25 sorry.

1 BY MS. KENYON:

2 Q. Have you seen the warning label on packs  
3 that said "Quitting smoking now greatly reduces  
4 serious risks to your health"?

5 A. No, ma'am.

6 Q. Do you know whether Mrs. Camacho saw the  
7 warning that was on packs of cigarettes in 1966?

8 A. I'm not aware of it. I don't know. Sorry.

9 Q. Do you know whether Sandra is aware of the  
10 warning that went on packs of cigarettes in 1970?

11 A. The warning?

12 Q. Yeah. Do you know whether she's aware of  
13 what the warning label said on packs of cigarettes  
14 from 1970 to 1985?

15 MS. WALD: Form.

16 THE WITNESS: I wasn't smoking in the '70s.

17 MS. WALD: Listen to the question.

18 BY MS. KENYON:

19 Q. Did you know whether Mrs. Camacho read the  
20 warning label that was on packs of cigarettes from  
21 1970 to 1985?

22 MS. WALD: Form.

23 THE WITNESS: I don't know that, ma'am. I  
24 don't know.

25 ///

1 BY MS. KENYON:

2 Q. Did you ever discuss any of the warnings on  
3 packs of cigarettes with Mrs. Camacho?

4 A. No, ma'am. Just like I said, we saw the  
5 comments on the cigarette with the little square,  
6 but we ignored them. We didn't bother to read them.  
7 We were heavy smokers, and we just kept on going,  
8 ma'am.

9 Q. Did you ever read them before you were --

10 A. No. I didn't bother reading them. They  
11 were on the packs, different wording, and they were  
12 on different packs of cigarettes, on all the packs  
13 of cigarettes. But we were smoking already. We  
14 were addicted, and we didn't know what to do.

15 Q. Are you aware that the same warnings that  
16 are on packs of unfiltered cigarettes are the exact  
17 same warnings that are on packs of unfiltered  
18 cigarettes -- sorry. I'm going to start my question  
19 over.

20 Are you aware that the same warnings are on  
21 packs of unfiltered cigarettes -- the same exact  
22 warnings that are on packs of unfiltered cigarettes  
23 are the same exact warnings that are on packs of  
24 filtered cigarettes?

25 MS. WALD: Form.



1 THE WITNESS: I wouldn't know that because  
2 I didn't smoke -- how do you say that? -- unfiltered  
3 cigarettes. I handled the packs, like I said, for  
4 my father-in-law, but I never read them. I didn't  
5 know it had the same warning or different warning.  
6 I never read that. I thought it was just a pack of  
7 cigarettes without filters.

8 BY MS. KENYON:

9 Q. And the same warnings appear on a pack of  
10 regular cigarettes as they do on menthol cigarettes.  
11 Are you aware of that?

12 MS. WALD: Form.

13 THE WITNESS: What's menthol?

14 BY MS. KENYON:

15 Q. Do you know what a menthol cigarette is?

16 A. No. I just know our cigarettes, Basic and  
17 Marlboro and L&M. Were those menthols?

18 Q. If you don't know what they are, that's  
19 fine.

20 A. Yeah, I don't know that, ma'am.

21 Q. Do you know whether Mrs. Camacho read the  
22 warning labels after 1985 when they changed to  
23 rotating warnings?

24 A. I don't know, ma'am.

25 Q. Is there any reason that Mrs. Camacho would

1 not have been able to read and understand any of the  
2 warning labels?

3 A. I don't know that either, ma'am.

4 Q. Was she able to read?

5 A. She's a real good reader, but I don't know  
6 if she read them or not. I don't know.

7 Q. So my question is if she had read them, is  
8 there any reason that she would not have been able  
9 to understand what those warnings said?

10 A. Well, if she read them, which I don't know  
11 if she did or not, she would understand them. But  
12 you have to ask her that question. Don't ask me.

13 Q. Has Mrs. Camacho ever told you that she did  
14 not believe the warnings on her cigarette packs?

15 A. I never heard that.

16 Q. Did you not believe the warnings on the  
17 cigarette packs?

18 A. I kept on smoking, so obviously not. I  
19 didn't.

20 Q. Did Mrs. Camacho ever tell you that she  
21 heard smoking was not harmful?

22 MS. WALD: Form.

23 THE WITNESS: I never heard that from her.

24 BY MS. KENYON:

25 Q. Or that smoking was good for you?

1 A. I never heard that either.

2 Q. Did Mrs. Camacho ever tell you that she  
3 heard smoking -- strike that.

4 Did Mrs. Camacho ever tell you that she  
5 heard that you should smoke?

6 A. I never heard that either.

7 Q. Have you ever heard of something called a  
8 "Frank Statement to Cigarette Smokers"?

9 A. No, ma'am.

10 Q. Have you ever heard Mrs. Camacho say  
11 anything about a "Frank Statement to Cigarette  
12 Smokers"?

13 A. No, ma'am.

14 Q. Have you ever seen or heard any statements  
15 about smoking and health from R. J. Reynolds Tobacco  
16 Company?

17 A. No, I never heard something like that.

18 MS. WALD: Object to form.

19 BY MS. KENYON:

20 Q. To your knowledge, has your wife ever seen  
21 or heard any statements about smoking and health  
22 from R. J. Reynolds Tobacco Company?

23 A. I can't speak for her. No, ma'am.

24 Q. Have you ever seen or heard statements  
25 about smoking and health from Lorillard Tobacco

1 Company?

2 A. No.

3 Q. To your knowledge, has your wife ever seen  
4 or heard any statements about smoking and health  
5 from Lorillard Tobacco Company?

6 A. I don't know that, ma'am.

7 Q. Have you ever seen or heard any statements  
8 about smoking and health from Philip Morris USA?

9 A. I don't know --

10 MS. WALD: Object to form.

11 Mischaracterizes testimony. Asked and answered. He  
12 has testified about numerous statements that he has  
13 heard over the years.

14 BY MS. KENYON:

15 Q. To your knowledge, has your wife ever seen  
16 or heard any statements about smoking and health  
17 from Philip Morris USA?

18 MS. WALD: Same objection. Asked and  
19 answered. He's already testified about this.

20 THE WITNESS: I don't know, ma'am.

21 BY MS. KENYON:

22 Q. Have you ever seen or heard any statements  
23 about smoking and health from Brown & Williamson  
24 Tobacco Company?

25 MS. WALD: Same objection.

1 THE WITNESS: No.

2 BY MS. KENYON:

3 Q. To your knowledge, has your wife ever seen  
4 or heard any statements about smoking and health  
5 from Brown & Williamson Tobacco Corporation?

6 MS. WALD: Object to form. Asked and  
7 answered. He's already testified about this.

8 BY MS. KENYON:

9 Q. You can answer.

10 A. I can answer?

11 Not to my knowledge.

12 Q. Have you ever seen or heard statements  
13 about smoking and health from BAT Industries?

14 MS. WALD: Object to form. Asked and  
15 answered. He has already testified about this.

16 BY MS. KENYON:

17 Q. Go ahead.

18 A. No.

19 Q. To your knowledge, has your wife ever seen  
20 or heard any statements about smoking and health  
21 from BAT Industries?

22 MS. WALD: Same objection.

23 THE WITNESS: I don't know, ma'am.

24 BY MS. KENYON:

25 Q. Have you ever seen or heard statements

1 about smoking and health from Liggett Group?

2 A. I don't know, ma'am.

3 Q. To your knowledge, has your wife ever seen  
4 or heard any statements about smoking and health  
5 from Liggett Group?

6 MS. WALD: Same objection.

7 THE WITNESS: I don't know.

8 BY MS. KENYON:

9 Q. Did you ever have any direct communication  
10 or contact with a tobacco company?

11 A. No, ma'am.

12 Q. Did your wife?

13 A. Not to my knowledge.

14 Q. Have you read or heard anything about the  
15 Tobacco Industry Research Committee?

16 A. No, ma'am.

17 Q. Has your wife ever said anything to you  
18 about the Tobacco Industry Research Committee?

19 A. Not to my knowledge, no.

20 Q. Have you ever read or heard anything about  
21 the Council for Tobacco Research?

22 A. No, ma'am.

23 MS. KENYON: I have like five more minutes,  
24 and then we'll stop for the day.

25 (A pause in proceedings.)

1 BY MS. KENYON:

2 Q. To your knowledge, has your wife ever read  
3 or heard anything about the Council for Tobacco  
4 Research?

5 A. I'm not aware of that.

6 Q. Have you ever read or heard anything about  
7 the Tobacco Institute?

8 A. No, ma'am.

9 Q. To your knowledge, has your wife ever read  
10 or heard anything about the Tobacco Institute?

11 A. Not to my knowledge, ma'am.

12 Q. Have you ever read or heard anything about  
13 Hill+Knowlton?

14 A. No, ma'am.

15 Q. To your knowledge, has your wife ever heard  
16 or read anything about Hill+Knowlton?

17 A. Not to my knowledge.

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

19 (A discussion was held off the record.)

20 MS. WALD: We just conferred offline.

21 According to the rough estimates on my stopwatch,  
22 we're at five hours and 18 minutes. I've conferred  
23 with counsel for Philip Morris, Reynolds, and  
24 Liggett. They are aware of the seven-hour  
25 presumptive deposition time limit in Nevada. It's

1 based on their representations that they have  
2 approximately two hours left, maybe two hours and 10  
3 or 15 minutes, so we will conclude the deposition at  
4 this time. We have two dates set aside in December,  
5 and at that point the defendants will continue their  
6 deposition, and they will do another two hours,  
7 possibly two hours and 10 minutes or 15 minutes.  
8 They're not seeking any additional time beyond that  
9 two hours, 10 or 15 minutes.

10 If I can just have all the attorneys agree  
11 to what I just stated.

12 MS. KENYON: Jennifer Kenyon on behalf of  
13 Philip Morris. I agree with what Ms. Wald just laid  
14 out.

15 MS. LUTHER: I agree as well.

16 MS. HENNINGER: I do as well.

17 MS. WALD: Thank you. And he is going to  
18 be reading.

19 THE COURT REPORTER: Same order as  
20 yesterday?

21 MS. KENYON: Same as yesterday.

22 MS. WALD: Yes.

23 MS. LUTHER: Yes, please. Holly, I didn't  
24 clarify this yesterday. I just need an electronic  
25 copy with the ptx.



1 MS. KENYON: We're the same. Please don't  
2 send me a paper copy.

3 (Proceedings concluded at 4:06 p.m.)  
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## 1 CERTIFICATE OF REPORTER

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

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, Anthony 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 HEREOF, I have hereunto set my  
hand in the County of Clark, State of Nevada, this  
15th 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 DISTRICT COURT

2 CLARK COUNTY, NEVADA

3 SANDRA CAMACHO, )  
 individually, and ANTHONY )  
 4 CAMACHO, individually, ) CASE NO.:  
 ) A-19-807650-C  
 5 Plaintiffs, )

6 vs. )

7 PHILIP MORRIS USA INC., a )  
 foreign corporation; R. )  
 8 J. REYNOLDS TOBACCO )  
 COMPANY, a foreign )  
 9 corporation, )  
 individually, and as )  
 10 successor-by-merger to )  
 LORILLARD TOBACCO COMPANY )  
 11 and as )  
 successor-in-interest to )  
 12 the United States tobacco )  
 business of BROWN & )  
 13 WILLIAMSON TOBACCO )  
 CORPORATION, which is the )  
 14 successor-by-merger to )  
 THE AMERICAN TOBACCO )  
 15 COMPANY; LIGGETT GROUP, )  
 LLC, a foreign )  
 16 corporation; ASM )  
 NATIONWIDE CORPORATION )  
 17 d/b/a SILVERADO SMOKES & )  
 CIGARS, a domestic )  
 18 corporation; and LV )  
 SINGHS INC. d/b/a SMOKES )  
 19 & VAPORS, a domestic )  
 corporation; DOES I-X; )  
 20 and ROE BUSINESS ENTITIES )  
 XI-XX, inclusive, )

DEPOSITION OF  
 ANTHONY CAMACHO  
 VOLUME II

21 Defendants. )

22  
 23 Taken on Tuesday, December 7, 2021  
 At 1:33 p.m.  
 24 Las Vegas, Nevada

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

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DEPOSITION OF ANTHONY CAMACHO

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VOLUME II

9

Taken on Tuesday, December 7, 2021

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By a Certified Stenographer

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At 1:33 p.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

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## 1 I N D E X

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BY: Ms. Wald 385, 392

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

2 \* \* \* \* \*

3 Whereupon --

4 (In an off-the-record discussion held prior  
5 to the commencement of the proceedings, counsel  
6 agreed to waive the court reporter's requirements  
7 under Rule 30(b)(4) of the Nevada Rules of Civil  
8 Procedure.)

9 ANTHONY CAMACHO,  
10 having been first duly sworn to testify to the  
11 truth, the whole truth, and nothing but the truth,  
12 was examined and testified as follows:

13

14 EXAMINATION

15 BY MS. KENYON:

16 Q. Good afternoon, Mr. Camacho.

17 A. Hi.

18 Q. Good to see you again.

19 A. Same here.

20 Q. Again, I'm Jennifer Kenyon on behalf of  
21 PM USA. We were here about a month ago talking to  
22 you.

23 Do you remember that?

24 A. Yes, ma'am.

25 Q. So I'm just going to go over a couple of