

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
VOLUME 42 (Nos. 6342-6484)*

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Attorneys for Petitioners, Sandra Camacho and Anthony Camacho

1 ground rules again just to re-acclimate.

2 If you could wait for me to finish my
3 questions before you answer.

4 A. Got it.

5 Q. If you don't understand one of my
6 questions, let me know and I will rephrase it.

7 A. Okay.

8 Q. If you can't hear me or can't understand
9 me through the masks, just let me know.

10 A. Okay.

11 Q. Let me know if you need to take breaks
12 at any time.

13 A. Okay, ma'am.

14 Q. You understand that you're under oath
15 again today?

16 A. Yes.

17 Q. Is there anything that might affect your
18 ability to understand my questions today and answer
19 those questions?

20 A. No, I will understand them.

21 Q. Is there anything that will prevent you
22 from giving accurate testimony today?

23 A. No.

24 Q. Did you meet with your lawyers before
25 your deposition today?

1 A. Say it again.

2 Q. Did you meet with your lawyers before
3 your deposition today?

4 A. No. When she came in, we just prepared.

5 Q. Did you talk to anyone after the first
6 session of your deposition?

7 A. No. No, ma'am.

8 Q. Did you talk to Mrs. Camacho about her
9 deposition?

10 A. Yeah, we always talk about it, her
11 and I.

12 Q. What did you guys talk about?

13 A. Just what we were questioned about and
14 what -- you know, stuff like that, pertaining to the
15 case.

16 Q. Have you talked to any doctors or
17 experts hired by your attorneys in this case?

18 A. No, ma'am.

19 Q. Have you met with anyone named
20 Dr. Prochaska in this case?

21 A. I never heard of that doctor.

22 Q. Do you know whether your wife has ever
23 met with any experts or doctors in this case?

24 A. No, not that I know of.

25 Q. Last time we talked about the fact you

1 took Mrs. Camacho to her doctors' appointments and
2 you wait in the waiting room with her.

3 Do you recall that?

4 A. Yes, ma'am.

5 Q. Did Mrs. Camacho ever leave any doctor's
6 appointment with written information on
7 quitting-smoking techniques?

8 A. No. The doctors always -- when she came
9 out, she mostly told me about her weight problem.
10 Doctor said she needs to lose weight because she was
11 pretty heavy.

12 Q. Did any of your doctors ever tell you to
13 quit smoking?

14 A. They never knew I smoked.

15 Q. Did your doctors ever ask you whether
16 you smoked?

17 A. Not that I can recall, ma'am. I don't
18 remember that.

19 Q. You told us that you started smoking in
20 1978 with Mrs. Camacho, right?

21 A. Yes.

22 Q. You started smoking L&M because that was
23 the brand that Mrs. Camacho was smoking?

24 A. Yes, she was smoking L&M.

25 Q. You would agree that you did not start

1 smoking L&M because of an ad, correct?

2 A. Yes.

3 Q. Did you ever discuss L&M ads with
4 Mrs. Camacho?

5 A. Not really, no.

6 Q. When you say "Not really," did you
7 discuss L&M ads with Mrs. Camacho or not?

8 A. No.

9 Q. You would agree that you did not start
10 smoking Marlboro because of an ad, correct?

11 A. Say again.

12 Q. You would agree that you did not start
13 smoking Marlboro because of an ad, correct?

14 A. No. It was she just switched over
15 because she couldn't find L&M anymore. They were
16 harder to get here. And she switched to Marlboro.

17 Q. So you did not start smoking Marlboro
18 because of an ad?

19 A. No. I started smoking Marlboro
20 with her.

21 Q. Did you ever discuss Marlboro ads with
22 Mrs. Camacho?

23 A. No.

24 Q. You would agree that you did not start
25 smoking Basic because of an advertisement, correct?

1 A. No. We started smoking Basics, they
2 were cheaper than Marlboro.

3 Q. You did not start smoking Basic because
4 of an advertisement?

5 A. No.

6 Q. Did you ever discuss Basic cigarettes
7 with Mrs. Camacho?

8 A. No, ma'am.

9 Q. Did you ever discuss cigarette ads with
10 Mrs. Camacho?

11 A. Not really.

12 Q. When you say "Not really" ...?

13 A. Well, I never -- we never discussed
14 cigarette ads. I never did, at least.

15 Q. So you never discussed cigarette ads
16 with Mrs. Camacho?

17 A. No.

18 MS. WALD: Form. Asked and answered.

19 BY MS. KENYON:

20 Q. Did Mrs. Camacho ever talk to you about
21 cigarette ads?

22 MS. WALD: Form.

23 THE WITNESS: No. Not that I can
24 remember, no.

25 ///

1 BY MS. KENYON:

2 Q. Do you recall seeing any advertisements
3 for cigarettes?

4 A. Just the ones that were in magazines,
5 like Newport cigarettes, Kools, Camel, Marlboro,
6 Winston, stuff like that, but that's about it.
7 Advertisements, you know, on billboards or
8 magazines, various magazines that I used to look at.
9 I don't remember the names of the magazines.

10 Q. Do you recall seeing advertisements --
11 strike that.

12 What do you recall about the Newport
13 advertisements?

14 A. They were just pictures with people
15 either hunting, doing a sport and smoking a
16 cigarette. That's about it. And sometimes you just
17 see their names most of the times, but that was it.
18 People enjoying life and smoking cigarettes, I
19 guess.

20 Q. Where did you see a Newport ad?

21 A. Different magazines. I just told you.

22 Q. Do you know what magazine?

23 A. No, ma'am.

24 Q. Do you know when you saw the Newport ad?

25 A. Going through life. Different -- you

1 know, sitting in a room somewhere waiting, at the
2 airport or wherever, just opening a magazine. And
3 there were advertisements in all kind of magazines.
4 I can't remember all the names, ma'am.

5 Q. Were you smoking when you saw the ad for
6 Newport?

7 A. Yes.

8 Q. Do you know whether the Newport ad that
9 you saw in a magazine had a Surgeon General warning
10 on it?

11 A. No, I don't remember that at all. I
12 just flipped through the pages and see the -- I
13 never read anything. Just flipped through the pages
14 and see commercials advertising cigarettes.

15 Q. Are you saying -- did you only see
16 advertisements in magazines?

17 A. Magazines, billboards, stuff like that.
18 I don't, you know, recall where I saw them. The
19 most one that I do recognize because it was a cool
20 sign at the time, everybody talked about it, the
21 Marlboro Man puffing away on a billboard. That was
22 the only one I could recall.

23 Q. Do you recall seeing a specific --
24 strike that.

25 Do you recall seeing a billboard for any

1 other brand of cigarette?

2 A. I can't recall, ma'am.

3 Q. Did you ever smoke a Newport cigarette?

4 A. Yes, I used to years ago. When we'd go
5 out, somebody -- when we used to go out dancing or
6 something, somebody had cigarettes, you know, I
7 asked them for one. And, you know, I don't know if
8 it was Newport or not, but if we ran out of
9 cigarettes, we mooched cigarettes off of people.

10 Q. So do you know whether you actually ever
11 smoked a Newport cigarette?

12 A. I don't think so. I don't really know.
13 I smoked -- you know, like I said, you run out of
14 cigarettes and you bum a cigarette off somebody, you
15 know. That's all I can tell you. I never knew the
16 brands for stuff.

17 Q. Did you care what brand of cigarette
18 someone gave you when you ran out?

19 A. Not really. As long as you had the
20 cigarette, you know. I mean, you were glad to get
21 one because you were out of cigarettes, and, you
22 know, there was no cigarette machine at the place or
23 something, and you were glad to get the cigarette.

24 Q. Did you care if the cigarette was
25 filtered or unfiltered?

1 A. No, I went with filter all the time.

2 Q. If you were out of cigarettes, and all
3 someone had --

4 A. Yeah --

5 Q. Hold on. Let me get my question out.

6 If you ran out of cigarettes and the
7 only available option was an unfiltered cigarette,
8 would you smoke it?

9 A. I tried it, but I didn't care for them
10 because of the tobacco would come loose in your
11 mouth and stuff, and I don't like that. So I would
12 prefer a filtered cigarette.

13 Q. But if the only thing available was an
14 unfiltered cigarette, would you smoke it?

15 A. Probably, yes.

16 Q. Newport was never your primary brand of
17 cigarette?

18 A. No, no.

19 Q. You mentioned advertisements for Kool?

20 A. Yeah, just pictures in the magazine.
21 You know, like I said, they -- open a magazine, they
22 have pictures of Kools, maybe a fisherman in a boat,
23 maybe a cowboy or whatever advertisement they were
24 using. I just saw pictures of them. I don't know
25 what they said or nothing. There was just pictures

1 advertising them.

2 Q. Do you recall a specific advertisement
3 in a magazine for Kool?

4 A. Not really. That's long ago. I don't.

5 Q. Do you recall a specific advertisement
6 in a magazine for Newport?

7 A. Only in the magazine, but I don't know
8 how long ago. It was a long time ago when I used to
9 look at magazines for advertisement.

10 Q. But do you specifically recall an
11 advertisement in a magazine for Newport?

12 A. Well, I saw pictures of all different
13 cigarettes. I'm just saying the brands that I used
14 to see a lot. And, you know, I can't say, you
15 know -- be specific on it. There were magazine
16 advertisements. I'd look at the pictures; I'd go to
17 the next page.

18 Q. Do you know whether the -- do you know
19 whether you were smoking at the time you saw an
20 advertisement for Kool?

21 A. Say again.

22 Q. Were you smoking at the time when you
23 saw an advertisement for Kool?

24 A. I don't recall. Because I started
25 smoking when I met Sandra, and when we got -- I met

1 her in '78.

2 Q. Do you know whether there was a Surgeon
3 General warning on the Kool advertisement?

4 A. I don't know that either, ma'am. I saw
5 all of them have some kind of advertisement or
6 whatever, but I never really paid attention to them.

7 Q. Why didn't you pay attention to the
8 cigarette advertisements?

9 A. I don't know. I was smoking the brand I
10 liked, and that's all I can tell you. I didn't
11 really pay attention to what the cigarette said.

12 Q. Did you ever switch brands that you were
13 smoking because of a cigarette advertisement?

14 A. Just the three times when I've been with
15 Sandra, when we started with the L&M, and then to
16 Marlboro, and then to Basic. Those were the only
17 times.

18 Q. Right. So my question's just a little
19 bit different.

20 MS. KENYON: Can you read my question
21 back.

22 (The record is read by the reporter.)

23 THE WITNESS: No.

24 BY MS. KENYON:

25 Q. Did you ever smoke Kool cigarettes?

1 A. No.

2 Q. You also mentioned Camel?

3 A. Never smoked Camels either.

4 Q. What do you recall about the Camel
5 advertisements that you saw?

6 A. Same as the others. Just a person
7 smoking a cigarette and that was it. I didn't
8 bother reading if it tastes good or was great. I
9 just looked at the pictures and that was it.

10 Q. Do you know when you saw that?

11 A. No, I don't, ma'am. Going through life,
12 I guess. When there was heavy advertisement,
13 whenever that was.

14 Q. Do you know whether the advertisement
15 had a Surgeon General warning on it?

16 A. I don't recall that either, ma'am.

17 Q. Do you know what magazine you might have
18 seen it in?

19 A. No, I don't know that either.

20 Q. Do you know what magazine you might have
21 seen a Kool advertisement in?

22 A. Say again?

23 Q. Do you know what magazine you might have
24 seen a Kool advertisement in?

25 A. No, I don't. No. I can't remember any

1 of the names.

2 Q. You mentioned Marlboro. Did you ever
3 see an advertisement for Marlboro in a magazine?

4 A. I don't recall. The other advertisement
5 was the billboard sign.

6 Q. So the only advertisement you remember
7 seeing for Marlboro was a billboard?

8 A. Yeah, with the smoke coming out of it
9 with the wrangler.

10 Q. When did you see that billboard?

11 A. Oh, I don't know, ma'am.

12 Q. Were you living in the Chicago area or
13 Las Vegas?

14 A. I don't know that, where I saw it.

15 Q. Were you smoking when you saw the
16 billboard?

17 A. I don't know that either.

18 Q. Did you discuss the Marlboro billboard
19 with Mrs. Camacho?

20 A. Yeah, I told her. I talked to her about
21 the billboard. We discussed the billboard. Just
22 everybody knew about the billboard. It was a big
23 thing with that billboard. They were all over the
24 place. Wherever they put them, I guess. I don't
25 recall where I saw it, but we discussed the wrangler

1 and the cowboy and the smoke coming out of the
2 billboard.

3 Q. Do you know whether Mrs. Camacho was
4 smoking Marlboro at the time that you saw the
5 billboard?

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

7 Q. Do you know whether Mrs. Camacho saw the
8 billboard?

9 A. I don't know that either. I know I saw
10 it, but I don't know if she was with me or not. I
11 don't know where I was when I saw it, but I did
12 see it.

13 Q. Did you ever buy a particular brand of
14 cigarettes because of an advertisement?

15 A. No.

16 Q. When you saw the advertisements for
17 cigarettes in magazines, did you see any statement
18 in the ad that you believed was false?

19 A. Never read the ad. Just looked at the
20 pictures and flipped to the next page.

21 Q. Last time you testified that you knew
22 that smokers paid higher insurance premiums than
23 nonsmokers.

24 Do you recall that?

25 A. Yeah, you asked me that question.

1 Q. When were you first aware that smokers
2 paid higher insurance premiums than nonsmokers?

3 A. I saw that on -- on some kind of
4 advertisement or some kind of medical form in a
5 doctor's office maybe. But we had insurance, and
6 that never happened to us. But -- I don't know
7 about Sandra, but we never paid a higher premium
8 that I know of.

9 Q. Do you know when you saw that in a
10 doctor's office?

11 A. No. I really don't.

12 Q. Do you know what doctor it was?

13 A. No. You kidding? Do you know how many
14 doctors we go to in 40 years?

15 Q. Was it one of your doctors or one of
16 Mrs. Camacho's?

17 A. I don't know. It could have been mine.
18 It could have been hers. We both had medical
19 problems. She had her problems. I had mine. And,
20 you know, go to doctors' visits, and sit in the
21 lobby, and they have magazines, and you go through
22 magazines and you read stuff.

23 Q. Do you know why smokers pay a higher
24 premium?

25 A. Probably for their health or something.

1 I don't know.

2 Q. We talked about an antismoking
3 commercial that you saw that Yul Brynner made before
4 he died of lung cancer.

5 Do you recall that?

6 A. You know, I recall him in a commercial
7 and he was talking about smoking, but I don't -- I
8 don't recall if he was dying at the time or speaking
9 out or something. But I did see him one time on TV,
10 and he was speaking of smoking. And like I said, I
11 don't know if he was trying to get a message out or
12 something. It was like a -- I just looked at the
13 commercial. But I do recall that I guess he did die
14 of something, and he was on TV.

15 Give me a minute. Let me turn my
16 machine on.

17 Okay. Sorry.

18 Q. You're fine.

19 What was your reaction when you saw the
20 commercial with Yul Brynner?

21 A. Well, when he was speaking, it was on
22 TV. I didn't know at the time that he was dying of
23 smoking. I just -- he was just talking. And I know
24 that the man was dying, but I didn't know what he
25 was dying from.

1 Q. So what was your reaction when you saw
2 that commercial?

3 A. It was sad, somebody dying, a movie star
4 that you liked. You just felt sad, you know.

5 Q. Did you try to quit smoking after you
6 saw the commercial?

7 A. To be honest with you, I don't even know
8 if it was about smoking. I don't know if it was
9 promoting smoking or speaking against it. I don't
10 know which one it was. But I know he died later on,
11 after the commercial. And, you know, it was long
12 ago, but I was pretty sad, because I liked his
13 movies.

14 Q. And I think you told us last time you
15 liked to watch comedies in the '70s; is that right?

16 A. Yes, ma'am.

17 Q. Did you watch "All in the Family"?

18 A. All in the -- put it this way: I
19 watched basically all of them in the '70s. They
20 were really good commercial -- I mean good comedy
21 shows, like the names that I told you. You know
22 "Happy Times [sic]," "Chico and the Man," "Good
23 Times," and other ones, and they were all comedies,
24 and they were family shows.

25 Q. Did you ever see an antismoking

1 commercial with Archie Bunker?

2 A. No, I never saw that one.

3 Q. Do you know who Archie Bunker is?

4 A. Sure.

5 Q. Did you ever see an antismoking
6 commercial with Carroll O'Connor?

7 A. Carroll O'Connor is Archie.

8 Q. He was Archie, exactly.

9 A. No. I never saw a commercial with him
10 and his smoking.

11 Q. Do you remember "I Dream of Jeannie"?

12 A. "I Dream of Jeannie," Larry Hagman,
13 sure.

14 Q. Larry Hagman was the master of the
15 genie?

16 A. Yes. He was a colonel in the Air Force
17 in the show. That was one of my favorite shows.

18 Q. He was also a star of Dallas?

19 A. Dallas, yes.

20 Q. Do you remember seeing Larry Hagman in
21 an antismoking commercial?

22 A. No, ma'am.

23 Q. Do you know what Mrs. Camacho's favorite
24 television programs were before you met her?

25 A. Probably same as mine. When we met, we

1 were watching all the '70s programs together. They
2 probably -- we enjoyed TV together until, you know,
3 you start to get older in life. Like right now, she
4 watches her own TV and I watch my own. I like
5 black-and-white movies and I like old movies. I
6 don't really care for the modern movies anymore.

7 Q. Did she watch shows like "I Dream of
8 Jeannie"?

9 A. Yes, she watched those with me, yeah.

10 Q. You testified last time that you and
11 Mrs. Camacho never took vacations during your
12 marriage.

13 Do you recall that?

14 A. The only vacation we took during our
15 marriage was coming to Las Vegas for the first time,
16 and that was the first vacation, and there was
17 probably a previous one after that, and then moved
18 to Las Vegas.

19 Q. When you came to Las Vegas that first
20 time, when was it?

21 A. I'm going to say probably around '84,
22 '85. Somewhere around there.

23 Q. Did you fly?

24 A. Yeah, we flew, ma'am.

25 Q. Did you smoke on the plane?

1 A. Yes. They had the little ashtrays on
2 the armrests, and people were allowed to light up.

3 Q. When was the next time you came out to
4 Las Vegas?

5 A. Possibly about two or three years later
6 and the same year, in the '80s sometime. That was
7 our second trip.

8 Q. Did you fly?

9 A. We flew, yes, ma'am.

10 Q. Were you allowed to smoke on the plane?

11 A. On the second flight, I don't recall,
12 but I -- the first one I do recall because I
13 remember it was the DC8 63 series. It was a long
14 one, and a lot of people onboard that plane, a
15 four-engine job. It was, I don't know, probably 200
16 of us. And they had the little ashtrays there.

17 The second trip, I don't know, ma'am.

18 Q. Prior to coming out to Las Vegas in the
19 mid-'80s, did you take any other vacations during
20 your marriage?

21 A. Yes, we did. We took one, I believe it
22 was to somewhere in Wisconsin to see her aunt and
23 uncle that lived on a farm. And that was the third
24 vacation.

25 Q. When did you go to Wisconsin?

1 A. That was probably the middle -- in the
2 middle of '80s. We drove there, and it was like a
3 six-hour trip to -- almost by the Canadian border.
4 I believe. Not the Canadian. The Michigan border,
5 the State of Michigan.

6 Q. Did anyone else go with you and your
7 wife?

8 A. Yeah, her mother, her father and my two
9 step-children.

10 Q. Was Mrs. Camacho allowed to smoke in the
11 car on the drive?

12 A. I don't recall anybody lighting up in
13 the car. I can't recall at all.

14 Q. Was Mrs. Camacho able to refrain from
15 smoking during the drive?

16 A. Like I said, I don't know if they did or
17 not.

18 Q. Do you recall whether you drove straight
19 to Wisconsin or did you stop anywhere?

20 A. No, we made stops. It was a six-hour
21 trip. We stopped for bathroom breaks and food, and
22 then we'd go back on the interstate.

23 Q. Any other vacations during your
24 marriage?

25 A. Yeah, I went by myself, not -- without

1 her. Because when I worked for the airlines, I was
2 allowed to fly for free. I went to St. Thomas.

3 Q. You didn't take Mrs. Camacho?

4 A. No.

5 Q. Why not?

6 A. It was an employee thing, and, like, I
7 think there was two or three of us that went
8 together on the flight to St. Thomas or St. Croix.
9 We stayed there for three days and came back home.

10 Q. Does Mrs. Camacho like to travel?

11 A. Oh, I don't know that. If we had to go
12 somewhere to visit somebody, we would go.

13 Q. Did you take any other vacations during
14 your marriage?

15 A. Yes. Once I took a two-day vacation in
16 Oshkosh, Wisconsin, for the air show. That one I
17 know the date because I got stickers when I went and
18 took pictures in 1988. I went by myself with
19 another employee, and we spent two days at Oshkosh.

20 Q. Did you go on any other vacations with
21 Mrs. Camacho during your marriage?

22 A. No. Just the three, that I recall.

23 Q. Switching gears a little bit.

24 Has Mrs. Camacho ever been treated for
25 anxiety?

1 A. Not that I know of.

2 Q. Has she ever taken any medication for
3 anxiety?

4 A. Not that I know of.

5 Q. Has she ever been treated for
6 depression?

7 A. Not that I know of. Only, excuse me,
8 when -- was that -- only when, in her marriage,
9 there was something wrong with her first marriage,
10 and I don't know what that was about, but I guess it
11 was some kind of depression or something. But I
12 wasn't around at the time. She was still married, I
13 guess, and that led to a divorce. That's about it.
14 That's all I know.

15 I don't know if she was treated for it
16 or what, but it was -- it wasn't a good divorce, and
17 probably she took it hard or whatever. Who
18 wouldn't? But I wasn't around, like I said, ma'am.
19 I wouldn't know anything about that.

20 Q. So from 1978 to present, you're not
21 aware of Mrs. Camacho ever being treated for
22 depression?

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

24 Q. Her medical records indicate she's had
25 some issues with her teeth over the years.

1 A. Her teeth?

2 Q. Yeah.

3 A. Yes.

4 Q. So you're familiar with that, with her
5 teeth issues?

6 A. We're talking about dental work?

7 Q. Correct.

8 A. Yeah, she had dental work done. She had
9 bone spurs after they pulled teeth out that we had
10 to go to oral surgeons to remove the bone spurs
11 where they removed the tooth, and they had to do
12 surgery to remove the bone spurs that were left in
13 there. And it was pretty painful for her.

14 Q. Why did she have teeth removed in the
15 first place?

16 A. She -- I guess she had some kind of
17 dental problems, and she tried to save her teeth,
18 and it was, like, a losing battle. I mean, she
19 brushed and everything, but, I don't know, something
20 medically wrong with her teeth.

21 We met the dentist, and she -- after
22 suffering from going to oral surgeons and
23 everything, her teeth had to come out. Not all of
24 them. The remainder came out, I guess, after
25 surgery, when everything had to come out, because

1 they were going to start chemo and radiation, and to
2 do that, the teeth had to be removed.

3 Q. Why did her teeth have to be removed?

4 A. I'm not a doctor. I wouldn't know that.
5 All I know, they discussed it, and those are the
6 procedures with the chemo and radiation, and all her
7 teeth were removed.

8 Q. When did Mrs. Camacho first start having
9 issues with her teeth?

10 A. I don't really want to guess, but it was
11 for a couple years she started having problems,
12 where -- that we started going to dentists, a
13 dentist visit and doing a little dental work. And
14 then the dental work became more extensive and more
15 teeth coming out. I don't know.

16 Q. Were you living in Las Vegas or River
17 Grove?

18 A. Well, let's see. River -- yeah, River
19 Grove we had our own -- our own family dentist that
20 took care of her. He's deceased now.

21 Q. Do you know whether she was having
22 issues with her teeth in River Grove?

23 A. I don't know. Like I said, she did
24 everything to take care of them, but they started --
25 she started to have medical problems. And we kept

1 going to the dentist, and they started removing
2 teeth and stuff like that. And she went through a
3 lot of aggravating days and nights trying to -- with
4 pain and stuff.

5 And every time they'd pull a tooth, then
6 here we go to the oral surgeon. The spurs came out
7 again, those little bones they had to pick out.
8 They had to put her to sleep to do it, and they
9 removed it.

10 Q. To your knowledge, did any dentist tell
11 Mrs. Camacho the cause of her teeth issues?

12 A. Not to my knowledge. I wasn't present
13 at -- when they were extracting her teeth or talking
14 with dental stuff. I would always wait outside
15 because there was no reason for me to be there. She
16 had a voice. She had two eyes and hearing. So I
17 just stayed in the waiting room.

18 Q. Did she ever suffer from bronchitis?

19 A. Oh, I don't know, ma'am. All I know,
20 sometimes she was sick. We took her to the doctor.
21 They would give her medication for whatever it was.
22 But I don't know if it was bronchitis or pneumonia
23 or shingles or what. I don't know. If she was
24 sick, I would take her to the doctor and sit in the
25 lobby and wait for her. Say, I got to go get this

1 medication, I have this, I have that.

2 But there were so many frequent -- she
3 had a lot of medical problems through life, and I
4 can't remember all of them.

5 Q. Has she had a lot of medical problems
6 throughout her life?

7 MS. WALD: Form.

8 THE WITNESS: Answer?

9 MS. WALD: You can answer.

10 THE WITNESS: Yeah, she did. She told
11 me when she was younger she had a lot of medical
12 problems. And then I said -- like I said, the
13 obesity. She was, like, really up there in weight.
14 BY MS. KENYON:

15 Q. Did Mrs. Camacho -- was Mrs. Camacho
16 ever diagnosed with asthma?

17 A. Not to my knowledge.

18 Q. Was she ever diagnosed with COPD?

19 A. COPD? I don't know that either, ma'am.
20 I don't think so. To my knowledge, I don't know if
21 she was or not.

22 Q. Has Mrs. Camacho ever been diagnosed
23 with acid reflux?

24 A. No, not for acid reflux.

25 Q. Has she ever been diagnosed with GERD or

1 gastroesophageal reflux?

2 A. That's the same -- that's what I've got.
3 I got them all. I've got GERD. I don't have the
4 flapper. I have to be real careful. And I've got a
5 bad case of heartburn. I have to be real careful
6 with what I eat. Coffee, I drink one cup and that's
7 my limit. And I've got GERD. I'm taking medication
8 now for my GERD and my heartburn and that.

9 She -- she never took medicine for that.
10 She's pretty good in that area.

11 Q. So to your knowledge, she's never been
12 diagnosed with GERD?

13 A. No, not to my knowledge, no.

14 Q. Has she ever been diagnosed with
15 hypertension?

16 A. Nope.

17 Q. Now I want to talk about Mrs. Camacho's
18 laryngeal cancer.

19 What symptoms did she first experience?

20 A. Squeaky voice. And her speech became
21 less and more interference, like there was something
22 holding her back from saying the words. Like her
23 voice became lower. And it got to the point where
24 she couldn't even make a phone call. I started
25 making the phone calls, and I started to get

1 worried. I said, "You need to keep talking to
2 people. Maybe it will go away."

3 And the squeaking got worse. And then
4 breathing problems started to set in, and that's
5 when we decided to go see our cancer doctor,
6 Dr. Weingarten.

7 And he started doing tests, and he said,
8 "I'm going to put you guys on a flight to UCLA."

9 Q. When did she start having a squeaky
10 voice?

11 A. About -- maybe like three and a half
12 years ago, when she got -- she got the emergency
13 surgery. Because we are going on four years in
14 March. March coming up, it will be four years for
15 us.

16 Q. So you're coming up on four years for
17 the surgery.

18 A. Right. And it started right -- right in
19 back of the surgery. We're going on four years, so
20 it probably started -- it was -- the squeaking was
21 already there, and then they rushed her into
22 surgery, and they found what they were looking for.
23 And we're going on four years, so it started, you
24 know, before. Maybe six months or something, or
25 maybe three months. I don't know.

1 But the squeaking got worse and worse,
2 and that's when we knew we were in trouble.

3 Q. When her voice started squeaking, is
4 that when she quit smoking?

5 A. She wasn't smoking at all. She was real
6 scared. Anything -- if she tried one, it was like
7 it will make things worse, and she said, "No more,
8 no more."

9 Then she started to get really worried.
10 Started even to cry at night. She thought she was
11 going to die. And then she started complaining that
12 "I'm having trouble breathing." So that's when I
13 said we'd better do something.

14 Q. So she was diagnosed with laryngeal
15 cancer in March of 2018, right?

16 A. (Nods head in the affirmative.)

17 Q. Is that right?

18 A. I don't know, but it's going to be four
19 years this March coming up. '22 will be four years.

20 Q. So four years before 2022 would be 2018?

21 A. Probably around there, ma'am.

22 Q. And you mentioned she started having the
23 squeaky voice three to six months prior to her
24 diagnosis?

25 A. I wouldn't go that long. I really don't

1 know, but it was somewhere in that area. Like you
2 said, maybe a few months. I don't know when. But
3 the squeaking set in pretty bad.

4 Q. And at the time when her voice started
5 squeaking, that's when she permanently quit smoking?

6 A. Yeah. She started cutting back, and
7 then after a while she said, "No more." I said,
8 "What's wrong?" She goes, "I can't do it no more."

9 And that's when I really started to get
10 worried, because she couldn't even talk on the phone
11 anymore. I had to do the talking for her, because
12 it was hard to understand with the -- you know when
13 you got a real bad cold or something and you can't
14 hardly talk? She couldn't even -- she used to do
15 all the ordering. If we'd order something, she
16 couldn't even do it no more. I had to do that. And
17 I started making the doctors' appointments. Because
18 her voice was really low and squeaky.

19 Q. When her voice started squeaking,
20 what -- did she go see a doctor?

21 A. We made an appointment with our doctor,
22 Dr. Weingarten.

23 Q. And what type of doctor is he?

24 A. Ears, nose and throat specialist.

25 Q. What did Dr. Weingarten say when you

1 went to see him?

2 A. He did some -- some -- a look-see down
3 her throat and said "We're going to do some
4 outpatient operation on you at St. Rose Hospital. I
5 want to get -- I see something. I want to get some
6 biopsies."

7 So he took biopsies of it. And
8 meanwhile, it was getting worse. We got the results
9 back. I don't know what they were. But then we
10 went back, and he said, "Guys, I'm going to send you
11 to UCLA." He goes, "There's something lurking
12 inside, and I know there's something there." And he
13 used a medical term, endo, endo-something. Like
14 it's growing -- instead of growing out, it was
15 growing in. He said, "Something is there. You got
16 to go right away. I'll make the appointment with
17 Dr. Berke at UCLA."

18 Q. When was that, that you went to see
19 Dr. Weingarten?

20 A. When the situation got worse in the
21 beginning of the whole problem. So we're going to
22 go on four years with this. So somewhere four years
23 ago, you know, when it started to get bad, and then
24 we had to jump on a plane and go to UCLA.

25 Q. And when you went to UCLA, you saw

1 Dr. Berke?

2 A. Dr. Berke. He did all kind of -- all
3 kind of medical stuff, and we came back home. But
4 then it really got bad where one day she couldn't
5 breathe at all, so I called the paramedics, and they
6 rushed her to the hospital.

7 They gave her oxygen to bring home and
8 showed me how to use the oxygen, and then we went
9 back to Dr. Weingarten, and we had -- on the second
10 trip we had to get a portable oxygen machine because
11 they wouldn't allow tanks onboard the flight. So we
12 rented a machine that cost \$6,000 to get her there.

13 As soon as we got her there, Dr. Berke
14 took a second look, and he couldn't believe it.
15 They rushed her to the hospital across the street in
16 a wheelchair. Two operations.

17 Q. Dr. Berke diagnosed her with laryngeal
18 cancer?

19 A. Yeah. He used some kind of emergency
20 code, and they rushed her across the street, and
21 they did one surgery and then the second one.

22 Q. What treatment options did Dr. Berke
23 recommend?

24 A. I -- I don't know. They were rushing --
25 they rushed her to surgery, like I said, and we were

1 there 17 days, and it was pure hell. Because I only
2 went with what I had on. I thought I was coming
3 back. And I spent 17 days at UCLA. Two major
4 operations.

5 And then when we got released, we
6 couldn't fly. We had to drive home. The plane
7 wouldn't allow not even the machine that we had
8 onboard because of her medical problems, so we had
9 to drive back.

10 Q. So that's when she had the total
11 laryngectomy?

12 A. Dr. Berke?

13 Q. Yeah, when she went to UCLA --

14 A. Yeah, total laryngectomy.

15 They had two major operations. One
16 was -- I don't know which one was first. One of
17 them was to remove the tumor. The other was to
18 remove the voice box. Two separate operation. One
19 was done, like, on a Monday. We had to wait five
20 days because there was a lot of stitching in her
21 neck. And then the other one. And that was where
22 no more voice.

23 Q. And you said she was hospitalized for
24 17 days?

25 A. We were at UCLA for 17 days.

1 Q. Did she undergo speech therapy in the
2 hospital?

3 A. There was a therapist there that shows
4 how to use that -- I don't know if you have seen
5 those things that you either put over here or in
6 your mouth and it sounds like a robot.

7 But they gave her the one with the --
8 that you put the stem in your thing, and it's like a
9 little flashlight. It sounds terrible. And I said,
10 "You're not going to use this no more." I'm afraid
11 she might swallow the stem, because she's awkward.
12 I said, "You're not going to do this no more." I
13 said "No, because you might swallow that stem." I
14 have said, "We can't use this."

15 She tried talking with it. You can't
16 make out what she's saying at all.

17 The speech therapist, they tried their
18 best to comfort us and help us and even gave us a
19 book on it and stuff. We tried to make the best of
20 it. We couldn't use that device. It sounds like a
21 little robot trying to spit out words.

22 Q. After you were released from the
23 hospital, did you ever -- did she ever go to a
24 different speech therapist for other options?

25 A. There was no other options after that.

1 The only options they were giving us was, I guess
2 people that have laryngectomies, they have a real
3 rough life. I mean, rough life, between the spouse
4 and the wife, what they've got to go through. They
5 prepare you.

6 Q. Did she receive training, and was she
7 taught how to take care of her tracheostomy?

8 A. I was at UCLA. They trained me how to
9 clean her, how to keep her stoma always clean and
10 how to work the suctioning machine.

11 That's why when she does the suctioning,
12 I always tell her to pull out, because she stays in
13 too long. She has to clear that hose irrigator so
14 she can get the boat that's in there.

15 They told me how long to stay in there,
16 how to keep the machine clean, always operating and
17 stuff like that. And with those long Q-tips, how
18 far not to go and all kind of stuff.

19 Q. How did you feel about helping
20 Mrs. Camacho take care of her trach?

21 A. I was taking care of her at the
22 hospital. I slept there a lot of the time.

23 Q. Did you ever tell your wife that you
24 didn't want to suction her?

25 A. Never.

1 Q. Did you ever tell a nurse that?

2 A. Never. The nurses trained me.

3 And the hardest part was the feeding

4 tube at the hospital. That was a little tricky.

5 They showed me how it works and how to do it.

6 Because she's going to have to get her feeding tube,

7 she's going to have to keep it, and you're going to

8 be feeding her with this.

9 And we order food, special food, that

10 comes in a little carton, different flavors. And it

11 was up to me to feed her.

12 And they -- one night, it was like 3:00

13 in the morning, and she wanted to eat. And I

14 noticed that the food wasn't going down. So I

15 called the number, and they told me what was wrong,

16 that the irrigation pipe that goes from the stomach,

17 about 24 inches long, it got clogged. But I didn't

18 see no clog, but it did get clogged once and into

19 her stomach.

20 So they told me what to do. I pumped

21 air, got it out, and we're good. And once she

22 coughed -- this was the second incident --

23 everything came all over me. And I had to endure

24 all of that until I learned how to do it real good.

25 And we went I don't know how many

1 months by me feeding her with irrigation and the
2 hose and these big horse needles they gave me to
3 irrigate the hole so it's always clear so the food
4 can go right in.

5 Q. After her surgery in March of 2018, did
6 her doctors discuss or recommend additional care and
7 treatments for her laryngeal cancer?

8 A. Not to my knowledge. It was something
9 that it was going to be for life, and there was
10 no -- probably nothing medically they can do
11 anymore. They -- they send us for the radiation and
12 chemo and take it from there. And if that didn't
13 work and if the cancer did come back, then there was
14 no hope.

15 Q. So after her surgery in March of 2018,
16 did her doctors recommend radiation therapy?

17 A. Yeah. The -- they recommended -- the --
18 what do you call that? The cancer clinic and the
19 two doctors that were involved with her, they
20 discussed it. They sat down. I was present for
21 that. "You're going to have to go nine weeks of
22 radiation and chemo. This is what to expect."

23 And it was awful, what the radiation did
24 to her.

25 Q. So I'm specifically talking about right

1 after her surgery. In March, in May and June of
2 2018, do you recall Dr. Berke recommending that she
3 receive postoperative radiation?

4 A. That I don't recall. There was a lot
5 going on with medical talk and communication between
6 doctors here -- with Dr. Weingarten and Dr. Berke by
7 phone. And we did have instructions that this is
8 going to happen. I don't know if it was from
9 Dr. Weingarten or Dr. Berke, but "This is what
10 you're going to do. You're going to go to the
11 cancer clinic, and this is what's going to go.
12 You're going to see these two doctors at the cancer
13 clinic, and we are going to start treatment. It's
14 going to be an aggressive treatment." And they told
15 her what to expect.

16 Q. Do you recall Mrs. Camacho seeing an
17 oncologist named David Pomerantz in May of 2018?

18 A. No, ma'am, not at all.

19 Q. Do you recall Dr. Pomerantz recommending
20 that Mrs. Camacho undergo radiation in May of 2018?

21 A. I don't know the doctor. Never heard
22 his name mentioned until now.

23 Q. Do you know why Dr. Berke and
24 Dr. Pomerantz were recommending that Mrs. Camacho
25 undergo radiation in May of 2018?

1 A. I have no knowledge of Dr. Berke talking
2 to the second doctor you're talking about at all,
3 ma'am. I don't know even know where the name came
4 from. I never heard the name. That's all I can
5 tell you.

6 The only doctors I know are the doctors
7 that treated her. The four doctors that treated
8 her, I know their four names, but I never heard the
9 name you mentioned, ma'am.

10 Q. So Dr. Berke and Dr. Weingarten?

11 A. They communicated.

12 Q. Who are the other two doctors that you
13 recall?

14 A. At the cancer center. I don't want to
15 guess their names, but next time you come over I'll
16 give you their names. You've got them on the
17 medical form, who they are. I'm sure you've got
18 medical forms. Their names -- they're associated
19 with the Comprehensive Cancer unit at St. Rose
20 Hospital. And there's only two doctors that took
21 care of her there until the insurance sent us a
22 letter, we can no longer go there because we're not
23 going to be contracted with them anymore. So we got
24 a new guy who monitors her, and they also got his
25 card.

1 Q. Do you recall her seeing a third doctor,
2 Dr. Weingarten --

3 MS. LUTHER: There's somebody at the
4 door.

5 MS. KENYON: We'll go off the record.

6 (A discussion is held off the record.)

7 BY MS. KENYON:

8 Q. So you mentioned Dr. Weingarten. Do you
9 recall her seeing Dr. Weingarten in August of 2018,
10 and at that appointment he also recommended that she
11 receive radiation to treat her laryngeal cancer?

12 A. All I can tell you about Dr. Weingarten,
13 if you check the records, we had multiple visits
14 with Dr. Weingarten because he's the man in charge
15 of her. He's -- everything we did was recommended
16 by him. We had multiple, multiple appointments.

17 Q. Do you recall your wife telling
18 Dr. Weingarten that she refused to follow up with an
19 oncologist for radiation therapy?

20 A. Not to my knowledge. I never heard
21 that. With Dr. Weingarten, I was always present.

22 (Exhibit 4 marked.)

23 BY MS. KENYON:

24 Q. I am handing you what I've marked as
25 Exhibit 4.

1 MS. WALD: Do you mean 5?

2 MS. KENYON: It's 4.

3 BY MS. KENYON:

4 Q. Have you seen this record before?

5 A. This form.

6 Q. Have you seen this record before?

7 A. Yeah, he's our primary. Dr. Wikler,
8 Eric Wikler.

9 Q. At the top it says August 29th, 2018.
10 Do you see that?

11 A. Where? At the top? Right here. Yeah,
12 I see it.

13 Q. And in the middle it says "Randall
14 T. Weingarten, M.D."

15 Do you see that?

16 A. Where is that at? Oh, on the top.
17 Yeah, ma'am, I see that.

18 Q. And this is a letter from Dr. Weingarten
19 to your -- to Mrs. Camacho's primary care doctor,
20 Dr. Eric Wikler.

21 Do you understand that?

22 A. Yeah.

23 Q. And this letter is dated
24 August 22, 2018.

25 Do you see that date?

1 A. Where's that at? Okay, I see it.

2 Q. And underneath that it says "Re." The
3 Re line reads "Sandra Camacho."

4 Do you see where I'm at?

5 A. Oh, yeah, I see it. "Sandra Camacho."

6 Q. Right underneath that it reads, "Dear
7 Eric: I had the pleasure of seeing your patient
8 Sandra Camacho on 8/22/18. She's a 72-year old
9 woman who is status post total laryngectomy. She
10 comes in for a routine follow-up. She has refused
11 her external beam radiation."

12 Did I read that correctly?

13 A. You read it correctly.

14 Q. And then if you go to the last paragraph
15 and take a look at the last sentence --

16 A. Where at?

17 Q. The very last paragraph at the bottom.

18 A. Right here?

19 Q. Yes.

20 A. Okay. Got it.

21 Q. The very last sentence, it starts, "I am
22 unclear."

23 Do you see that?

24 A. Where is that again? Okay, yeah.

25 Q. Dr. Weingarten wrote, "I am unclear as

1 to why she is refusing to follow up with an
2 oncologist for radiation therapy. I have stressed
3 the importance to both her and her husband for her
4 to get external beam radiation."

5 Did I read that correctly?

6 A. Yes, ma'am.

7 Q. Why did your wife refuse radiation in
8 August of 2018?

9 A. I don't know. But this conversation --
10 I don't recall the conversation at all about that.

11 Ma'am, the oncologist, is that a heart
12 doctor?

13 Q. Oncologist is cancer.

14 You told us earlier --

15 A. Oh, she was already seeing two cancer
16 doctors that were treating her. I don't understand
17 this, ma'am. But I don't recall a conversation like
18 this. We got -- we have two cancer doctors
19 recommended highly from Weingarten, Dr. Schaller I
20 believe his name was, and Dr. Kashef. I've got
21 their cards.

22 I don't see how -- I can't recall this
23 conversation, when she was seeing the cancer
24 specialists that were involved with the radiation
25 and her chemo and monitoring her blood. We went

1 to -- all the records are there with Comprehensive
2 Cancer Centers. We never -- I have no knowledge of
3 ever refusing that.

4 Q. So she also went to see Dr. Pomerantz in
5 May of 2018. He also recommended radiation. He is
6 an oncologist. And she also refused radiation when
7 she went to see Dr. Pomerantz.

8 A. That's really weird. I don't have --
9 only the two doctors that treated her with radiation
10 to fight the cancer at the Comprehensive Cancer
11 Center at St. Rose, there's two doctors that took
12 care of her, and those were the two that started
13 treatment, the procedure with chemo for nine weeks
14 and radiation for nine weeks.

15 And I'm sure you've got -- in the
16 medical forms you'll see their names and who they
17 are. And you can -- you probably got the records.
18 Dr. Weingarten sent you the records of their names.

19 Q. So it's my understanding that after her
20 total laryngectomy in March of 2018, Mrs. Camacho
21 was in remission; is that right?

22 A. What's the term "remission," ma'am?

23 Q. She was cancer-free.

24 A. We were relieved that she did get -- let
25 me take these. No wonder I can't see.

1 On her first visit after everything,
2 then came monitoring the blood. Thank God, every
3 time we went, everything was still good, still good,
4 still good. And then the insurance dropped a
5 letter, we can't go there no more.

6 We got the new man, and we were there
7 two months ago, and he gave her a good record. He
8 goes, "Your cancer did not return. Everything is
9 normal. I'll see you on this date again."

10 Q. So my question, though, just a little
11 bit different.

12 So she was cancer-free after undergoing
13 the total laryngectomy in March of 2018, and her
14 doctors also, though, recommended she receive
15 radiation. She refused radiation in March, May,
16 June, through the rest of 2018.

17 A. That's not true. We got the records to
18 prove that we were there at the cancer center.
19 That's not true. I got the medical records. I'm
20 sure you got them too from Dr. Weingarten.

21 Q. Do you recall in July of 2019
22 Mrs. Camacho going to her doctors for follow-up
23 because she was having trouble swallowing in
24 July of 2019?

25 A. What doctor was that, ma'am?

1 Q. That's not my question, sir.

2 A. Well, I don't know what doctor you're
3 talking about. We've got four doctors. Are we
4 talking about the throat specialist? The cancer
5 specialist? Which one?

6 Q. Do you recall in July of 2018
7 Mrs. Camacho having trouble swallowing?

8 MS. WALD: Form.

9 THE WITNESS: If she had any problems
10 swallowing, we go right to Dr. Weingarten and he
11 does a look-see.

12 BY MS. KENYON:

13 Q. Do you recall in July of 2019 going to
14 Dr. Weingarten because your wife was having trouble
15 swallowing, and he found a mass in her neck?

16 A. I know about the mass on the neck. That
17 was Dr. Weingarten. But I don't know what date
18 those were. I'm not good with those July dates or
19 anything. But I'm sure it's in the medical records
20 that we did go to Weingarten, he did do a look-see,
21 and the radiation burned her neck severely all
22 around and scar and pus and everything coming out.

23 And there was problems her swallowing,
24 but he said, "All that stuff you got going on is
25 from -- from the treatment of the cancer radiation.

1 But the look-see looks good. There's nothing
2 there."

3 So that I remember, because I'm the one
4 that has to be with her on those visits with
5 Dr. Weingarten.

6 Q. So do you recall your wife being in
7 remission, being cancer-free, from March of 2018
8 until July of 2019, so almost over a year? Do you
9 recall her being cancer-free for over a year?

10 A. I don't know about over a year. All the
11 visits we got from the cancer center, the blood was
12 always -- always good. There was -- nothing came
13 back.

14 Q. Right. And that's my question. So she
15 was cancer-free?

16 A. Uh-huh.

17 Q. For over a year?

18 A. Yeah. Until the last visit, which was
19 sometime -- with the new man. I think it was in
20 July or something. Not July, because I was sick in
21 July. Somewhere around there, we took her for the
22 new doctor. They did the test at the radiation
23 place. He got all the results, and he said, "Honey,
24 everything is good. I'll see you like in six
25 months."

1 Q. So when she saw Dr. Weingarten in
2 July of 2019, and he found a mass in her neck, did
3 he tell you that he felt Mrs. Camacho's cancer had
4 come back?

5 A. No, he never said that. He said that
6 all -- all that scar tissue and all that burning,
7 that was from the radiation and chemo.

8 Q. The medical records we have indicate she
9 had not received -- she did not receive radiation
10 after -- right -- initially right after her surgery.
11 She did not --

12 A. After the surgery, we had to wait for
13 clearance from the insurance company. We couldn't
14 just walk in and say, Hey, could you treat me. We
15 had to wait for paperwork from the insurance
16 company. Those were expensive treatments. So we
17 had to wait for the insurance company. Once they
18 gave us the approval and the referrals -- and my
19 stepdaughter did all the work -- we got the
20 go-ahead, and everything started the ball rolling.
21 The insurance was delayed.

22 Q. Did you trust Dr. Weingarten?

23 A. Did I trust him? Sure, I trusted him.

24 Q. Did you feel like he had your wife's
25 best interest in mind when he was treating her?

1 A. Oh, yeah. I'm going to tell you,
2 Dr. Wikler and the other two that treat her, those
3 were the best doctors we ever had. And we still --
4 we still could see the two. But like I said, the
5 insurance changed everything on us. Now we got the
6 new doctor to monitor. It's the cancer center, but
7 it was different than what we were seeing. And he
8 took over the case now.

9 Q. So why would Dr. Weingarten write in his
10 records in August of 2018 that he's unclear as to
11 why Mrs. Camacho refused to follow up with an
12 oncologist for radiation therapy even though he
13 stressed the importance to both you and Mrs. Camacho
14 for her to get radiation?

15 MS. WALD: Form. Speculation.

16 THE WITNESS: Again, it was probably
17 because he didn't know about the insurance. The
18 insurance held everything up. We were fighting with
19 them. There was going to be some big medical bills
20 coming out of Comprehensive Cancer Center. The
21 bills are in the medical forms. He probably didn't
22 know about the insurance company. They're the ones
23 that held us up, like always. And once we got the
24 okay, the referrals and we got all the paperwork, we
25 went there and everything started going smoothly and

1 everybody was happy.

2 But the insurance, Aetna, they refused
3 to move on it. We had to make multiple phone calls.
4 My daughter. I didn't make any. My stepdaughter.
5 And finally we got the okay, you're going to this
6 center, and this is what's going to happen. You got
7 the referral. Everything's going to be okay.

8 BY MS. KENYON:

9 Q. How long did that process take?

10 A. An eternity. It was like -- maybe it
11 was weeks. Maybe it was months. I don't know. But
12 it seemed like forever. Because she needed that
13 radiation and chemo. It was the insurance that held
14 it up, not us.

15 Q. So is it possible that -- well, strike
16 that.

17 The medical records show that her cancer
18 came back in July of 2019.

19 A. What are we --

20 Q. A year later, a year after her
21 surgery. She was cancer-free for an entire year and
22 refused radiation that entire year. And
23 Dr. Weingarten -- hold on -- believed that her
24 cancer had come back in July of 2019. The first
25 time she went to see anyone at Comprehensive Cancer

1 Centers was in August of 2019.

2 Does that refresh your memory?

3 MS. WALD: Form.

4 THE WITNESS: I have no -- I don't -- I
5 don't have any knowledge of that, but maybe it was
6 kept from me, but I don't know.

7 MS. WALD: Don't guess. If you don't
8 know, don't guess.

9 THE WITNESS: I don't know, ma'am. But
10 I know Dr. Weingarten's not going to lie. He's a
11 real good doctor. And I'm sure everything he wrote
12 in that statement is true, other than what the
13 insurance company said now.

14 But I don't know about the -- I don't
15 have any knowledge of the cancer coming back.

16 BY MS. KENYON:

17 Q. Well, with all due respect, he didn't
18 write anything about insurance companies in his
19 records.

20 A. Because he didn't know about it. We
21 were --

22 MS. WALD: I'm sorry. Was there a
23 question pending?

24 BY MS. KENYON:

25 Q. Yeah. That was a question.

1 MS. WALD: Okay. It sounded like a
2 statement.

3 THE WITNESS: What do I do now?

4 MS. WALD: Don't do anything. Wait for
5 a question.

6 BY MS. KENYON:

7 Q. So why did she decide to undergo
8 radiation and chemotherapy in August of 2019?

9 A. Say again?

10 Q. Why did Mrs. Camacho decide to undergo
11 radiation and chemo in August of 2019?

12 A. Waiting for the insurance, ma'am. We
13 had to wait for the insurance to clear us to go
14 there. Without that clearance, we would have been
15 liable for all those medical bills. We had to wait
16 for the insurance company.

17 Q. Do you recall her being warned about a
18 recurrence of her laryngeal cancer in 2018 but
19 refusing radiation?

20 A. Not to my knowledge.

21 MS. WALD: Form.

22 BY MS. KENYON:

23 Q. Did anyone else go with Mrs. Camacho to
24 her appointments in 2019?

25 A. No. Just I was the only one present for

1 every -- every visit. I was present.

2 The only time I wasn't present, if I had
3 back problems, I couldn't make it, then my
4 stepdaughter would take her. And that only happened
5 to me like three times. When I was really bedridden
6 for so often, she would take over for me and take
7 her there. And if they found something out and went
8 there, I never knew about it. Because I was in bed
9 two or three days with my back going out completely.

10 Q. Did anyone else ever go with her?

11 MS. WALD: Form.

12 THE WITNESS: No. Not to
13 Dr. Weingarten, no.

14 BY MS. KENYON:

15 Q. Did anyone go with her to her
16 appointments, anyone else go with her --

17 A. Just my stepdaughter, maybe three times
18 out of when this happened. But I went all the time.
19 I was there all the time.

20 Q. When did Mrs. Camacho start radiation
21 treatment?

22 A. As soon as we got the clearance from the
23 insurance company. I don't know the exact date,
24 ma'am.

25 Q. How many radiation treatments did she

1 receive?

2 A. Nine weeks.

3 Q. Do you know how many treatments she
4 received?

5 A. I don't know. Nine weeks of radiation
6 and chemo. I don't know how many that is, but it is
7 a lot.

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

9 (A recess was taken.)

10 BY MS. KENYON:

11 Q. Ready to go, Mr. Camacho?

12 A. Yep.

13 Q. Feeling okay?

14 A. I'm starving. I haven't eaten since
15 yesterday.

16 Q. Okay. We're nearing the finish line
17 here.

18 A. Okay.

19 Q. We were talking about her radiation,
20 Mrs. Camacho's radiation treatments before we broke.

21 How did she handle the radiation
22 treatments?

23 A. Really bad. Throwing up. Like I said,
24 the radiation, once it's settled, her hair started
25 to fall. Not all of it. Her hair started to shed.

1 Then a lot of itching. And that's when everything
2 started burning and starting to scab and pus and all
3 that. Not to worry, that's -- the radiation and
4 chemo affects everybody different. Some people lose
5 all their hair. Some people -- everybody's
6 different. And she was lucky. She didn't lose all
7 her hair. She just shed a little bit.

8 But the burning, it just -- it was like
9 third-degree burns or something. A lot of pus and
10 scars. I had to clean it constantly with whatever
11 medicine they gave me. And little by little, it
12 started to shrink and settled.

13 And the itching is still there, but her
14 neck, I notice -- I don't know if you know, her neck
15 is all (indicating). That was from the radiation
16 and chemo.

17 Q. So what you just described was her --
18 were the side effects from radiation and
19 chemotherapy?

20 A. Yes, ma'am.

21 Q. Did those side effects -- you said she
22 still has some itching. Did she use a cream for
23 that?

24 A. Yeah, she tried all kind of different
25 products, and she -- I scratch her back every night

1 before she goes to bed. But a lot of times, if I
2 catch her, "I said you can't do that no more because
3 you're going to break your skin." So I'll do it
4 real lightly or get some kind of cream that I can
5 put on there that sometimes it works, sometimes it
6 don't, but it makes her comfortable.

7 Q. Some of the other side effects you
8 described, have those gotten better since she
9 completed the treatments?

10 A. Say what, ma'am?

11 Q. The other side effects that you
12 described, have those gotten better since those
13 treatments ended?

14 A. Yeah, the side effects. The neck --
15 well, you saw her neck. The burning and the scar,
16 all that disappeared. The only thing is the
17 itching.

18 Q. Has she had any issues since radiation?

19 A. No issues.

20 Q. Is she able to eat what she wants?

21 A. No. She can't eat at all. She lives on
22 graham crackers and milk, and I'm putting a stop to
23 that. And when we cook something, she can't chew
24 because she has no teeth, so we got a special
25 blender that's going to show us how to put

1 everything in the blender, and it will be like baby
2 food, but she'll get the nutrition she needs and get
3 away from those graham crackers and milk every day.

4 Q. So she's not able to eat solid foods due
5 to the issues that she has with her teeth, right?

6 A. Yeah, she's all gum. They're gone.

7 Q. Has she tried to be fitted for dentures?

8 A. I don't know which one it was. One of
9 the doctors did say that she doesn't have the strong
10 bone structure beneath her gums to support anything.
11 And she did get some dentures, but they hurt her
12 real bad because of the gums, from the radiation.
13 So she's going to live without no teeth for the rest
14 of her life.

15 Q. She was having a lot of issues with her
16 teeth prior to her cancer diagnosis, correct?

17 A. She was having minor dental problems.
18 But as she got older, she started, you know,
19 toothaches here, another toothache there, and the
20 teeth were, like, maybe rotted. They pulled it out
21 for some reason.

22 And then when she got the radiation and
23 chemo, that's when the teeth had to come out. They
24 were afraid that she might swallow her teeth once
25 the radiation started to work. She had -- all her

1 teeth had to come out first.

2 Q. How many teeth had she already had
3 pulled at that point?

4 A. Oh, I don't know, ma'am. I don't know.
5 For that you're going to have to see the medical
6 records for our dentist.

7 Q. Do you know how many chemotherapy
8 treatments she received?

9 A. Yeah, I told you. Nine weeks of both.

10 Q. You don't know how many treatments she
11 had?

12 A. No. Well, every day you go, you only
13 get one treatment. You get one treatment of the IV,
14 and then you go to a room where nobody's allowed,
15 for radiation, and that was for nine weeks straight.

16 Q. Mrs. Camacho's currently cancer-free?

17 A. According to the doctor, thank God.

18 Q. She's been in remission for almost three
19 years?

20 A. According to the doctors.

21 Q. What prognosis have they given you or
22 Mrs. Camacho with respect to her cancer?

23 A. Well, just with the bloodwork every --
24 all the numbers are good. That's all I want to
25 hear.

1 Q. How often does she go in for bloodwork?

2 A. The last one was maybe two months ago,
3 and then we got another one coming up pretty soon,
4 in about another four months. And then again we
5 have to get a referral from the insurance company
6 again.

7 Q. So your next follow-up appointment --
8 well, strike that.

9 So Mrs. Camacho's next follow-up
10 appointment is in four months?

11 A. Yeah, it does say we'll see you in six
12 months. So we just went from one maybe two or three
13 months back, so the other one will come up probably
14 in three months from now. But we just can't take
15 that appointment. We get a referral and get the
16 okay again.

17 Q. Did you ever ask any of Mrs. Camacho's
18 doctors what caused her laryngeal cancer?

19 A. No, ma'am. I never asked.

20 Q. Why not?

21 A. I don't know. It was something medical
22 that happened. I never -- it never dawned on me to
23 ask them why.

24 Q. Did any of Mrs. Camacho's doctors tell
25 you that her cancer, laryngeal cancer, was caused by

1 smoking?

2 A. I don't know that either. I never heard
3 that.

4 Q. I understand the suctioning that your
5 wife has to do. How often do you have to help her
6 with suctioning?

7 A. Well, 24/7. Sunday was the worst day
8 for us. We had a real bad day. I emptied the
9 bucket on the machine, as you saw. That bucket was
10 emptied by me four times. I had to put gloves on
11 and sanitize it. Because something went wrong. I
12 was getting a little afraid, but I knew what was
13 going on so I tried to comfort her to it.

14 We have our real bad days, and we have
15 our good and bad days with the suction machine.

16 And we were getting afraid because we
17 were running out of missiles, the ones that she
18 found. Because we were getting -- we only had so
19 many left. When we called, they said, "There's a
20 backlog, but we'll try to get it to you as soon as
21 possible."

22 So we were able to get it like three
23 days later. That was a relief. Because I was
24 getting afraid, because I need that to get all the
25 stuff out.

1 And that's every day I go through about
2 5:00 in the morning, and I keep an eye -- I can tell
3 when she needs it. When she starts that gargling, I
4 might have to do another five. I know how many to
5 use and not to use.

6 Like, she was having a bad day in there.
7 You saw me. I had to use five. Everything came up
8 and she's okay. Right now she's calm. But, you
9 know, it can change, ma'am.

10 Q. When did you and Mrs. Camacho first
11 decide to bring this lawsuit?

12 A. Say again?

13 Q. When did you and Mrs. Camacho first
14 decide to bring this lawsuit?

15 A. I don't even know. They said I was the
16 one that made the call. I don't know. I don't
17 know. All I know is all the fingers are pointing to
18 me that I make the call. And my memory now is shot.
19 So it could have been me. I don't know who made the
20 call. One of us made it. It was -- it sure wasn't
21 Sandra. I tried to blame it on Sandra, but she
22 can't talk, so they said all the fingers are
23 pointing back to me that I made the call, and I've
24 got no memory of it, ma'am.

25 Q. Who said that?

1 A. My stepdaughter. She said, "You made
2 the call." I go, "No, you made the call." And
3 we're going back and forth with this. So I said
4 maybe I did make the call. But so much happened in
5 four years that my memory is shot about a lot of
6 things, ma'am.

7 Q. Does your stepdaughter support this
8 lawsuit?

9 A. I don't know that. You would have to
10 ask her about it.

11 Q. Why were you discussing who made the
12 call with your stepdaughter?

13 A. Well, because Sandra wrote on her board
14 once, "You made the call." I go, "No, no, she made
15 the call." So I said, "Well, it doesn't matter.
16 This is already started." So -- you know what I
17 mean? And probably -- I don't know what to tell you
18 about that.

19 Q. Did you discuss filing a lawsuit with
20 Mrs. Camacho before you --

21 A. No, not at all.

22 MS. WALD: Let her finish asking the
23 question.

24 THE WITNESS: I thought she finished.

25 ///

1 BY MS. KENYON:

2 Q. I'll ask my question again.

3 Did you and Mrs. Camacho discuss filing
4 this lawsuit before you made the call?

5 A. No. We never discussed anything like
6 that.

7 Q. So did she know you were filing this
8 lawsuit?

9 A. Nobody knows who filed it. All I know
10 is somebody made the call. One of us had to do it.
11 Between me and my stepdaughter, one of us had to
12 make that call.

13 Q. So Ms. Camacho had no part in filing
14 this lawsuit?

15 MS. WALD: Object to form.
16 Mischaracterizes testimony.

17 THE WITNESS: Say again, ma'am.

18 BY MS. KENYON:

19 Q. Did Mrs. Camacho have any part in
20 deciding whether to file this lawsuit?

21 A. I don't know that either, ma'am. All I
22 know, we're here and here we are.

23 Q. At some point did you tell your wife
24 that you had filed a lawsuit on her behalf?

25 MS. WALD: Object to form.

1 Mischaracterizes testimony.

2 THE WITNESS: I never -- I never brought
3 that up. I don't even know who made the call.

4 BY MS. KENYON:

5 Q. So how did your wife find out this
6 lawsuit had been filed?

7 A. Well, when the lawyers called my
8 stepdaughter, they called her directly, and she
9 talked to them.

10 Q. Who called your daughter?

11 A. I guess the law firm in Florida. I
12 forgot their name. Alvarez Law Firm I think it is.
13 They called Laura, my stepdaughter.

14 Q. What did they talk to Laura about?

15 MS. WALD: Objection. I'm instructing
16 my client not to answer.

17 MS. KENYON: On what grounds?

18 MS. WALD: Attorney-client privilege.

19 MS. KENYON: Laura's not a client.

20 MS. WALD: We are representing Laura, so
21 I'm instructing my client not to answer.

22 BY MS. KENYON:

23 Q. When did -- when did an attorney call
24 your stepdaughter?

25 A. I guess when all this started. It could

1 have been months ago or a year ago. I don't know,
2 ma'am.

3 MS. KENYON: Hold on. I have something
4 in my eye. Sorry.

5 MS. WALD: That was impressive.

6 BY MS. KENYON:

7 Q. Did you discuss filing this lawsuit with
8 your stepson?

9 A. I don't speak to my stepson, ma'am. The
10 only one that communicates with them is my
11 stepdaughter, and that's about it.

12 Q. In your own words, what should each
13 defendant have done differently to keep
14 Mrs. Camacho's injuries from occurring?

15 A. Say again?

16 Q. What should each defendant have done
17 differently?

18 A. Who is a defendant? Sandra?

19 Q. Do you know who you've sued in this
20 case?

21 A. Who I'm suing?

22 Q. Yes.

23 A. I guess the tobacco company, ma'am.

24 Q. You guess or you know?

25 A. I guess I know. From what I read and,

1 you know, stuff like that, I know.

2 Q. What should each tobacco company have
3 done differently to keep Mrs. Camacho's injuries
4 from occurring?

5 A. Probably say the truth instead of
6 waiting until 2000 to come out with the truth.

7 Q. What do you hope to accomplish by filing
8 this lawsuit?

9 A. Well, all the money in the world's not
10 going to bring her voice back, our happiness back.
11 We're living a real stressful life, so all the
12 money's not going to help us. If it does help, it's
13 only to make our life more comfortable, so I can get
14 somebody to help me so I can go out on my own to do
15 what I got to do to keep her going. But all the
16 money -- the issue is not money here, ma'am.

17 Q. Do you understand that you've sued a
18 retailer?

19 MS. WALD: Form.

20 THE WITNESS: Suing a retailer?

21 BY MS. KENYON:

22 Q. Yeah, do you understand that you've sued
23 a Silverado Smokes & Cigars?

24 A. I know the lawsuit is going after a lot
25 of people that was involved with the products of

1 cigarettes. I don't know who they are, ma'am.

2 Q. So what did Silverado Smokes & Cigars do
3 wrong?

4 A. Well, I don't know what they did wrong.
5 They sold the product, and that's all I can tell
6 you. They sold the product. That was -- you know,
7 I can't answer that. I'm sorry.

8 Q. Do you think you and Mrs. Camacho should
9 be liable for selling a product, and that product is
10 cigarettes?

11 MS. WALD: Form.

12 THE WITNESS: Well, as employees, no.
13 Like I said -- like I told you in the last
14 deposition, we want to keep our job, you sell
15 whatever the customer wants. It's not my job to
16 argue. If you want to buy a gun, I'm going to sell
17 you a gun. I don't know what you're going to do
18 with that gun. But if I don't sell you the gun, my
19 employer will fire me.

20 How many people in the country are
21 involved in selling stuff or whatever they have to
22 do to, you know, work and make money for their
23 families? Either you do the job or you're fired.
24 That's the only way I can explain it to you, ma'am.

25 ///

1 BY MS. KENYON:

2 Q. Do you believe that Mrs. Camacho bears
3 some responsibility for her injuries?

4 A. No, not at all. Once she took that
5 first drag, she was hooked.

6 Q. You believe she has zero responsibility
7 for the injuries at issue in this lawsuit?

8 MS. WALD: Form.

9 THE WITNESS: Say again, ma'am?

10 BY MS. KENYON:

11 Q. Do you think Mrs. Camacho bears zero
12 responsibility for the injuries at issue in this
13 lawsuit?

14 A. Who? Her and I?

15 Q. Mrs. Camacho.

16 A. Okay. You're going to have to go slow
17 with that, because your mask is --

18 Q. Sure.

19 A. I guess that one word I didn't pick up.
20 I don't want to say yes if I don't understand it.

21 Q. Mrs. Camacho chose to smoke her first
22 cigarette, correct?

23 MS. WALD: Form.

24 THE WITNESS: No, she didn't choose.
25 She just tried something, and she tried it, and

1 probably she liked it. If she was smoking, she
2 didn't know she was going to get hooked on it. She
3 didn't know what the chemicals that were in there
4 were chemicals that were addicting.

5 BY MS. KENYON:

6 Q. Did anyone force her to smoke the first
7 cigarette?

8 A. I don't know that. I wasn't there. She
9 was young at the time. I wasn't there.

10 Q. So then is it fair to say you don't
11 know --

12 A. I don't know. I don't know if somebody
13 forced her or if she took -- I wasn't around. She
14 was in high school or grammar school or something.
15 I don't know.

16 Q. So in your mind you think Mrs. Camacho
17 has zero responsibilities for her injuries?

18 MS. WALD: Form.

19 THE WITNESS: Zero responsibility?
20 Well, all I can say is, ma'am -- with your question
21 is she tried -- she tried something, and she liked
22 it, and she tried it again, she liked it even more
23 and, like I said, she became addicted to the
24 product. I don't -- you know what I mean? I don't
25 know.

1 BY MS. KENYON:

2 Q. So despite that, you think she has zero
3 responsibility?

4 MS. WALD: Form. Asked and answered.

5 THE WITNESS: She's not responsible, no.
6 She is not responsible. The tobacco company's
7 responsible.

8 BY MS. KENYON:

9 Q. Do you believe the tobacco companies are
10 at fault for Mrs. Camacho's decision not to try
11 harder to quit smoking?

12 A. Say again, ma'am.

13 Q. Do you believe the tobacco companies are
14 at fault for Mrs. Camacho's decision not to try
15 harder to quit smoking?

16 MS. WALD: Form.

17 THE WITNESS: No, it's not her fault.

18 BY MS. KENYON:

19 Q. Do you believe the tobacco companies are
20 at fault for Mrs. Camacho's decision --

21 A. Yeah, they're at fault; if they would
22 have came out with the truth with what they were
23 putting in the cigarettes...

24 Q. Can you identify anything that Philip
25 Morris did to prevent Mrs. Camacho from throwing her

1 cigarettes away?

2 A. Well, come out with the truth that
3 cigarettes were deadly. But they waited too long.
4 By then everybody was hooked on cigarettes. If they
5 would have came out with the truth, we wouldn't be
6 here today, ma'am.

7 Q. So is the answer no, you can't identify
8 anything that Philip Morris did to prevent
9 Mrs. Camacho from --

10 MS. WALD: Form.

11 THE WITNESS: No, Philip Morris did
12 everything wrong for not exposing the truth.

13 BY MS. KENYON:

14 Q. Let me finish my question.

15 A. Okay. Finish.

16 Q. Can you identify anything that Philip
17 Morris did to prevent her from throwing her
18 cigarettes away?

19 MS. WALD: Form.

20 THE WITNESS: What they did? What
21 Philip Morris company did to prevent her from
22 throwing the cigarettes away? Is that the question,
23 ma'am?

24 BY MS. KENYON:

25 Q. Yeah.

1 A. Well, they -- like I said, they should
2 have come out with the truth.

3 Q. Can you identify anything that the
4 tobacco companies did that prevented her from
5 seeking help from a medical doctor to quit smoking?

6 A. She tried all kind of stuff. She tried
7 to quit and nothing worked. She was already hooked.

8 Q. We talked last time about her quits and
9 her quit attempts. Well, strike that.

10 Who else do you blame, besides the
11 tobacco companies and Silverado Smokes & Cigars, for
12 the injuries at issue in this case?

13 A. The tobacco company for not saying the
14 truth, ma'am.

15 Q. Do you blame the government for allowing
16 cigarettes to be legal?

17 A. The government should have known too
18 that it was bad. But obviously, like I said, ma'am,
19 it took a lot of -- a lot of meetings and a lot of
20 discussions, and in 2000 it came out, and it was too
21 late.

22 Q. Do you blame the farmers that grew the
23 tobacco?

24 A. I don't. Farmers are making a living.
25 The government should have known it was

1 bad or whatever, or it should have came out. But
2 I -- I can't answer that question.

3 Q. What about other retailers where you
4 bought cigarettes?

5 A. Say again, ma'am?

6 Q. What about other retailers where you
7 bought cigarettes; do you blame them?

8 A. No, I don't blame them. Like I said,
9 they're employees. They're selling a product.

10 Q. So why are you blaming Silverado?

11 MS. WALD: Form. Asked and answered.

12 THE WITNESS: Well, I'm not blaming
13 Silverado. Who is Silverado? The tobacco company,
14 to sell it?

15 BY MS. KENYON:

16 Q. Right. You understand you've sued
17 Silverado, a retailer?

18 A. Well, I don't know who we're suing.
19 Okay? I don't know -- we're going after the tobacco
20 company and I guess anybody associated with it, but
21 I don't know who the people are. That's the
22 question. I mean, the guy selling a product, like I
23 told you, I can't blame them. I was a cashier. I'd
24 sell cigarettes. Am I going to be held liable?
25 They can't hold me liable. They can hold the owner

1 liable, but not me.

2 Q. Have you ever seen the complaint that
3 has been filed in this case?

4 A. Complaints, no.

5 Q. Do you know what claims you have filed
6 in this case?

7 MS. WALD: Objection. I'm instructing
8 my client not to answer. You're getting into
9 conversations that I would have with him with
10 attorney-client privilege.

11 So don't answer these questions, Tony.

12 THE WITNESS: Okay.

13 BY MS. KENYON:

14 Q. In your complaint you state that you
15 seek to recover for a loss of companionship and
16 care, emotional and moral support and/or sexual
17 intimacy.

18 What does that mean?

19 A. Exactly what you said. Everything
20 that's there. No more sex life. No more happiness.
21 Can't talk to my wife anymore. Everything that is
22 in that paper is right. I'm suffering all that, and
23 she is too.

24 Q. In your own words, how has your sexual
25 intimacy with your wife changed as a result of

1 Mrs. Camacho's cancer?

2 A. There is none anymore. There isn't.
3 That died out three years ago.

4 Q. What do you mean by loss of
5 companionship and care?

6 MS. WALD: And objection, this is
7 calling for a legal conclusion, attorney-client
8 privilege.

9 I'm instructing Tony not to answer.

10 BY MS. KENYON:

11 Q. What about emotional and moral support?

12 A. We -- emotional support we give each
13 other. Like when my back goes out and I'm crippled,
14 she comfort me. When I see her crying, which is
15 every day, I comfort her and talk to her. And
16 that's all we have, emotional support, but that's
17 all we have. And our love for each other. I'm
18 still with her. I don't care what happens.

19 Q. As we sit here today, what amount do you
20 think would be a reasonable amount for a jury to
21 award you?

22 MS. WALD: Form.

23 THE WITNESS: Amount? That's not even
24 in the back of my head, ma'am. Like I told you, all
25 the money is not going to bring what we lost for

1 four years. I'm only 69 years old. No more sex
2 life. We can't enjoy nothing. We can't go out to
3 eat. Money is -- if money does come our way, it's
4 only going to be to hire a private nurse to give us
5 a better quality of life for both of us, mentally
6 and physically.

7 BY MS. KENYON:

8 Q. Is there anyone who's better situated
9 than you who could quantify the number?

10 MS. WALD: Form.

11 THE WITNESS: I don't know that.

12 MS. KENYON: Go off the record.

13 (A recess was taken.)

14 BY MS. KENYON:

15 Q. You mentioned that you would like to
16 hire someone to help out. Have you looked into
17 hiring someone to help?

18 A. Yes, I did. I called the Medicare.
19 They would only -- they would only send somebody if
20 she needs, like, a shower or stuff like that. And
21 if she's got mobility, I cannot get somebody to stay
22 here with her while I go out. It's just somebody to
23 help her with basic stuff, like laundry or stuff
24 like that, but it's not somebody who's going to stay
25 with her all day. That's expensive. But they won't

1 do nothing else for me because she's got mobility,
2 and, you know, that's what they told me. We tried,
3 and they said, "No, we can't send somebody there to
4 spend the whole day," you know. "But if you need
5 somebody to come in and help you bathe or something,
6 or she's bedridden, we'll send somebody to clean her
7 and stuff. But she's got mobility. We cannot send
8 somebody." That's what I was told by Medicare.

9 Q. Have you looked around for anyone to
10 help you besides Medicare?

11 A. Look for somebody to help me?

12 Q. Yeah. Have you looked into hiring
13 somebody to help you?

14 A. I can't afford it.

15 Q. Do you know what it would cost?

16 A. All I know is that it's expensive to
17 have somebody come in and sit. It's basically
18 expensive. We already know that.

19 I tried to get somebody to come and
20 clean the house because it's getting harder for me
21 because of my back. They want a hundred dollars to
22 clean our house. A hundred dollars. That's what
23 they want. I would have to pay -- they come in,
24 there's a minimum, and I have to pay a hundred bucks
25 for them to come in and clean the bathtubs, the

1 toilets or whatever has to be done. And that's what
2 they want, and I can't even afford that because I'm
3 on disability.

4 Q. What would you have someone come in and
5 help you do for Mrs. Camacho?

6 A. Well, first of all, I don't trust
7 anybody, leaving her alone with anybody, because she
8 can't hear, she can't speak, and she's got one eye.
9 And there's a lot of abuse out there, and most of
10 the people that they hire out there, they're
11 low-paid people, and I would never trust anybody
12 with her. It's got to be a family member or a
13 really good friend. Like I said, the only one we
14 have here is my daughter. I can leave her with my
15 daughter. I used to leave her with my son-in-law,
16 but now he's got full-blown Parkinson's. He can't
17 help because he's shaking all over. He's not
18 even -- he can't do nothing anymore. I can't rely
19 on him.

20 My two grandchildren, Dominic and Gina,
21 are off to college.

22 So I'm left alone because Laura, my
23 stepdaughter, has to take care of her husband now.

24 Q. So even if you could afford to hire
25 someone, you wouldn't leave them alone with your

1 wife?

2 A. I would be really nervous about leaving
3 a stranger with my wife. I would have to run a
4 check on them, which I can do very easily, find out
5 their background and find out everything I have to
6 know before I can trust anybody with her.

7 Q. What does Mrs. Camacho do around the
8 house?

9 A. Well, I don't want to say nothing. She
10 does the dishes. She does the dishes, or she cooks
11 her, like I said, her graham crackers and milk every
12 day.

13 She can't do -- she can't do stuff where
14 she's got to put her mind to it and strain because I
15 can't have her bending over too much. Because I
16 notice every time she bends down too long and she
17 gets up, she's really -- she's dizzy all the time.
18 So I've got to watch, keep an eye on that.

19 Basically she just stays on her
20 computer, plays, you know, whatever she does on
21 there, or she'll sit down in the La-Z-Boy. She's --
22 like, her time of doing things is over. I'm the one
23 carrying the whole load. I do the laundry. I try
24 to mop the floors. I try to do everything to keep
25 the house going, and it's getting harder for me.

1 Q. Do you have any out-of-pocket expenses
2 for her medical treatment?

3 A. I think we're making payments on bills
4 that insurance didn't cover. I don't know. My
5 stepdaughter handles that. She handles that. She
6 pays whatever we have to pay, what doctors and stuff
7 like that. She handles all that, all the bills and
8 stuff for us. We give her the money. Whatever we
9 can't pay right now, we're making payments. We
10 can't afford whatever they want, because -- you
11 know. So that's about it. My stepdaughter does all
12 the bills.

13 Q. Does your stepdaughter pay part of the
14 bill?

15 A. I don't know that either, ma'am. All I
16 know is when we get the bill, we give it to her. If
17 she needs money for it, she'll give -- whatever, you
18 know, she needs, she'll get it. She'll take it out
19 herself. Because she's having problems making the
20 checkbook out. So she handles all that. You would
21 have to talk to her about that.

22 Q. You mentioned that you and your wife --
23 we were talking about your sex life with
24 Mrs. Camacho. Have you had sex at all since her
25 surgery?

1 A. No. No. We suffered a lot of -- can I
2 say trauma? I got more important things. My job is
3 to take care of her. And something did happen to
4 me. I don't know what it is, though. I can't get
5 aroused anymore. I don't know what happened. She
6 wants me to go to the doctor in case something is
7 wrong, more serious. I said, "Don't worry about it.
8 It's just the stress that we're suffering."

9 You know, we're older now and going on
10 four years now. Everything is, like, different. I
11 mean, I love her, and we've been together 40 years,
12 and I'll stay with her.

13 Q. Prior to her surgery, how often were you
14 and Mrs. Camacho having sex?

15 A. Do I have to answer that?

16 MS. WALD: I mean --

17 MS. KENYON: Are you making a claim for
18 sexual intimacy?

19 MS. WALD: Let's go off the record.

20 (A discussion is held off the record.)

21 MS. WALD: We're back on the record.

22 We -- plaintiff is not going to be
23 claiming sexual intimacy for part of our loss of
24 consortium claim, so that should shut down the rest
25 of these questions.

1 MS. KENYON: With that, I have no
2 further questions. Thank you.

3 THE WITNESS: Thank you for time.

4 EXAMINATION

5 BY MS. LUTHER:

6 Q. Good news is I won't go nearly as long.

7 Good afternoon. We've met each other a
8 number of times at this juncture, but just to remind
9 you, I'm Kelly Luther, and I represent the defendant
10 Liggett Group, LLC. Okay? You good with that?

11 A. Who's that?

12 Q. It's one of the people -- one of the
13 companies that you sued.

14 A. Okay.

15 Q. I'm going to jump around a lot because
16 I'm covering things that Ms. Kenyon may not have
17 followed up on the way I would like her to follow up
18 on it. So if you need me to slow down, just holler.
19 I know you will. Okay? Okay?

20 A. (Nods head in the affirmative.)

21 Q. Can you say that out loud, please?

22 A. Yes.

23 Q. Thank you.

24 So earlier today you were talking about
25 looking at ads in magazines --

1 A. Yes, ma'am.

2 Q. -- and seeing the pictures, but not
3 really paying attention to the words.

4 Do you recall that testimony?

5 A. Yes.

6 Q. Ms. Kenyon asked you if there was
7 anything about the ads that you thought was false,
8 and you said you didn't pay attention to the words,
9 so you couldn't answer that question, right?

10 A. Right.

11 Q. My question for you is: Was there
12 anything about the images that you saw that you
13 thought was false or misleading?

14 A. Well, the reason I looked at the
15 pictures, like one of them had a fisherman in a
16 boat, a colorful advertisement. I looked at that.
17 And like all the other advertisements, that's all I
18 did. If the picture attracted me, I would look at
19 it. I never got into the specific smoking or
20 reading or nothing like that. Just looking at the
21 pictures if I was attracted to them.

22 Q. Okay. I know you said that you don't
23 recall the specific magazines that you saw these ads
24 in, but when you would look at a magazine throughout
25 the years, were there particular types of magazines

1 that you liked to look at, like news magazines, or
2 you probably heard your wife earlier saying she
3 liked to look at "People" magazine, so like the
4 entertainment magazines or any type of category of
5 magazines that interested you?

6 A. Well, I used to -- I watched the sport
7 magazines with fishermen and stuff like that, and
8 sometimes I used to look at her -- those tabloid
9 newspapers that she used to read. I looked at them
10 too. And I told Ms. Kenyon that I used to read
11 "TIME Magazine." Stuff like that.

12 Q. Okay. You were asked -- I apologize.
13 Your wife was asked if she ever read the magazine
14 that's called "Reader's Digest" or "LIFE Magazine,"
15 and she had said no.

16 Did you ever read either "Reader's
17 Digest" or "LIFE Magazine"?

18 A. I browsed through at one of the sitting
19 areas in one of the -- probably a doctor's visit.
20 They did have Reader's Digest and other magazines,
21 and I probably browsed through the little book. But
22 I have never got involved with reading a whole book
23 or anything like that, ma'am.

24 Q. Now, when you're looking at magazines,
25 were you primarily just jumping through to look at

1 the pictures, or would you read articles in the
2 magazines as well?

3 A. If I liked what the article was about
4 and I would like it, I would read just a little.
5 I'm not a reader. Just a little and I would get
6 tired.

7 Now, if you put a flying magazine in
8 front of me, that's a whole different story.

9 Q. I thought that might be the case.

10 When you were in the Marines, were you
11 in long enough that you were receiving publications
12 from the Marines?

13 A. No, I didn't -- we were the -- the
14 soldiers, the Marines that were there to be
15 discharged, we were mainly doing work details. We
16 were allowed to write, but there were no reading
17 materials or magazine at boot camp.

18 Q. For example, my husband, who's retired
19 from the Coast Guard, he gets a Coast Guard
20 reservist magazine as one of his perks.

21 Did you ever get anything like that from
22 the Marines after you got out?

23 A. No, ma'am. I wasn't in long enough.
24 Like I told you guys, I was heartbroken when I had
25 to come home.

1 Q. I remember.

2 All right. You had mentioned in your
3 prior deposition session that you understand the
4 Surgeon General is the top doctor in the United
5 States?

6 A. Yes, ma'am.

7 Q. Do you recall that?

8 And you agree that he would know about
9 the risks of smoking cigarettes, right? That's one
10 of his jobs?

11 A. Yeah, that's what -- that's what puzzles
12 me, bothers me. He was the top Surgeon General.
13 I'm sure we had more after him. But all these
14 Surgeon Generals, they were working under the
15 government. They didn't know this until 2000?
16 That's all I questioned.

17 I never said the doctor didn't know what
18 he was doing or he was on the take. It's just why
19 did it take so long for all these Surgeon General to
20 reach 2000, when it was too late? That's all I
21 said.

22 Q. So is it your belief that none of the
23 Surgeon Generals before 2000 had come out saying
24 that smoking was bad for your health?

25 A. Somebody had to know something in

1 government, and somebody decided not to disclose it.
2 Okay? That's all I'm saying. If it would have been
3 disclosed earlier, which we had the technology, I
4 mean, people were dropping like flies, and all of a
5 sudden it comes out and there it is.

6 Q. So would you agree with me that you
7 didn't pay attention to what was being said
8 regarding smoking and health before 2000?

9 MS. WALD: Form.

10 THE WITNESS: No, I didn't pay
11 attention. I was just relying on TV commercials
12 advertising filtered cigarettes. Hey, that's great.
13 We don't have to worry.

14 BY MS. LUTHER:

15 Q. So let me ask you this: Do you remember
16 when commercials for cigarettes were taken off of
17 the TV?

18 A. No, I don't remember that far, ma'am. I
19 remember as we went through life, the commercials
20 got minimal, minimal, and then the government steps
21 in, and the Surgeon General, and they restricted a
22 lot of stuff. They put a lot of restrictions on
23 what they could say about cigarettes. And the word
24 it's okay to smoke disappeared all of a sudden.

25 Q. Would it surprise you to learn that the

1 cigarette ads went off of television in the early
2 1970s?

3 A. In the '70s?

4 Q. Yeah. Would that surprise you?

5 MS. WALD: Form.

6 THE WITNESS: In the early or late?

7 BY MS. LUTHER:

8 Q. Early.

9 A. I wasn't smoking in the early '70s.

10 Q. So when you started smoking in 1978,
11 there weren't commercials for cigarettes on
12 television anymore. Are you aware of that?

13 A. Well, we already went from the previous
14 knowledge that we had that it was okay with smoking
15 filtered cigarettes.

16 Q. And I want to talk to you about that.
17 But were you aware that there weren't ads on TV
18 anymore?

19 A. No, I wasn't aware of that, ma'am.

20 Q. Let me get my question out. It's a lot
21 harder when masks are on because you can't tell if I
22 am still going to be speaking.

23 A. I see.

24 Q. I can move on.

25 I think you said that none of your

1 personal doctors ever told you to stop smoking; is
2 that right?

3 A. My person -- no. Sandra, not mine -- I
4 mean no, not me or Sandra. I don't know about that.
5 No one ever told me because the doctors didn't know.
6 I was -- I guess they never asked a question about
7 me smoking.

8 Q. Were you hiding the fact that you were
9 smoking from your doctors?

10 MS. WALD: Form.

11 THE WITNESS: It was never asked. I
12 went. I have perfect blood pressure. I had -- like
13 I said, I had my GERD to deal with, but I never told
14 nobody.

15 BY MS. LUTHER:

16 Q. Did the doctor who you went to for your
17 GERD ever tell you that smoking could exacerbate,
18 make your GERD worse?

19 MS. WALD: Form.

20 THE WITNESS: No. Why would they tell
21 me that if they didn't know I was smoking? They
22 never brought it up to me.

23 BY MS. LUTHER:

24 Q. When you would go to your doctors, do
25 you remember filling out forms beforehand,

1 questionnaires?

2 A. (Nods head in the affirmative.)

3 Q. You remember doing that for your
4 doctors' appointments?

5 A. I never -- I don't know if I saw the
6 word smoking. But I'm sure if I saw it, I wouldn't
7 lie about it. I don't know if it was on the form or
8 not, you know.

9 Q. But as you sit here today, you don't
10 recall your doctor who treats you for GERD telling
11 you that you should quit smoking?

12 A. No, I don't have any knowledge of a
13 doctor telling me that. I did have a few doctors,
14 you know.

15 Q. And same for the doctors who treat you
16 for your back issues. Did they ever tell you that
17 smoking could exacerbate the problems with your
18 back?

19 A. No. Because I guess they sent me for my
20 MRIs. They said, You've got -- You've got this,
21 you've got this. And then I got diagnosed last year
22 with arthritis. It's really bad now. And the
23 smoking thing never came up.

24 Q. Okay. Do you know any of the programs,
25 television programs, that Mrs. Camacho liked to

1 watch before you met her?

2 A. Oh, I don't know that, ma'am. I'm
3 sorry.

4 Q. That's fine.

5 So when you would be in a doctor's
6 waiting room -- and you have already mentioned that
7 you would read magazines -- were there particular
8 magazines that Mrs. Camacho would be interested in
9 looking at when she's in the doctor's waiting room?

10 A. No. She never picked up a magazine.
11 She just wanted to get in and get out. "How come
12 we're waiting so long?" Real anxious to get out. I
13 was just browsing magazines.

14 Q. When did you start going to doctors'
15 appointments with your wife?

16 A. Ever since we've been married. I guess
17 40 years.

18 Q. So going back to 1978, you would go to
19 doctors' appointments with her?

20 A. Yeah, she had -- I would go with her.
21 And if I couldn't go with her, one of her sisters
22 went -- back home, one of her sisters would go with
23 her.

24 Q. Why was that?

25 A. Maybe I was working and I couldn't go

1 with her.

2 Q. Not why didn't you go. Why is it that
3 somebody went with her on these appointments?

4 A. Back home?

5 Q. Sure.

6 A. Well, I was working. I was working for
7 the airlines, and a lot of times I couldn't be home.
8 If the weather changed, snow storms, rain, whatever,
9 delayed flights, I had to be there.

10 Q. I understand that. I don't think we're
11 communicating. What I'm trying to find out is why
12 there was a need for somebody to go to doctors'
13 appointments with her.

14 A. Probably for companionship because maybe
15 she didn't feel good, she didn't want to drive for
16 whatever reason. One of the sisters would always go
17 with her. And those three sisters were thicker than
18 blood. They would always escort each other for
19 comfort wherever they went.

20 Q. I know we had talked the last time we
21 were here back in November that there had been a
22 falling out between the sisters because of politics.
23 Has that been smoothed over?

24 A. I don't think so. That's going to -- I
25 don't know how long it's going to take. We had no

1 idea this was going to happen. I thought we were
2 all going to be happy that we all got our different
3 political belief. Why should we not be friends?

4 Q. I agree wholeheartedly.

5 A. It's, like, crazy.

6 Q. You touched on this with Ms. Kenyon
7 talking about the suctioning that you do, and it
8 wasn't clear to me how often a day she needs to be
9 suctioned.

10 A. It's different every day. Sunday was a
11 bad day. I emptied the bucket like three or four
12 times. A lot of suctioning. Right now she
13 suctioned herself how many times? Four here?

14 It's different. We have our good days,
15 and we have our very bad days. And when we do have
16 a good day, thank God I don't have to worry.

17 And another thing you folks don't know.
18 I've got to install something every day at 6:00 or
19 7:00 at night. I've got to put a stoma in her thing
20 with a strap.

21 Q. Why do you have to do that?

22 A. So the stoma doesn't close up.

23 Q. How long does she keep that on?

24 A. I make her keep it whether she likes it
25 or not. The doctor said two hours is plenty. I'd

1 like for her to do it three or four hours, in case
2 we miss a day, which we don't because I enforce it.

3 I install the tube. I have to put gel
4 in it, and I install it, strap it down, and then I
5 wait. If she falls asleep, I'll let her, because
6 that's good.

7 And then what I do is I have to remove
8 it. Then I have to put gloves on and clean all the
9 goop, everything out of it, sanitize it and repeat
10 it the next day again.

11 The reason I don't do it when you folks
12 are here, because she wouldn't be able to get
13 through a deposition because she's constantly
14 choking on it.

15 And I have to make sure I get that in
16 there at least -- well over two hours I'll be happy
17 with. I've got to do this every day.

18 Q. And is that something that she can put
19 on herself, or is that something that only you can
20 do?

21 A. No, I can do it. Because everybody
22 thinks you just go in. You've got to twist it a
23 certain way. And as you're going deeper and deeper,
24 you've got to maneuver. If you think you're going
25 to go -- it's shaped like this. You think you're

1 going to go like this, you're going to hurt her bad.
2 You've got to go in crooked. And as you're going
3 in, you start leveling off, and then you know you've
4 got it.

5 Q. Got it. So the answer to my question,
6 could she do that by herself if she wanted to?

7 A. No. She wouldn't be able to do it.

8 Q. And has the doctor said that the stoma
9 is in good shape the last time you saw him?

10 A. He's checked the stoma, and he checks
11 it, and he says, "Okay, I'll see you in six months.
12 Everything's okay. Unless you need me." And he
13 does a look-see with the flashlight, and I do a
14 look-see too to make sure and stuff like that.

15 Q. Okay. Let's see. You talked with
16 Ms. Kenyon about whether Mrs. Camacho ever collected
17 coupons for Marlboro cigarettes, and I know you
18 talked about collecting merchandise as well.

19 Did you ever collect coupons to get
20 merchandise from L&M?

21 A. I don't -- no. Just Marlboro. Just
22 Marlboro. They had the catalogs, and I started
23 mooching those off people or picking them off the
24 street. I did real good.

25 Q. And on your bus, too?

1 A. Yes, ma'am.

2 Q. Okay. So you also mentioned in the last
3 session that we were here that prior to Mrs. Camacho
4 quitting smoking, she would sometimes get up in the
5 middle of the night and have a cigarette.

6 Do you recall that testimony?

7 A. After the surgery or before the surgery?

8 Q. Before the surgery.

9 A. Okay. Before the surgery, when she was
10 up, really heavy, she'd get up in the middle of the
11 night, and I would get up and accompany her. We
12 would have a cigarette at 4 or 5 o'clock in the
13 morning and go back to bed.

14 Q. When we were last here you said you
15 didn't know how often she did that?

16 A. Well, because I could have been asleep.
17 And when we were married, I could have been at work.
18 I couldn't keep tabs on her at work. But if we were
19 together and she got up and I noticed, I would get
20 up. But I don't know if she got up later on again
21 because I was already knocked out.

22 Q. This is my question for you. And now
23 that you've given me a little more information, I've
24 got two questions on this area.

25 How many times did you actually witness

1 her getting up in the middle of the night for a
2 cigarette?

3 A. Through our whole marriage life?

4 Q. Yeah, sure.

5 A. She always got up in the middle of the
6 night.

7 Q. So in a given week, how many times did
8 it happen?

9 A. Oh, I wouldn't know about a given week,
10 but she had a habit of disappearing. And if I was
11 wide awake and she woke me up, I would join her.
12 But I don't know how many times a week she would do
13 that.

14 Q. Can you estimate how many times a month
15 she would do that?

16 A. Not even a month. It was different all
17 the time. Sometimes she would get up twice, maybe
18 once, but it was a habit that she had.

19 Q. Today Mrs. Camacho testified that she
20 normally got up at 4:00 or 5:00 in the morning and
21 didn't go to bed until midnight or 1 o'clock in the
22 morning.

23 Did you hear that testimony?

24 A. No, I didn't hear that.

25 Q. Okay. My question for you: Is that

1 your recollection as well, that those were the hours
2 that she kept?

3 A. Well, if she went to bed at -- let's say
4 we went to bed at midnight. She would get up in the
5 middle of the night and go have one.

6 Q. But would she go back to bed or would
7 she stay up?

8 A. Sometimes she would stay up and
9 sometimes she went back to bed. It was different
10 all the time.

11 Q. What about you? I mean, what were your
12 normal hours of going to bed and getting up in the
13 morning?

14 A. Same as her. We used to lock up and go
15 to bed together.

16 Q. And was that consistent throughout your
17 life?

18 A. Yeah, until -- until this happened.
19 Then not no more. I usually put her to bed, and I
20 stay up and take care of all the medical equipment
21 for the next day. Because I've got a lot of chores
22 to do with the medical equipment.

23 Q. So let me jump back to what we were
24 talking about, about getting up in the night to have
25 a cigarette. You said you wouldn't know all the

1 times she did it because sometimes you wouldn't wake
2 up, but if you did wake up, you would get up and
3 have a cigarette with her as well?

4 A. Yeah. If I would wake up, I would have
5 one with her.

6 Q. Sorry. How often would that happen,
7 where you would actually get up with her and have a
8 cigarette?

9 A. Not too often. But if I felt like
10 having one, I would join her.

11 Q. Is that something that you felt you had
12 to do?

13 A. No. You know.

14 Q. It was just for the companionship?

15 A. That, and, you know, have a smoke and go
16 back to bed, ma'am.

17 MS. WALD: For the record, I just want
18 to put on the record that we are about seven hours
19 right now. As we talked about last time, I'm
20 willing to give you a little bit more time. I
21 anticipate you don't have too much longer, but I
22 wanted to put on the record we're at the seven
23 hours. I'll give you a little bit of leeway for
24 another ten or 15 minutes if you want.

25 MS. LUTHER: All righty.

1 MS. HENNINGER: May I have five?

2 MS. WALD: Depending on how long Kelly
3 has.

4 MS. HENNINGER: Kelly, take what you
5 need.

6 BY MS. LUTHER:

7 Q. Who retired first, you or Mrs. Camacho?

8 A. Let's see. She retired first.

9 Q. And how much earlier than you did she
10 retire?

11 A. I don't want to guess. Probably a few
12 years.

13 Q. Okay. When Mrs. Camacho was working for
14 Denny's, when you were in Illinois, how did she get
15 to work?

16 A. She drove herself.

17 Q. She drove the car?

18 A. Yeah.

19 Q. She didn't take public transportation?

20 A. She was real active. She had her own
21 car. I had my own car.

22 Q. Was that the same with regard to when
23 she worked with IHOP?

24 A. I wasn't with her at IHOP. That was way
25 before my time.

1 Q. Got it.

2 You mentioned previously that you didn't
3 know if Mrs. Camacho smoked when she was pregnant
4 because you weren't with her at the time?

5 A. Right. I wasn't around.

6 Q. Mrs. Camacho did tell you that her
7 sister Donna stopped when she was pregnant, stopped
8 smoking when she was pregnant. Do you remember
9 that?

10 A. I heard the question brought up in her
11 deposition, and I guess that's what I heard.

12 Q. Okay. So you didn't hear about Donna
13 stopping while she was pregnant before your wife
14 testified in her deposition?

15 A. No. I heard it now.

16 Q. Okay. You testified that when you were
17 living in Chicago you saw certain news clippings
18 about what was going on with regard to smoking and
19 health.

20 Do you recall that?

21 A. No.

22 Q. Do you recall seeing news clippings
23 about smoking and health when you were living in the
24 Chicago area?

25 A. No, we just -- no.

1 Q. Are you aware that filtered cigarettes
2 have the same warnings on them as unfiltered
3 cigarettes?

4 A. Well, I'm sure they all had the warning.

5 Q. Do you remember seeing any ads for L&M
6 before Mrs. Camacho give you that first cigarette?

7 A. No, ma'am.

8 Q. Do you remember any ads for L&M at any
9 point in time?

10 A. No, ma'am.

11 Q. When you first started dating in 1978,
12 how much time were you spending together?

13 A. How much time we spent together?

14 Q. Yeah.

15 A. When we were dating or married?

16 Q. Dating.

17 A. Dating? As much as we can. We both had
18 jobs.

19 Q. So in, say, a given week, how often do
20 you think you'd see each other? Were you seeing
21 each other during the week or only on weekends?

22 A. Well, depends what days I was off, I can
23 be with her. And there was times when I couldn't be
24 with her. It was our jobs again. Especially mine.

25 Q. Can you be any more specific than what

1 you've already told me?

2 A. I don't have no memory of that, I'm
3 sorry.

4 Q. That's fine.

5 Do you know in 1978 and 1979 how many
6 cigarettes Mrs. Camacho was smoking each day?

7 A. No, I never kept track of it. I'm
8 sorry.

9 Q. That's okay.

10 And what about between 1980 and 1985?
11 Do you know --

12 A. 1980 and 1985?

13 Q. -- how much she was smoking each day?

14 A. I didn't keep track of numbers, but she
15 was smoking.

16 Q. You didn't keep track though?

17 A. I didn't keep track how much she was
18 puffing away at.

19 Q. Is that the same for 1985 to 1990?

20 A. It was all the same. It was a pack of
21 L&M or whatever cigarette, and she was smoking.

22 Q. And is it fair to say you have no idea
23 how much she was smoking before you met her in 1978?

24 A. I have no idea.

25 Q. Did you ever hear that light cigarettes

1 were safer than regular cigarettes?

2 A. That was the rumor.

3 Q. Do you know why you and Mrs. Camacho
4 never smoked a light cigarette?

5 A. I guess because when you inhale them,
6 there was no taste. You couldn't even taste the
7 smoke. But the other ones you could, and that was
8 our choice, you know. The one that gave you the
9 most satisfaction, that's the one you stayed with,
10 ma'am.

11 Q. Did you like the taste of L&M?

12 A. I don't know. I smoked them. I guess.
13 I can't say I liked them. I smoked them.

14 Q. Did you dislike the taste of L&M?

15 A. Did I dislike them? Well, no. I was
16 hooked on them. It didn't matter to me what they
17 tasted like as long as I have a cigarette.

18 Q. If that's the case, then why not smoke
19 any brand?

20 A. I -- yeah, we did smoke. If we went out
21 and ran out of cigarettes, we would mooch cigarettes
22 off of people. I know that.

23 But we always stuck to the same brand.

24 I don't know -- I don't know why we stuck with L&M.

25 She was smoking L&M. I smoked L&M with her until

1 she changed to Marlboro. I followed her. Then we
2 went to Basic. I followed her.

3 Q. Did you like the taste of Marlboro
4 better than the taste of L&M?

5 A. I can't -- I can't answer a question
6 like that. They -- it's a cigarette with a filter
7 and -- you know.

8 Q. So did you not notice a difference
9 between the two brands?

10 A. No, I didn't notice. You know, it was
11 just tobacco or whatever, and you smoked it, and you
12 enjoyed it.

13 Q. Did Mrs. Camacho ever tell that you she
14 liked the taste of L&M?

15 A. She never told me something like that.

16 Q. Did she ever tell you she didn't like
17 the taste of L&M?

18 A. Never told me that either.

19 Q. Have you ever spoken with anyone who
20 worked for my client, Liggett Group, LLC?

21 A. Spoke?

22 Q. Spoken with someone who worked for the
23 company.

24 A. Which company?

25 Q. Liggett Group, LLC.

1 A. No. No, not at all, ma'am.

2 Q. Do you know if Mrs. Camacho ever spoke
3 with anyone who worked --

4 A. Not to my knowledge.

5 Q. Are you aware that in 1997 my client
6 publicly admitted that smoking caused disease and
7 was addictive?

8 A. I wasn't aware of that.

9 Q. And in 1998 my client put a voluntary
10 warning on their cigarettes that smoking was
11 addictive. Were you aware of that?

12 A. No.

13 MS. LUTHER: Those are all the questions
14 I have for you, Mr. Camacho.

15 MS. HENNINGER: May I have a quick five
16 minutes or so?

17 MS. WALD: Yes.

18 MS. HENNINGER: Thank you.

19 EXAMINATION

20 BY MS. HENNINGER:

21 Q. Hello, Mr. Camacho. Can you hear me all
22 right?

23 A. Yeah.

24 Q. My name is Ursula Henninger, and I have
25 very few questions. They've done a wonderful job of

1 going over everything.

2 I understand you started smoking in
3 1978, when you met your wife, correct?

4 A. Yes, ma'am.

5 Q. Prior to 1978, had you ever heard that
6 smoking could be bad for someone's health?

7 A. No.

8 Q. When is the first time you heard that
9 smoking could be bad for someone's health?

10 A. Probably in 2000.

11 MS. WALD: Form.

12 BY MS. HENNINGER:

13 Q. In 2000. Prior to 2000, did you ever
14 hear any sort of debate where people were saying,
15 yes, it is bad for your health, and no, it's not bad
16 for your health? Before 2000.

17 A. There was a lot of debate out there, so
18 we didn't know who to believe.

19 Q. When did you first start hearing debate?

20 A. Probably in -- on the '80s and '90.

21 Q. Okay. So what type of -- who did you
22 hear saying that smoking -- who did you hear in the
23 '80s and '90s talking about smoking being bad for
24 your health?

25 A. Different experts, I guess. Different

1 doctors. Different experts. It was like -- you
2 know what I mean? If I -- I'll be damned if I do,
3 damned if I don't. Everybody was -- everyone had
4 their own opinion on it, and we waited till 2000 and
5 all hell broke loose.

6 Q. Where were you hearing all of the
7 opinions that you were hearing in the '80s that you
8 referred to?

9 A. Probably the news media.

10 Q. And do you remember any specific news
11 program or statement you heard?

12 A. No. Just --

13 MS. WALD: Form.

14 You can answer.

15 THE WITNESS: Just the same thing; that
16 filtered cigarettes was this, no -- and -- you know.
17 By then we were all addicted, so we said, Hey -- you
18 know what I mean -- we're already addicted to it. I
19 think we're okay. I think we're not okay.

20 And then 2000 came around, and it wasn't
21 okay.

22 BY MS. HENNINGER:

23 Q. And what do you remember happening in
24 the year 2000?

25 A. I guess when the truth came out that

1 cigarettes were causing cancer and hundreds of
2 thousands of people were dying probably every year
3 in the United States and God knows what other
4 countries, then everybody woke up. Everybody was
5 already addicted.

6 Q. And what I'm trying to ask, sir, is
7 what -- where did you hear this message that the
8 truth got out in 2000?

9 A. I'm pretty sure I saw one on TV,
10 something with a hearing, and people were being
11 drilled, and the truth came out. I don't know what
12 station, I don't know when, but I did hear something
13 about a hearing, and the truth came out that
14 cigarettes were addicting and they were causing all
15 kinds of medical problems, and then by then
16 everybody was already addicted.

17 Q. So at this hearing, was there any
18 representatives from the tobacco companies there?

19 A. There was probably representatives from
20 both sides that were being drilled. It was like a
21 debate, like a debate over it. Who is saying -- you
22 know what I mean? Everybody had their own opinion
23 on it. And finally, you know, the evidence was
24 there and -- you know. That's all I know.

25 Q. I understand. And I want to focus

1 solely on 2000, when you said the truth came out.

2 In 2000, is that when you saw those
3 hearings, or around that time?

4 MS. WALD: Form. Asked and answered in
5 the first deposition. We've already covered all of
6 this, so I don't know why you need an extra five
7 minutes to go through everything we've covered. And
8 now you're confusing him all over again.

9 So if you understand the question, you
10 can answer. But we've already covered this
11 extensively.

12 BY MS. HENNINGER:

13 Q. I am going to ask you this question. It
14 has not been asked at all.

15 In 2000, were the tobacco companies
16 still saying that smoking was safe?

17 A. Oh, I don't know that. All I know is
18 there was a debate over it, and later on, then the
19 news media broke loose and there was health
20 problems. I don't know who said what.

21 Q. Okay. So you don't remember the
22 tobacco --

23 A. No. I saw -- you know.

24 Q. Let me finish my question.

25 You don't remember the tobacco company

1 saying that smoking did not cause disease?

2 A. That I remember --

3 MS. WALD: Form.

4 THE WITNESS: -- they said that it was
5 fine and no problem. And like I said, we were -- we
6 were in limbo with this thing going on until, you
7 know, it broke loose in the media in 2000. That's
8 all I can tell you. Sorry.

9 BY MS. HENNINGER:

10 Q. In 2000 did your wife also understand
11 that the truth was out and that smoking caused
12 disease, in 2000?

13 MS. WALD: Form.

14 THE WITNESS: Answer?

15 I guess everybody knew by then. Even
16 her. I mean, you couldn't avoid it. It was out
17 there. And people started -- you know, probably
18 scared and decided we were already addicted. It was
19 an expensive habit also, you know.

20 But when that came out, I'm sure a lot
21 of people decided to, you know, kick the habit.
22 Some did different things. Like her, she did
23 different things. Me, it took this (indicating) to
24 put a good scare in me. Like I told Ms. Kenyon, she
25 was suffering, but I probably snuck out in either

1 one, you know, to have one. But then I really got
2 scared, and that was it. Because that's, you know,
3 you're talking cancer, you're talking about losing
4 your voice, and then you start, you know, feeling
5 and get scared and you quit.

6 BY MS. HENNINGER:

7 Q. I have one more question.

8 Do you remember when people came out and
9 videotaped your wife and you doing some suctioning
10 on your wife and there was videographers? Do you
11 remember when that was, how long ago?

12 A. Which one? We're talking about the
13 fellow here or the fellow from the law firm?

14 Q. The fellow from the law firm. And I
15 don't want to know anything said. I'm just asking
16 when that occurred.

17 A. I don't want to guess, but it was a
18 while back. It was months ago. I'm not going to
19 say over a year, over a half. Probably months ago.

20 Q. Do you remember who was here when that
21 occurred?

22 A. The representative from the law firm.
23 He was a photographer.

24 Q. Was Laura here?

25 A. I don't know who was here, but all I can

1 tell you, it was a friendly lad. He explained --

2 MS. WALD: And don't talk about anything
3 that he said. She just wanted to know if Laura was
4 here. Yes or no.

5 THE WITNESS: No.

6 BY MS. HENNINGER:

7 Q. So you just remember somebody from the
8 attorney's office --

9 A. Yeah.

10 Q. -- and you and your wife?

11 A. That's it, yeah.

12 MS. HENNINGER: Those are all the
13 questions I have.

14 MS. WALD: Okay, Tony. Now it's my
15 turn. I'm going to ask very few questions. Okay?

16 THE WITNESS: Okay.

17 EXAMINATION

18 BY MS. WALD:

19 Q. Okay. So during the first round of your
20 deposition, you were asked some questions about
21 trips you would go to, to Walmart and other grocery
22 stores.

23 Is there a reason that you take Sandra
24 with you when you go to Walmart and other grocery
25 stores?

1 MS. LUTHER: Kim, can we a standing
2 objection? One for all, all for one?

3 THE WITNESS: She can't be left alone.

4 BY MS. WALD:

5 Q. Why not?

6 A. Because she can't take care of herself.

7 Q. Do you have any concerns about leaving
8 her in her house by herself?

9 A. Great concerns. I wouldn't chance it.

10 Q. Why are you so concerned about leaving
11 her alone?

12 A. Because I -- she -- when she starts to
13 choke, she can't even suction. I've got to be here.
14 She needs somebody here constantly with some kind of
15 medical training, that could not freak out and take
16 care of her. And I can't find nobody. I've got to
17 take her wherever I go. I pack up medical -- I take
18 two tanks. One tank over there. I take a backup
19 tank. I travel with a medical bag. I bring the
20 suction machine. And even then I'm nervous that
21 something is going to happen. I can't leave her
22 alone.

23 Q. If she was here home alone, does she
24 have any way of contacting anyone for help because
25 she can't speak?

1 A. Put it this way: We had an incident
2 here --

3 Q. Just try to answer my questions. Okay?
4 So if she was here alone, would she be
5 able to get help?

6 A. No, no.

7 Q. Why would she not be able to get help?

8 A. Well, she can't speak. All they can do
9 is trace the phone. And God knows if that would
10 ever happen. I can't leave her alone.

11 Q. So is that why you bring her with you
12 when you go grocery shopping?

13 MS. HENNINGER: Objection.

14 MS. LUTHER: Form.

15 THE WITNESS: Yeah.

16 BY MS. WALD:

17 Q. Besides doctors' appointments, Walmart,
18 grocery trips, an occasional Dairy Queen, is there
19 anywhere else you guys can go?

20 A. No. That's about it. You said it.
21 Doctor's appointment, take her shopping. If Laura
22 can't sit with her. Dairy Queen, she -- I'll drive
23 her and get her favorite drink and that's it.
24 That's about it. We can't go -- we can't be out in
25 public. She's not -- how do you say it? She's not

1 immunized. I had my shots. I'm waiting for the
2 third one. But she's not. She can -- she's
3 susceptible to disease, and Dr. Weingarten, her
4 other doctors, they stress, "Make sure she covers
5 nose and stoma. Stay away from crowds."

6 Q. Regardless of the COVID-19 pandemic that
7 we're currently in, even before that occurred, when
8 she was in this condition, did you still have
9 difficulty taking her out anywhere that wasn't a
10 doctor's office or wasn't the grocery store?

11 A. Yeah, I had a difficult time. It was
12 the same routine. Pack up the stuff, like I said.
13 And, you know, it's the same thing every time we go
14 out. I can't leave her alone at all.

15 Q. So even if the COVID-19 pandemic
16 resolves and everything goes back to normal, you
17 would still have difficulty taking her out due to
18 health concerns in general?

19 A. Yeah.

20 MS. HENNINGER: Objection.

21 THE WITNESS: She would still have to
22 wear a mask, and I have some other special stuff I
23 can put in the stoma. It's got to be covered. And
24 I can't take a chance of bringing her out in crowds
25 at all.

1 BY MS. WALD:

2 Q. What do you and Sandra do for enjoyment
3 now?

4 A. She plays on her computer. We watch TV
5 in separate rooms. I watch her fall asleep on the
6 La-Z-Boy, I put her to bed, and we repeat the same
7 thing. Thanksgiving we stayed here watching TV. We
8 had no company. Nothing. It was just another day
9 for us. Nothing.

10 Q. Is this what you expected of your life
11 to be like when you and Sandra were growing old
12 together?

13 A. No, I didn't expect that.

14 MS. HENNINGER: Objection. Form.

15 BY MS. WALD:

16 Q. You were also asked questions about her
17 addiction to cigarettes. During the times that she
18 would try to quit, did you notice her personality
19 change?

20 A. Yeah, she got kind of mean.

21 Q. So explain that to me. What do you mean
22 by "She got kind of mean"?

23 A. Her attitude would change. She would
24 snap at me a lot, like she was having some kind of
25 fit. And then after trying and trying, she would go

1 back to smoking. She was alive again.

2 Q. So when she would go back to smoking,
3 would she not snap at you or anything like that?

4 A. No, she was real nice. But when she
5 tried, I'd better get out of Dodge.

6 Q. Do you think she craved cigarettes?

7 A. She craved them.

8 Q. Did she tell you she craved them?

9 A. She didn't have to tell me. I saw it.

10 Q. Do you think she was addicted to
11 cigarettes?

12 MS. HENNINGER: Objection.

13 THE WITNESS: She was very addicted.

14 BY MS. WALD:

15 Q. Would she tell you that she was addicted
16 to cigarettes?

17 A. I guess so. I saw there was an
18 addiction there.

19 MS. WALD: Okay. Thank you, Tony.

20 Those are all my questions.

21 MS. HENNINGER: Anybody?

22 MS. KENYON: I just have one.

23 EXAMINATION

24 BY MS. KENYON:

25 Q. You mentioned that Mrs. Camacho doesn't

1 have any way to communicate if you leave. Are you
2 aware that there are programs and services that you
3 could use or install so that Mrs. Camacho could
4 alert someone if something is happening to her?

5 MS. WALD: Form.

6 THE WITNESS: I'm sure there is, but I
7 don't know of any.

8 BY MS. KENYON:

9 Q. Have you looked into it?

10 A. We asked the doctors, you know. But
11 like I said, we have to call Medicare for that kind
12 of stuff. That all costs money.

13 Q. Have you tried to call Medicare?

14 A. We called Medicare, like I told you, to
15 see if they can help me out. They said no, because
16 she's got mobility.

17 Q. Have you looked into getting something
18 installed in your home or having her wear, like, a
19 Jitterbug so she can alert someone if there's an
20 emergency while you're gone?

21 MS. WALD: Form.

22 THE WITNESS: I would like to get
23 something of that nature, like "I'm falling and I
24 can't get up," something like that for her. But the
25 problem is I have to be home because she panics

1 easy. So I don't know if she would be able to
2 activate that.

3 And I wouldn't leave her alone, period,
4 unless I knew that there was a family member, which
5 we don't have, or a very good friend with her.

6 BY MS. KENYON:

7 Q. So regardless of whether you had the
8 capabilities or whether Mrs. Camacho was able to
9 make a phone call to 911 or someone else to get
10 help, regardless, you wouldn't leave her alone?

11 MS. WALD: Form.

12 BY MS. KENYON:

13 Q. Is that right?

14 A. Right. Because I care about her too
15 much. I mean, she's very vulnerable, and I'm there
16 to protect her.

17 MS. KENYON: Those are all the questions
18 I have.

19 MS. WALD: I just have one follow-up.

20 EXAMINATION

21 BY MS. WALD:

22 Q. If you vetted someone and did a
23 background check and looked into their medical
24 experience and had them come over to the house and
25 watched and observed them taking care of Sandra, and

1 you became comfortable with that person, is it still
2 possible that you would care for someone besides
3 yourself or Laura if you came to trust that person
4 and you knew that they were experienced and were
5 able to handle taking care of Sandra?

6 A. That would be --

7 MS. WALD: Form.

8 THE WITNESS: -- a big help, and I can
9 do my -- I'd have my freedom to go shopping. I
10 don't have to worry. I can take myself shopping for
11 her and stuff like that. I'd know that she's in
12 good hands, you know. But as long as she's with me
13 when I take her out -- like I said, it's a lot of
14 work loading up two oxygen tanks and medical
15 equipment, but I take her with me.

16 MS. KENYON: Do you guys have any
17 questions?

18 MS. HENNINGER: No.

19 MS. LUTHER: No.

20 MS. WALD: All right. We are done. And
21 Tony will read.

22

23 (The deposition concluded at 4:12 p.m.)

24 -oOo-

25

CERTIFICATE OF DEPONENT

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* * * * *

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

ANTHONY CAMACHO, Deponent

1 CERTIFICATE OF REPORTER

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

4

5 I, Karen L. Jones, a duly commissioned and
6 licensed Court Reporter, Clark County, State of
7 Nevada, do hereby certify: That I reported the
taking of the deposition of the witness, ANTHONY
CAMACHO, commencing on Tuesday, December 7, 2021 at
1:33 p.m.

8

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

12

13 I further certify that (1) I am not a relative
or employee of an attorney or counsel of any of the
14 parties, nor a relative or employee of an attorney
or counsel involved in said action, nor a person
15 financially interested in the action; nor do I have
any other relationship with any of the parties or
16 with counsel of any of the parties involved in the
action that may reasonably cause my impartiality to
17 be questioned; and (2) that transcript review
pursuant to NRCPC 30(e) was requested.

18

19

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

22



23

KAREN L. JONES, CCR NO. 694

24

25

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