

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 53 (Nos. 8036-8186)

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1 DISTRICT COURT

2 CLARK COUNTY, NEVADA

3 SANDRA CAMACHO, individually, and)
4 ANTHONY CAMACHO, individually,)

5 Plaintiffs,)

6 vs.) Case No.
7) A-19-807650-C

8 PHILIP MORRIS USA INC., a foreign)
9 corporation; R. J. REYNOLDS TOBACCO)
10 COMPANY, a foreign corporation,)
11 individually, and as successor-by-)
12 merger to LORILLARD TOBACCO COMPANY)
13 and as successor-in-interest to the)
14 United States tobacco business of)
15 BROWN & WILLIAMSON TOBACCO)
16 CORPORATION, which is the)
17 successor-by-merger to THE AMERICAN)
18 TOBACCO COMPANY; LIGGETT GROUP,)
19 LLC, a foreign corporation; ASM)
20 NATIONWIDE CORPORATION d/b/a)
21 SILVERADO SMOKES & CIGARS, a)
22 domestic corporation; and LV SINGHS)
23 INC. d/b/a SMOKES & VAPORS, a)
24 domestic corporation; DOES I-X; and)
25 ROE BUSINESS ENTITIES XI-XX,)
inclusive,)
Defendants.)
_____)

17

18 DEPOSITION OF ANTHONY CAMACHO

19 VOLUME I

20 Taken on Thursday, November 4, 2021

21 By a Certified Stenographer

22 At 9:00 a.m.

23 At 531 Morning Mauve Avenue

24 Las Vegas, Nevada

25 Reported by: HOLLY LARSEN, CCR 680, CA CSR 12170

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20 Also Present:

21 SANDRA CAMACHO

22

23

24

25

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19 Loss of Consortium
20 Plaintiff Anthony Camacho

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

2 Whereupon,

3 ANTHONY CAMACHO,

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

6

7 EXAMINATION

8 BY MS. KENYON:

9 Q. Good morning, Mr. Camacho. I'm Jennifer
10 Kenyon. I'm representing Philip Morris in this
11 case. I've spent the past few days with you here in
12 your home.

13 How are you feeling this morning?

14 A. Okay, I guess.

15 Q. Can you please state your full name for the
16 record.

17 A. Anthony J. Camacho.

18 Q. I am wearing a mask. Are you able to hear
19 me okay?

20 A. Yes.

21 Q. Able to understand me?

22 A. Yes.

23 Q. Off the record you mentioned -- are you
24 vaccinated?

25 A. Yes. But not the booster. Just the two.

1 Q. So you've gotten two COVID-19 vaccinations?

2 A. Yes.

3 Q. When did you get those?

4 MS. WALD: Object to form. Relevance.

5 THE WITNESS: Do I answer?

6 MS. WALD: You can answer.

7 THE WITNESS: Two months ago.

8 BY MS. KENYON:

9 Q. Do you know whether your wife,
10 Mrs. Camacho, has been vaccinated?

11 A. No.

12 MS. WALD: Object to form.

13 BY MS. KENYON:

14 Q. No, she has not been vaccinated?

15 THE WITNESS: Do I answer?

16 MS. WALD: You can answer.

17 THE WITNESS: No, she's not, because of her
18 cancer.

19 BY MS. KENYON:

20 Q. Can you explain that?

21 A. Yeah. Her cancer doctor says that she
22 would be at risk of not being able to survive if she
23 gets the injections. And so he said, "It's your
24 body. I can't tell you what to do. But if it was
25 mine, I wouldn't do it."

1 So we got a second opinion from our
2 primary. Primary said, "No, go right ahead and do
3 it. It's not going to hurt you."

4 Then we got a third one from a cancer
5 doctor. He said, "It's perfectly fine. Go ahead
6 and do it."

7 So we were confused, do we or don't. We're
8 afraid if she does get it, she might -- she's not
9 going to survive it because of all the chemo and
10 radiation. So we decided to, I guess, wait.

11 Q. Who was the first cancer doctor that you
12 talked to?

13 A. At the cancer center at St. Rose Hospital.
14 What's his name? Don't quote me. I think it's like
15 a Russian name, like Gorbachev maybe. I got medical
16 cards too with their names. I got plenty of those.

17 Q. The second doctor, the primary care
18 physician?

19 A. Dr. Eric Wikler, family doctor.

20 Q. Who was the third doctor that you got an
21 opinion from?

22 A. That's a new doctor. He's got a Greek name
23 that I can't even pronounce. But I do have his
24 card.

25 Q. I'm going to request that you get that

1 during a break.

2 A. Okay. Remind me. I've got to get the
3 cards.

4 MS. WALD: We'll discuss it.

5 THE WITNESS: Okay. We'll discuss it.

6 BY MS. KENYON:

7 Q. You understand that you're one of two
8 plaintiffs in this case along with your wife, Sandra
9 Camacho?

10 A. (Inaudible response.)

11 MS. WALD: You have to answer out loud.

12 THE WITNESS: Yes.

13 BY MS. KENYON:

14 Q. That's a good reminder. I'm just going to
15 go over a couple of ground rules for how today is
16 going to go.

17 A. Okay.

18 Q. You kind of saw how it went with your wife
19 yesterday. Today will be the same, but a little bit
20 different just because of the setup.

21 If you could just wait for me to answer my
22 questions --

23 A. Got it.

24 Q. -- before you start answering.

25 A. Okay. I'll do that.

1 Q. I know it's natural in conversation to
2 predict what I might be about to ask you. If you
3 could just wait, that would be great.

4 A. Okay.

5 Q. As Kim just reminded you, you have to
6 answer out loud so that the court reporter can write
7 everything down that we say.

8 A. Okay. Only if I get choked up, then ...

9 Q. You're great.

10 If you do not understand one of my
11 questions, just let me know. I'm happy to
12 rephrase it.

13 A. I will.

14 Q. Again, as I mentioned before, if you can't
15 understand what I'm saying because of the mask, let
16 me know and I'll ask it again.

17 A. I will.

18 Q. I understand you have some back problems,
19 so if at any time you need to stand up, move around,
20 that's fine. We're happy to accommodate that.

21 A. Thank you. I'll do that.

22 Q. I try to take a break every hour or so, but
23 let me know if you need to take a break before that.

24 A. Okay. I'll let you know.

25 Q. You understand you're under oath today?

1 A. Yes, ma'am.

2 Q. Same as if you were before a judge and
3 jury?

4 A. Yes, ma'am.

5 Q. You understand that you've sworn to tell
6 the truth?

7 A. Yes, ma'am.

8 Q. Is there anything that might affect your
9 ability to understand my questions today and answer
10 them?

11 A. Probably if you use, like, terminology that
12 I can't understand, I might ask you to rephrase it
13 so I could understand it.

14 Q. If there is ever a question where you don't
15 understand terminology or a word or what I'm asking
16 you, just please do tell me. Okay?

17 A. I will.

18 Q. Because if you answer one of my questions,
19 I'm going to interpret that as you having understood
20 my question. Okay?

21 A. Yes.

22 Q. Have you taken any medication today that
23 might affect your memory or ability to testify
24 accurately?

25 A. No medicine today.

1 Q. Is there anything that would prevent you
2 from giving accurate testimony today?

3 A. No. I'm okay.

4 Q. What did you do to get ready for your
5 deposition today?

6 MS. WALD: Don't mention any conversations
7 you and I had.

8 THE WITNESS: What did I do? Well, last
9 night I went to bed at 10:00 at night. I was beat.
10 I overslept. I got up, got ready, and I'm here.

11 BY MS. KENYON:

12 Q. I think we were all a little tired. That's
13 a good start.

14 Did you look at any documents or any
15 records before your depo?

16 A. Just documents that showed me to prepare
17 myself, to get photos and stuff like that.

18 (Exhibit 1 marked.)

19 BY MS. KENYON:

20 Q. I'll hand you what I've marked as Defense
21 Exhibit 1. Is this the document you're referring
22 to? This is your notice of deposition.

23 Have you seen this document before?

24 A. I've got to check it real quick.

25 I never seen this one, but I got something

1 similar to it.

2 Q. If you could turn to page 3 for me.

3 MS. KENYON: Off the record.

4 (A break was taken.)

5 BY MS. KENYON:

6 Q. We just took a break for you to assist with
7 your wife's care?

8 A. Yeah, for suctioning and to get the gook
9 out of her stoma, which nobody can do but me. She's
10 not allowed to do it. Because it's about 6-inch
11 Q-tip, medical, and I have to take something out of
12 there once in a while because they get too big.
13 That's where she starts to gag. So I was able to do
14 it real quick.

15 Q. So before we took the break, we were
16 looking at Exhibit 1, page 3.

17 Do you see at the top where it says
18 "Schedule A"?

19 A. Yeah, Schedule A.

20 Q. It asks you to bring -- it has a list of
21 documents that it asked you to look for and bring to
22 your deposition.

23 Have you seen this before?

24 A. Yeah. I have it in my room. It's got
25 different paper, but it's the same wording.

1 Q. So did you make an effort to search for
2 responsive documents before your deposition?

3 A. Yeah. We have the pictures, and I guess we
4 have the medical papers if it's needed, and that's
5 about it.

6 Q. And the "medical papers," are you referring
7 to medical records --

8 A. Pertaining to this problem with the
9 laryngectomy and stays in hospitals. And it's all
10 really nice, all organized.

11 Q. Have you provided those records to your
12 attorneys in this case?

13 A. No one asked for them yet -- wait. The
14 attorneys from the beginning?

15 MS. WALD: Yes. You provided it to me
16 already.

17 THE WITNESS: From the beginning, yes,
18 ma'am, they have them already. I still have more if
19 they need them.

20 BY MS. KENYON:

21 Q. Do you have any new records or more recent
22 records that have not been provided to your
23 attorneys?

24 A. No. Just the same old bills and stuff like
25 that.

1 Q. You mentioned photographs. So are there --
2 as I understand from your wife yesterday, there are
3 photographs -- you guys have a lot of photographs;
4 is that right?

5 A. Yeah, we have photographs.

6 Q. But there's other photographs that you
7 haven't provided to your attorneys?

8 MS. WALD: Form.

9 THE WITNESS: We just got the pictures that
10 they asked for, and my wife and I went through them.
11 I said, "Let's show these two how you used to look
12 when we were younger." That's about it. I mean, I
13 have 3,000 pictures.

14 BY MS. KENYON:

15 Q. So you do have additional pictures of you
16 and your wife?

17 A. Yeah. Dating back all the way to -- we
18 were married in '80, I believe. And when we were
19 dating we took a few pictures, probably in '79.

20 Q. You can go ahead and set that aside.

21 Did you meet with your attorneys before
22 your deposition today?

23 A. With Kim?

24 Q. Yes.

25 A. No. We just talked. That's about it.

1 Small talk.

2 Q. Did you meet with her earlier this week?

3 A. She was here like -- what are we in, Friday
4 or Thursday?

5 Q. (Inaudible response.)

6 A. About three times this week.

7 Q. You've met with Kim three times this week?

8 A. Yeah, starting Monday for Sandra. Then you
9 folks came back -- when did you come back? Tuesday.
10 You came back Wednesday, and you came back today.
11 Four.

12 Q. And were you there when she was meeting
13 with Mrs. Camacho on Monday?

14 A. Oh, yeah. I was here the whole time.

15 Q. How long did you meet with Ms. Wald on
16 Monday?

17 A. Monday, probably a couple of hours.

18 Q. Was that the first time you had talked with
19 her?

20 A. No. I talked to her on the computer too,
21 internet.

22 Q. Do you mean by email?

23 A. No, not email. She was trying to help me
24 get Messenger on my computer, which is like 15 years
25 old so it's not going to hurt. So I started using

1 Sandra's for interviews and talk to her.

2 Q. Do you and Ms. Camacho have separate
3 computers?

4 A. Yeah. She's got the newer one. Mine is
5 like 15 years old. It belonged to my grandson.
6 Sort of beat up.

7 Q. Is there anyone else in Ms. Wald's office
8 or any other attorneys that you've talked to about
9 this case?

10 A. In the beginning, I guess the two
11 representatives that came out were from Alvarez Law
12 Firm in Florida. Then prior to that, the person
13 that came, a photographer with a video, to talk to
14 us and shoot some videos of us and our daily living
15 here, how we live. And then Michael.

16 Let's see. Anybody else? That's about it.

17 Q. Do you recall who came out to visit you
18 from the Alvarez Law Firm?

19 A. Say again?

20 Q. Do you know who came out here to visit you
21 from the Alvarez Law Firm?

22 A. I believe it was the actual lawyers from
23 the firm. His associates that run the firm, they
24 were pretty high up there. That's all I can tell
25 you.

1 Q. You said there was a photographer with a --
2 was it a photographer and a videographer that came
3 to you?

4 MS. WALD: I'm instructing my client not to
5 answer. That's work product.

6 Don't answer this question.

7 THE WITNESS: I won't answer on the advice
8 of my attorney.

9 BY MS. KENYON:

10 Q. Was there an attorney that was present when
11 the photographer was here?

12 MS. WALD: Don't answer that question.

13 THE WITNESS: I can't answer that, ma'am.
14 Sorry.

15 BY MS. KENYON:

16 Q. When did the photographer come out?

17 MS. WALD: Don't answer that question.

18 THE WITNESS: Can't answer that question,
19 ma'am.

20 BY MS. KENYON:

21 Q. How long did the -- how long was the
22 photographer here taking photographs?

23 MS. WALD: Don't answer that question.

24 THE WITNESS: Can't answer that question,
25 ma'am.

1 BY MS. KENYON:

2 Q. Was someone here also taking video?

3 MS. WALD: Don't answer that question.

4 THE WITNESS: I can't answer that question,
5 ma'am.

6 BY MS. KENYON:

7 Q. How long was the person here taking video?

8 A. I can't answer that either I guess.

9 Q. I don't know if she actually objected to
10 that one.

11 MS. WALD: I'm instructing my client not to
12 answer.

13 THE WITNESS: Okay.

14 BY MS. KENYON:

15 Q. What did they take photographs and
16 videos of?

17 MS. WALD: I'm instructing my client not to
18 answer.

19 BY MS. KENYON:

20 Q. You also mentioned someone named Michael
21 came out.

22 A. Yes, Michael came out.

23 Q. Do you know Michael's last name?

24 A. No, ma'am. First time I seen him. It was
25 their advice the day before, make sure it's Michael

1 that's coming in the house, and he'll be talking to
2 you folks.

3 Q. Was Michael an attorney?

4 A. I presume so. He was associated with the
5 law firm.

6 Q. When did Michael come to visit you?

7 A. Let's see. Let's say about maybe three
8 weeks ago.

9 Q. So was this a separate visit from when the
10 two individuals from the Alvarez firm came?

11 A. Yeah, they were really spread out for
12 months, yeah. Maybe longer. Because I guess they
13 were --

14 MS. WALD: Don't say anything else.

15 THE WITNESS: Okay.

16 BY MS. KENYON:

17 Q. How long did you meet with Michael?

18 A. Jesus, maybe an hour.

19 Q. Was anyone else here?

20 A. Sandra.

21 Q. When the photographer and videographer were
22 here, was anyone else present?

23 MS. WALD: Don't answer that.

24 THE WITNESS: Can't answer that, ma'am.

25 ///

1 BY MS. KENYON:

2 Q. Was anyone else besides Mrs. Camacho and
3 you present in your home when they were out here?

4 MS. WALD: I'm instructing my client not to
5 answer.

6 MS. LUTHER: How is that privileged, Kim?
7 If somebody else was present.

8 MS. WALD: It's work product.

9 MS. LUTHER: But if somebody were present
10 and destroyed privilege, we would be entitled to
11 know that.

12 MS. WALD: It's work product. I'm
13 instructing my client not to answer.

14 BY MS. KENYON:

15 Q. Other than your attorneys, have you talked
16 with anyone else about your deposition?

17 A. No. Just family members know about it. I
18 don't have any friends. I don't have anybody to
19 talk to about it. Just family -- immediate family
20 members on her side. I don't have a family.

21 Q. Who are those family members?

22 A. Donna Kinsella. Linda Blake. And my
23 stepson, Josh Stramaglia. His wife knows about it,
24 Jeannine Stramaglia. And my stepdaughter, Laura
25 Stramaglia. And my two grandchildren, Dominic

1 Purkett and Gina Purkett.

2 Q. What have you -- did you or -- did you have
3 a conversation with Donna about this lawsuit?

4 A. No. The sisters commute by Messenger, and
5 I really don't care for Messenger, so I stay out of
6 their conversation because it's too complicated with
7 the writing, stepping on each other. So I don't get
8 involved with that. Maybe I make some comments.
9 But she talks with them by Messenger with boards.
10 And for some reason, the women are better with the
11 mouth, reading. Okay. And the men, we have a hard
12 time. So I was stepping on people, and it wasn't
13 working out. So I said, "From now on, you talk if
14 you want. I'm staying off to the sideline."

15 Q. If I'm understanding correctly, your wife,
16 Mrs. Camacho, is the one who spoke with Donna and
17 Linda about the lawsuit?

18 A. Yeah. The three sisters, they're always
19 talking. Except things are different now between
20 the family because of certain things.

21 Q. Like what?

22 A. Politics.

23 Q. Do they disagree on politics?

24 A. Yeah, one side here. The other side is on
25 the left field. So we can't mention politics, say

1 anything wrong about politics. It didn't work out
2 very well. They went for months without talking.
3 When I mean months, maybe try six months. And
4 finally people started coming around, but it's not
5 the same anymore. We used to be a loveable family.
6 We were separated by certain things happening.

7 Q. So are Donna and Linda on one side of the
8 political spectrum?

9 A. No. They're together.

10 Q. So Donna and Linda are together on one side
11 of the political spectrum, and Mrs. Camacho is on
12 the other side?

13 A. Yes, ma'am.

14 Q. What did your wife tell Donna about this
15 lawsuit?

16 MS. WALD: Form.

17 THE WITNESS: Just that "We filed a
18 lawsuit, and would you mind if we give them your
19 name for witnesses? We're going to need all the
20 family members that know about our history."

21 Some of them didn't take it very well. But
22 some decided, yeah, everybody jumped on the
23 bandwagon and helped us.

24 BY MS. KENYON:

25 Q. You said some didn't take it very well.

1 A. Yeah, some of them didn't feel -- as soon
2 as you mention depositions and stuff, some of them
3 are just too busy and don't want to deal with it.
4 But I don't know which ones exactly. I stayed out
5 of that.

6 Q. Do you know whether Donna or Linda, whether
7 they were one of the ones who didn't take it well?

8 A. Donna was a hundred percent. The other,
9 Linda, I hate to say, she's unpredictable, kind of
10 like a civil attitude. Could be nice and then
11 forget about it.

12 Q. Did she say anything about not wanting to
13 sit for a deposition?

14 A. No. She just said -- you know, she was
15 just afraid to get involved. I guess she was
16 getting nervous. She was dealing with her husband
17 at the time, who passed away last month from brain
18 cancer. So she was dealing with that. And all the
19 hardship of going to hospitals and all that.

20 She was really, you know, really messed up
21 because of that. Because they were married like --
22 I believe over 50 years.

23 Q. You mentioned that you and Mrs. Camacho
24 have talked with your stepson, John, about this
25 lawsuit?

1 A. Yeah, John.

2 Q. What have you discussed with John about the
3 lawsuit?

4 A. I guess when the two first attorneys came
5 out from Alvarez Law Firm, probably a year and a
6 half ago or something --

7 MS. WALD: Don't mention anything you
8 discussed with the attorneys.

9 THE WITNESS: I won't.

10 When they came out, we told them that the
11 attorneys came out.

12 BY MS. KENYON:

13 Q. Was John here when the two Alvarez
14 attorneys came out?

15 A. No. He's in Chicago.

16 Q. What did he say when you told him about
17 this lawsuit?

18 A. Well, again, they communicated with the
19 boards and stuff. I wasn't present.

20 Q. Do you know what -- did Mrs. Camacho tell
21 you what they talked about?

22 A. Not really.

23 Q. Do you know what his reaction was when he
24 found out about the lawsuit?

25 A. I guess maybe "I'll comply" or whatever.

1 But I don't really know.

2 Q. You also mentioned Laura, your
3 stepdaughter. What did you and Mrs. Camacho tell
4 her about the lawsuit?

5 A. Well, she needed to know about it because I
6 have power of attorney. Laura, my stepdaughter, she
7 has power of attorney if I'm not around. So
8 everything we do, she handles all our bills for us
9 and making appointments and all the clerical stuff
10 for us. So she knows everything about the lawsuit.

11 Q. You mentioned she handles your bills. Does
12 Laura pay your bills?

13 A. No, I don't know about paying. But she
14 makes sure -- because sometimes she makes mistakes
15 and messes up the checking. So Laura makes sure
16 it's right.

17 And then appointments, she does all the
18 appointments and then fighting the insurance
19 companies, "I'm not going to pay for this," "I'm not
20 going to pay for that." She goes to war with them
21 on the computer and gets results.

22 Q. So Laura handles scheduling all of
23 Mrs. Camacho's appointments?

24 A. Yeah. Then I do all the heavy lifting.

25 Q. Does Laura live in Las Vegas or Chicago?

1 A. Las Vegas. Right down the street.

2 Q. And she works for Mrs. Camacho's
3 ex-husband's business?

4 A. Yeah. Supreme Lobster Company.

5 Q. Have you talked with -- strike that.

6 What was Laura's reaction when you and
7 Mrs. Camacho told her about the lawsuit?

8 A. I guess she was all for it. She said, you
9 know, "You gotta do what you gotta do, I guess."
10 She didn't discourage us. "Make up your own mind
11 what you guys want to do with that."

12 Q. Have you talked with Mrs. Camacho about her
13 deposition the past few days?

14 A. Who? Sandra?

15 Q. Yeah.

16 A. Yeah. She writes on the board and she
17 tells me stuff, and sometimes if, you know, she
18 scribbles and I don't understand it, so I say, "I
19 really don't want to discuss it. Okay?"

20 I already got enough problems, you know.
21 And I really don't. My priority is her.

22 (Exhibit 2 marked.)

23 BY MS. KENYON:

24 Q. I'm handing you what I've marked as Defense
25 Exhibit 2. Have you seen this document before?

1 A. That's the one I have in my study.

2 Q. So you see at the top, "Electronically
3 served December 9, 2020."

4 Do you see that at the top?

5 A. Way at the top, "Electronically." Yes,
6 I do.

7 Q. Then towards the bottom it says
8 "Plaintiffs' Response to Defendant ASM Nationwide
9 Corporation's First Interrogatories to Loss of
10 Consortium Plaintiff Anthony Camacho."

11 Do you see that?

12 A. Yes.

13 Q. If you would, can you flip to the very last
14 page.

15 A. Okay.

16 Q. It says, "Declaration. I, Anthony Camacho,
17 declare under penalty of perjury that the foregoing
18 is true and accurate. Executed on the 6th day of
19 December, 2020."

20 Do you see that?

21 A. I see that, ma'am.

22 Q. Is that your signature underneath?

23 A. Yes, ma'am.

24 Q. How did you go about preparing your
25 responses to the interrogatories?

1 A. To prepare for this?

2 Q. How did you prepare these responses that
3 you served back in December of 2020?

4 A. I don't understand the question.

5 Q. They're called interrogatories. They're
6 questions to you. They asked for things like your
7 date of birth, your addresses, your employment
8 history, things like that.

9 Do you recall preparing your answers to
10 those questions?

11 A. You know, I have no memory of that. I'm
12 sorry. But I did sign the document.

13 Q. Do you know whether anyone helped you
14 prepare your responses to these questions?

15 A. I think I probably asked Laura to look at
16 it and help me out, fill out the stuff that I didn't
17 understand.

18 Q. Do you remember reading through your
19 interrogatory responses before they were served back
20 in December of 2020?

21 A. I glanced through it, but I didn't really
22 read the whole thing. Just glanced through it, you
23 know, read certain lines. I'm the type of person to
24 read something and just put it down.

25 Q. Were they accurate when you signed your

1 interrogatories?

2 A. That, I make sure. Yeah, that, I make
3 sure, with Laura's help, that it was accurate.

4 Or she's pretty sharp too sometimes. But
5 (indicating).

6 MS. WALD: For the record, he was pointing
7 at Sandra.

8 THE WITNESS: Yeah, pointing to Sandra.

9 (Exhibit 3 marked.)

10 BY MS. KENYON:

11 Q. I'm handing you what I've marked as Defense
12 Exhibit 3. Have you seen this document before?

13 A. What page you want me to look at?

14 Q. Just the first page. Have you seen this
15 document before?

16 A. It looks like the one you just took away.

17 Q. So at the top it says -- do you see where
18 it says "Electronically served, March 12, 2021"?

19 A. Yes, ma'am.

20 Q. Then a little bit further down the page on
21 the right, "Plaintiffs' Amended Responses to
22 Defendant ASM Nationwide Corporation's First Set of
23 Interrogatories to Loss of Consortium Plaintiff
24 Anthony Camacho."

25 Do you see that?

1 A. On the first page?

2 Q. Yeah. Do you see that?

3 A. Yeah. But I don't see my name. You said
4 Anthony Camacho.

5 MS. WALD: (Indicating.)

6 THE WITNESS: Oh, there it is. At the
7 bottom. I'm sorry.

8 BY MS. KENYON:

9 Q. These are the amended responses you filed
10 back in March of 2021. Do you understand that?

11 MS. WALD: She's not asking you to look at
12 it. Just do you understand?

13 THE WITNESS: Yes, I understand this.

14 BY MS. KENYON:

15 Q. If you would, again, just turn to the last
16 page.

17 A. Got it.

18 Q. At the top it says, "Declaration. I,
19 Anthony Camacho, declare under penalty of perjury
20 that the foregoing is true and correct. Executed on
21 the 9th day of March, 2021."

22 Do you see that?

23 A. Yes, ma'am.

24 Q. Is that your signature underneath?

25 A. Yes, ma'am.

1 Q. So these are your amended responses. Where
2 did you get the new or additional information that
3 are in your amended responses?

4 A. You mean how I responded to it?

5 Q. I can use an example. On the first one, if
6 you turn to page 3, Interrogatory Number 1 is asking
7 for your name, date of birth, address, length of
8 time at each address. And then do you see
9 underneath where it says "Response" and you provided
10 your name, date of birth, and then a couple of
11 addresses? Then if you look further down, under
12 your amended response it's got the same
13 information -- your name, date of birth, your
14 current address -- but then you list a number of
15 additional former addresses.

16 Do you see that?

17 A. Yes, ma'am.

18 Q. So where did you get the additional
19 information on your addresses?

20 A. From Laura. I know the exact streets and
21 crossing streets, but not the numbers. But I know
22 the name of the subdivisions and their location.
23 But not, for some reason, numbers.

24 Q. So did the years that you lived at certain
25 addresses in your amended responses, did those years

1 come from Laura?

2 A. Yeah. Laura would know better than us.

3 Q. And your date of birth is August 11, 1952?

4 A. Yes, ma'am.

5 Q. You were born in Puerto Rico?

6 A. Yeah. Ponce, Puerto Rico.

7 Q. Where did you grow up?

8 A. 1957, in Chicago.

9 (A pause in proceedings.)

10 BY MS. KENYON:

11 Q. So you moved from Puerto Rico in 1957 to
12 Chicago?

13 A. Yeah. I think I was five years old when I
14 moved here.

15 Q. I want you to take a look at your amended
16 response to Interrogatory Number 1, what we were
17 just looking at with your addresses. Let me know
18 when you've had a chance to look through it.

19 A. 1166 Stormy Valley. That address is right.
20 Wigwam, I know it was a mobile home. I
21 don't know the space number.

22 MS. WALD: Tony, she just asked you to read
23 it and let her know when you've finished reading.

24 THE WITNESS: Read it to myself?

25 MS. WALD: Read it to yourself.

1 THE WITNESS: Okay. Yep.

2 BY MS. KENYON:

3 Q. So your amended response to Interrogatory
4 Number 1 accurately reflects where you lived over
5 the years?

6 A. Yes, ma'am.

7 Q. You met Mrs. Camacho in 1978; is that
8 right?

9 A. Yes, ma'am.

10 Q. Where were you living when you met
11 Mrs. Camacho?

12 A. Probably I had my own apartment, I believe.

13 Q. So would that have been -- it says in the
14 1970s you lived with various families in Norridge
15 [sic], Illinois.

16 So were you living with -- were you living
17 in Northridge, Illinois, when you met Mrs. Camacho?

18 A. I was living in Schiller Park.

19 Q. So then the first address that you have
20 listed here where you would have known Mrs. Camacho
21 is 1979. That's the Arnold Street address?

22 A. Yes, ma'am.

23 Q. Who lived with you at that address?

24 A. My stepson, Josh Stramaglia, and my
25 stepdaughter, Laura Stramaglia.

1 Q. And Mrs. Camacho?

2 A. Yes, ma'am.

3 Q. Did anyone else ever live with you there?

4 A. No. That's it.

5 Q. And then the next address you have is the
6 Clinton Street address from 1984 to 1990. Who lived
7 with you at that address?

8 A. That was our first home in River Grove.

9 Q. So is that you, Mrs. Camacho --

10 A. Yeah, and Laura and Josh Stramaglia.

11 Q. And then as I understand it from yesterday,
12 you and Mrs. Camacho moved to Las Vegas in 1990?

13 A. Yes, ma'am.

14 Q. Then is that the -- is Buckingham Estates
15 the first address that you lived at in Vegas?

16 A. Yes, ma'am.

17 Q. When you and Mrs. Camacho moved to the
18 Buckingham Estates property in 1990, who lived
19 with you?

20 A. Nobody. Just her and I.

21 Q. Did Laura ever live with you after you and
22 Mrs. Camacho moved to Las Vegas?

23 A. She came down later. Maybe two years
24 later. And she lived with us at the mobile home
25 that we purchased after we moved from Buckingham.

1 Q. Is that the Wigwam Avenue property?

2 A. Yeah. I know exactly where it's at, but
3 don't know the numbers.

4 Q. And how long did Laura live with you at the
5 Wigwam Avenue property?

6 A. Until she met her fiance and they decided
7 to get married. And then she decided to move in
8 with him in the new home they bought. Then she
9 moved out, and then they got married, and they had a
10 family.

11 Q. Had she graduated high school already when
12 she moved to Las Vegas?

13 A. Yeah, she graduated high school.

14 Q. But had she graduated at the time when she
15 moved out to Las Vegas?

16 A. Yeah. She graduated back -- I don't know,
17 but yeah.

18 Q. You're talking about Laura?

19 A. Laura, yeah. Laura graduated already when
20 we were here. She was working for her dad, yeah.

21 Q. Did anyone else ever live with you at the
22 Wigwam Avenue property?

23 A. Nobody, ma'am.

24 Q. And then in 1997 or 1998 you moved to the
25 Stormy Valley property?

1 A. Stormy Valley.

2 Q. Who lived with you there?

3 A. Sandra and I.

4 Q. Anyone else?

5 A. No.

6 Q. And then in 2007 or 2008 you moved to your
7 current home where we are today?

8 A. Yes, ma'am.

9 Q. Has anyone else ever lived with you at the
10 Morning Mauve Avenue property?

11 A. No, ma'am.

12 Q. Just you and Mrs. Camacho?

13 A. Yes.

14 Q. Are you close with any of your neighbors?

15 A. Well, just to be neighborly, say hi.

16 That's about it. A lot of the folks have dogs.

17 They walk their dogs and we wave at each other. But

18 I have no time to be social with nobody. I can't be

19 around people. I'm afraid for her. I wear a mask

20 when I am outside. Living in isolation mostly. I

21 don't really get involved with nobody.

22 Q. Would you feel more comfortable going out
23 if she had the COVID-19 vaccine?

24 MS. WALD: Form.

25 THE WITNESS: Not really. Because I read

1 that people that got the vaccine, they're still
2 dying.

3 BY MS. KENYON:

4 Q. But based on what your wife told us
5 yesterday, you guys still do go out and get malts at
6 Dairy Queen?

7 MS. WALD: Form.

8 You can answer.

9 THE WITNESS: I drive. I lock her in the
10 van, take the keys with me, get her her -- what do
11 you call that? -- the malt that she likes. I get
12 it, take her for a ride, we come home. That's our
13 outing.

14 Then the tough one is when we go shopping.
15 I worry there because I have to travel with a lot of
16 medical stuff that we did use in transit. I have to
17 pull over many times or pull in parking lots to
18 suction or take care of her. And if we go shopping
19 to Walmart or wherever, I always take the oxygen
20 tank and put it in the grocery cart, and I make sure
21 that it's available for her, because she can't walk
22 too far because she starts to breathe heavy. I've
23 got to make sure she's got the oxygen.

24 When we leave the store, I always wind up,
25 for some reason, if she gets over-excelled, I've got

1 to suction her in the van.

2 BY MS. KENYON:

3 Q. So she goes shopping with you at Walmart?

4 A. Yes, ma'am.

5 Q. And the suction machine, that's portable,
6 so you're able to do that?

7 A. Yeah. I bring two power cords with me, one
8 for the home, and I've got a special one for the
9 cigarette lighter that they gave us on the cars to
10 plug in, in case it dies on me. I always make sure
11 it's at hundred percent, but I still bring backup
12 cords just in case.

13 Q. How often do you and Mrs. Camacho go to
14 Walmart to go shopping?

15 A. Now it's like maybe we try to get out every
16 maybe three weeks to go get groceries. We stock up.
17 We try. But pushing the grocery cart is brutal on
18 me. I usually wind up crippled when I'm done. We
19 try to get little stuff and try to go back.

20 Like I said, I get nervous when we do that
21 and go back because I am exposing her to these --
22 but I make sure she is covered. The stoma -- she
23 breathes through her stoma, and her nose is plugged
24 up too. And we keep two of them. And I keep her
25 away from people. It's nerve-wracking. Very

1 stressful.

2 Q. You said that it's challenging for you. Is
3 that because you have back issues?

4 A. Yeah.

5 Q. Does she use a motorized cart when you go
6 to Walmart?

7 A. No, ma'am. Because those are too big and
8 bulky, and I have to have a push-cart to have the
9 medical stuff with me.

10 Q. So she walks through Walmart?

11 A. Not the whole walk. She's got to stop.
12 We've got to stop and make sure her pulse meter is
13 working. Make sure it's at 95 all the time. If I
14 see it's 95, we'll keep walking. But it's not a
15 continued walk, grab and go, grab and go. We can't
16 shop like that.

17 Q. My point is simply that she is walking
18 through Walmart; right?

19 MS. WALD: Form.

20 THE WITNESS: Not through Walmart. We walk
21 very slow, at slow paces through the store, not
22 flying through it.

23 BY MS. KENYON:

24 Q. Right. And I'm not implying that she's
25 flying through it. All I'm simply asking is she is

1 walking through Walmart; correct?

2 MS. WALD: Form.

3 THE WITNESS: Very difficult, but she's
4 walking.

5 BY MS. KENYON:

6 Q. And you understand that those motorized
7 carts have a basket on them that she could put
8 oxygen in and ride around rather than walking;
9 right?

10 A. Most of the time when we go there, they're
11 being used. A lot of times I see kids riding around
12 with them in the store. Management will not do
13 nothing about it. I can't get in a confrontation
14 and say, Can I have the cart? So we just let it go.
15 Most of the time they're not charged. It breaks
16 down right in the middle of the aisle. I've seen it
17 happen many times.

18 Q. If you can just focus on what I'm
19 specifically asking you.

20 You understand that the motorized carts
21 have a basket in front?

22 A. They do. They have a big basket.

23 Q. That she could put her oxygen in?

24 A. And she's deaf. She's blind in one eye.

25 She can't speak. I'm afraid she might run somebody

1 over and start a confrontation. Because I've had
2 many times where I had to apologize for her. I
3 always tell the person, "Sir, I'm sorry. She's deaf
4 and blind in one eye. I'm sorry, she has no voice."
5 They accepted it.

6 That's when we go there, it happened many
7 times. Because she will step out in the aisle or
8 somebody will hit her, "Lady, watch where you're
9 going."

10 So I have to intervene and be polite as
11 possible without getting punched out.

12 Q. Is your wife confrontational?

13 MS. WALD: Form.

14 THE WITNESS: No, she's not like that.

15 BY MS. KENYON:

16 Q. Does she go shopping with you anywhere
17 else?

18 A. We go to other places, like Albertsons down
19 the street, looking for stuff that we couldn't find
20 or stuff like that.

21 Q. How often do you go to Albertsons?

22 A. Not very often. They're too expensive.

23 Q. So you don't go to Albertsons that often?

24 A. Only if we need something bad. Then we're
25 willing to pay for it. Because sometimes they might

1 be out at Walmart.

2 Q. Have you ever tried grocery delivery?

3 A. I don't trust them. Because I did follow
4 some at the store that are filling the orders for
5 customers. I did interview a couple of them. "Do
6 you guys check for dented cans or expired dates?"

7 "Oh, yes, sir, we do."

8 That's not the case. They just grab the
9 stuff off the shelf without checking expiration
10 date. They throw them right in the cart.

11 So I told Sandra we're not going to do that
12 because I don't trust them.

13 Q. So you and Mrs. Camacho make the choice to
14 go into a store and do the shopping in person?

15 MS. WALD: Object to form.

16 THE WITNESS: Say again?

17 BY MS. KENYON:

18 Q. Sure. So you and Mrs. Camacho have made
19 the choice to go into the store and shop in person?

20 A. Yeah. We have no choice. We have to go
21 together because we know what we need. That's
22 about it.

23 Q. What was your father's name?

24 A. Who?

25 Q. What was your father's name?

1 A. My father. He left me when I was 10 years
2 old. I think it was Manuel Camacho. He left and
3 never looked back.

4 Q. So Mrs. Camacho never knew him? Your wife
5 never knew him? Never knew your father?

6 A. My wife?

7 Q. Your wife never knew your father?

8 A. No, no. No, ma'am.

9 Q. Have you seen him since you were 10?

10 A. No. He just left and left six kids behind
11 and started a new family, possibly in Puerto Rico
12 that I know of, and never wrote to my mom asking
13 about us or nothing. There was no communication
14 that I know of. And we grew up without a father.

15 Q. Is your mother living?

16 A. She's in a nursing home.

17 Q. What is her name?

18 A. Elvita Camacho.

19 Q. Where's the nursing home at?

20 A. It's in Chicago somewhere.

21 Q. How old is she?

22 A. 93 years old.

23 Q. Does she have any health issues?

24 A. Yes, ma'am. She's in a wheelchair, blind
25 in one eye. And don't quote me, I think she has

1 some kind of memory problem.

2 Q. When's the last time you spoke with her?

3 A. I spoke with her about three weeks ago.

4 Q. Is your mother a smoker?

5 A. Not that I know of.

6 Q. So she never smoked, to your knowledge?

7 A. I don't know, ma'am.

8 Q. To your knowledge, she never smoked?

9 MS. WALD: Form.

10 THE WITNESS: I can't say. I don't know.

11 BY MS. KENYON:

12 Q. Did you ever see your mother smoke?

13 A. No, I never did.

14 Q. Does Mrs. Camacho -- does your wife know
15 your mother?

16 A. Yeah. I brought her there about 40 years
17 ago or 35 years ago. We were married. So we could
18 introduce her to her. That was a long time ago.

19 Q. Is that the only time that your mother and
20 Mrs. Camacho have met?

21 A. Yeah. After that, we moved here. That was
22 it. We just -- 41 years we been together. Lost
23 communication with family members, friends that we
24 have back home. Except her, her family side,
25 they're going back to people that are -- some passed

1 and some are still with us in their 80s and 90s.

2 Q. Is there a reason that you didn't keep in
3 touch with your family after moving?

4 A. I grew up in a real poor -- in a bad
5 environment.

6 Q. Has your wife ever talked about smoking
7 with your mother?

8 A. No. I don't know that, ma'am. I'm sorry.

9 Q. You mentioned -- were you one of six?

10 A. Say again?

11 Q. Were you one of six kids?

12 A. Yeah. Six of us.

13 Q. Do you have five siblings?

14 A. Five siblings.

15 Q. What are their names?

16 A. Well, I hate to say this. They're all in
17 the cemetery, except for two.

18 Q. Can you give me their names, all five
19 siblings' names?

20 A. I don't know their last names because both
21 of them have been married twice or one three times.
22 I don't know what names they're going by. One had
23 three husbands. I know that for sure. The other
24 one had two. I don't know their names. I could
25 give you their first names.

1 One is Marilyn, and one is Lucy.

2 Q. How old is Marilyn?

3 A. She's the youngest in the crew. I'm 69.

4 Probably in her middle 60s. That's all I can say
5 about her age.

6 Q. Where does she live?

7 A. That I don't know. Somewhere in the suburb
8 outside Chicago. I don't know. We do not
9 communicate. There was no love between us.

10 Q. Was Marilyn -- did Marilyn ever smoke?

11 A. I didn't grow up around them. I don't
12 know. I left home when I was 17 or 16. I left. I
13 don't know what their habits were, ma'am.

14 Q. Lucy, how old is she?

15 A. 75 for sure. She's the oldest.

16 Q. Where does she live?

17 A. Somewhere in Chicago somewhere. I don't
18 know the address or what name she's going by. She
19 was married three times also.

20 Q. Did she ever smoke?

21 A. I don't know that because I didn't grow up
22 around them or hang out or keep in touch. There was
23 no love between us. We grew up without a father.

24 Q. If Lucy was the oldest, when you were still
25 living at home, before you moved out, do you

1 remember her smoking?

2 MS. WALD: Form.

3 THE WITNESS: I don't remember that at all.

4 I have no memory of that.

5 BY MS. KENYON:

6 Q. Then who are the other three siblings?

7 A. The other three siblings is Manuel Camacho,
8 suicide at the age of 16. I think 16 or 17, in that
9 area.

10 Isabelle Camacho, drug overdose.

11 Jose Manuel Camacho, drug overdose.

12 Q. Did Mrs. Camacho ever know any of your
13 siblings? Ever meet any of your siblings?

14 A. No. Probably she met Lucy Camacho years
15 ago. About 30, 35 years ago. She met Marilyn, and
16 she met -- that's about it, that I recall.

17 Q. Growing up did you ever hear that smoking
18 was bad for you?

19 A. No. I was -- I didn't know anything about
20 smoking.

21 Q. Did your mom ever talk to you about smoking
22 when you were growing up?

23 A. We came from a broken home, ma'am. Nothing
24 was discussed in our household. The door was open.
25 Come and go if you please. If you don't want to

1 come back, that's your problem. That's the kind of
2 environment I was brought up in.

3 Q. Were you going to school? Did you go to
4 school as a child?

5 A. 8th grade. That was it.

6 Q. What did you do after 8th grade?

7 A. I think I got me a nice job with a cater
8 company so I can have money and, you know, stuff
9 like that. It was my first job. 15 years old.

10 Q. You weren't going to school at that time?

11 A. No.

12 Q. You mentioned you have two stepchildren?

13 A. John and Laura.

14 Q. You don't have any other children?

15 A. No. I never had children.

16 Q. So I'm going to start with John.

17 It's my understanding he is not a smoker;
18 is that right?

19 A. No. He never touched tobacco, John. I
20 made sure of that.

21 Q. When you say you made sure of that, what do
22 you mean?

23 A. Well, Sandra was smoking. I didn't want
24 him to pick up the habit. And I was smoking with
25 Sandra. I said, "You guys, don't pick up -- it's

1 expensive. Don't do it. It stinks," and all kind
2 of stuff like that.

3 Q. Did you tell him smoking was bad for his
4 health?

5 A. At the time I didn't know that, ma'am, that
6 it was bad for the health. I just told him, "Don't
7 do it because it's not good for you." That's all I
8 said. I said, "It will make your teeth yellow."
9 You know, put a scare into him about stuff. We just
10 don't want him picking up the habit, that's all.

11 Q. When did you have these conversations with
12 John?

13 A. When they were in grammar school.

14 Q. So if John was born around 1967, you were
15 telling -- were you telling John in, like, the
16 mid-'70s that smoking was not good for him?

17 MS. WALD: Object to form.

18 Mischaracterizes the testimony.

19 THE WITNESS: No. I never said that,
20 ma'am. I told him not to smoke because of the smell
21 and everything.

22 But she was smoking in the apartment at the
23 time, and they were around it. Thank God they never
24 picked it up, you know. I just tried my best to
25 keep them away from it.

1 BY MS. KENYON:

2 Q. But by the '70s you were telling your
3 stepson, John, not to smoke?

4 A. Yeah. Told him don't smoke. He couldn't
5 afford it anyway. He had no money to buy
6 cigarettes.

7 Q. Regardless, you were telling your stepson,
8 John, not to smoke?

9 MS. WALD: Form.

10 THE WITNESS: Not to smoke, right.

11 BY MS. KENYON:

12 Q. Did John ever talk to Mrs. Camacho about
13 her smoking?

14 A. I don't know anything about that, no,
15 ma'am. Not that I know of.

16 Q. Did he ever ask her to quit?

17 A. Not that I know of.

18 Q. When you would tell him not to smoke, what
19 would he -- would he say anything in response?

20 A. I have no memory of what he told me back --
21 they were very young, and I was young myself. I
22 don't know what his responses was.

23 Q. How would you describe Mrs. Camacho's
24 relationship with John?

25 A. At first it was beautiful. Now it's a

1 little sour.

2 Q. Can you explain that to me?

3 A. I don't know. It's probably because of my
4 daughter-in-law. There's issues there. I don't get
5 involved in issues. I try to keep clean.

6 Q. What issues?

7 A. Mother and daughter-in-law issues that I
8 don't get involved in. You know, she wants to see
9 my son more often. "I can't see you more often."
10 She won't. You know, stuff like that.

11 Q. Growing up did Mrs. Camacho tell John --
12 was Mrs. Camacho also telling John not to smoke?

13 A. Not that I know of. I don't know that.

14 Q. You also have your stepdaughter, Laura.
15 Did you also tell Laura not to smoke when she was
16 growing up?

17 A. She was younger. No. I just told John, I
18 believe. Not Laura.

19 Q. Did you ever have discussions with Laura
20 about smoking?

21 A. No, ma'am.

22 Q. Why not?

23 A. She was younger than John. I didn't have
24 to talk to her about it. At the time -- you know
25 what I mean? I just talked to John about it. He

1 was a little older. He was probably getting ready
2 to graduate pretty soon and go to high school.
3 Laura is -- I believe is three years behind him.
4 Laura was born in '69. I don't really discuss
5 nothing with Laura.

6 Q. As she got a little bit older though, did
7 you ever discuss smoking with her?

8 A. Not really, for some reason. I don't know
9 why. Not really.

10 Q. Is that because it was common knowledge
11 that smoking was bad for your health?

12 A. No. I just didn't bring it up with her for
13 some reason. She was always with her little
14 girlfriends and stuff. I always worried about John
15 because he was going into high school.

16 Q. At some point did you come to learn that
17 Laura was smoking?

18 A. Here, yeah. Not back there. I don't know
19 if she did or not.

20 Q. So you didn't know she was smoking until
21 she moved out to Las Vegas?

22 A. She started the habit here, I'm pretty
23 sure. I mean, that's what I think.

24 Q. Do you know why she started smoking when
25 she moved to Las Vegas?

1 A. Who?

2 Q. Laura.

3 A. Did Laura start?

4 Q. Yeah, that's what I'm asking. I thought
5 you just said --

6 A. I don't know what she was doing back in
7 Chicago. She was of age to do whatever she pleased.
8 I don't know that. You know, I can't say yes or no.

9 All I know is when she moved in with us,
10 you know what I mean, she was smoking Marlboro
11 Lights.

12 Q. When she moved in with you and was smoking,
13 did you ever ask her to quit smoking?

14 A. No. I never got involved with anything she
15 was doing. I never told her that, no.

16 Q. Did you ever encourage her to quit smoking?

17 A. Not really.

18 Q. Did you ever discuss smoking with her at
19 all?

20 A. Not at all.

21 Q. Why not?

22 A. I don't know. I just didn't. If she was
23 smoking when she moved here, she was older. I
24 wasn't going to interfere with it. A lot of people
25 resent when you interfere with their smoking. Some

1 people put you in the right place. I have friends
2 that I said, "Hey, you want to put that down so we
3 can talk?" They used to get, like, hostile about
4 it. They didn't want to put the cigarette down. So
5 I never mentioned anything to anybody about smoking.

6 Q. Is that because that's the person's choice
7 whether they smoke or not?

8 MS. WALD: Object to form.

9 THE WITNESS: I don't know if it was their
10 choice or not. They just smoke, ma'am.

11 BY MS. KENYON:

12 Q. Well, if it wasn't their choice, whose was
13 it?

14 A. Say again?

15 Q. If it wasn't their choice, whose choice was
16 it to smoke?

17 MS. WALD: Form.

18 THE WITNESS: I don't know.

19 BY MS. KENYON:

20 Q. Did anyone else put the cigarette in their
21 mouth?

22 MS. WALD: Form.

23 THE WITNESS: I don't know that either.
24 They just liked to smoke. But I didn't want to
25 interfere with making comments or anything. Some

1 people like to smoke heavy and have a conversation
2 with you and some don't. I never question it.

3 BY MS. KENYON:

4 Q. Do you know whether Mrs. Camacho and Laura
5 ever discussed smoking?

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

7 Q. Do you know whether Laura ever encouraged
8 or told Mrs. Camacho to quit smoking?

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

10 Q. Do you know whether Mrs. Camacho told Laura
11 that she needed to quit?

12 A. I don't know that either. Sorry.

13 Q. Do you know if Laura and Mrs. Camacho ever
14 discussed the health risks of smoking?

15 A. Not that I know of.

16 Q. How would you describe Mrs. Camacho's
17 relationship with Laura?

18 A. Excellent.

19 Q. How often do you see Laura?

20 A. On Messenger, almost every day. She has a
21 busy schedule with her working and taking care of
22 bills because her husband is sick and has Parkinson.
23 He just got Parkinson. He's 50 years old. There
24 was a lot of traveling, a lot of medical expenses.
25 Then with our problem, not that much coming over.

1 She brings us food. She'll cook for us and
2 bring us food that we eat sometimes, and she'll
3 spend a little time with us, and then she has to go
4 home. She can't leave her husband alone. He's all
5 over the place with the shaking and legs. They
6 can't even go out to eat or nothing.

7 MS. KENYON: Off the record.

8 (A break was taken.)

9 BY MS. KENYON:

10 Q. We're back, Mr. Camacho. Are you ready?

11 A. Ready, ma'am.

12 Q. Feeling okay?

13 A. Yeah, I'm feeling fine.

14 Q. You talked about a couple of times a
15 Messenger app or Messenger platform Mrs. Camacho
16 uses on the computer?

17 A. Yeah. That's how she communicates.

18 Q. Is it a specific program or like Facebook
19 Messenger?

20 A. Facebook Messenger.

21 Q. And when Mrs. Camacho is chatting on there
22 with her sisters, does she type some of her
23 responses?

24 A. The sisters and Laura, they all can read
25 lips really good, but there's some times where she

1 might have to write something down that they didn't
2 understand. I mean, it's amazing how they do it.
3 Because even my own doctor, the two doctors, they
4 can't even read her lips.

5 Q. Are they typing their responses back?

6 A. Whiteboard. She'll write on the board. Or
7 if I pick it up, I'll tell them what she said.

8 Q. The sisters, do they type their responses
9 back?

10 A. No. They -- lip-reading on Messenger.

11 Q. How do they ask a question to Mrs. Camacho?

12 A. Sandra will talk to them, and she talks
13 back to Messenger with the speaker super loud, which
14 I don't like. But they talk like that. The volume
15 is loud. Because sometimes I've said, "You've got
16 to start wearing headsets." And she doesn't like
17 wearing headsets because it irritates her ears. So
18 she's got the volume pretty high when they're
19 talking. And I'm talking about all three, my
20 stepdaughter and two sister-in-laws. The volume is
21 high on this end. And when they talk, she picks it
22 up good and then she will answer back. But then
23 again, if it's something I can't pick up, she'll
24 write it. "Oh, that's what you're talking about."

25 Q. Is it video?

1 A. Yeah. Messenger video. They send you a
2 message, like Kim's computer, with a bell.

3 Q. Mrs. Camacho's father was also named John?

4 A. Yeah, John Mucci.

5 Q. Did you meet him?

6 A. Yeah. He was like a father I never had.

7 Q. Mrs. Camacho, your wife, told us yesterday
8 that her father had a heart attack?

9 A. Yeah. Stroke or a heart attack. I know he
10 couldn't move an arm, and something must have went
11 out on his body where he needed a wheelchair. They
12 needed a nurse to pick him up from the wheelchair,
13 put him on the bed.

14 Q. Do you know when he had a heart attack?

15 A. I don't even want to guess. I'm sorry.

16 Q. Were you and Mrs. Camacho still living in
17 Chicago when he had a heart attack?

18 A. We were living, yes, in River Grove.

19 Q. I understand you don't know when he had a
20 heart attack, but it was at some point before 1990?

21 A. Yeah. The only thing I remember is when he
22 passed in 1990.

23 Q. Just so I'm clear, he had the heart attack
24 when you and Mrs. Camacho were still living in
25 Chicago?

1 A. Not Chicago. River Grove.

2 MS. WALD: Form.

3 BY MS. KENYON:

4 Q. River Grove; right?

5 A. Yeah. They lived right down in the
6 borderline. A mile over is Chicago.

7 Q. He had a heart attack -- her father had a
8 heart attack?

9 A. Yes, ma'am.

10 Q. Before you moved to Las Vegas in 1990;
11 right?

12 A. Yes.

13 MS. WALD: Form.

14 BY MS. KENYON:

15 Q. Did you ever discuss what caused his heart
16 attack with her father?

17 A. No.

18 Q. Did you ever discuss the cause of his heart
19 attack with Mrs. Camacho?

20 A. No. It was just a medical episode that he
21 had. We can't explain it. We don't know what
22 attributed to it. I don't know anything like that.

23 Q. Did anyone ever say that his heart attack
24 was due to his smoking?

25 MS. WALD: Form.

1 THE WITNESS: I never heard that.

2 BY MS. KENYON:

3 Q. Do you recall him being a smoker?

4 A. Yeah.

5 Q. What do you recall?

6 A. He loved his Lucky Strikes.

7 Q. Sounds like you have a pretty clear or
8 vivid memory of that?

9 A. Well, her father and his previous brothers,
10 they were -- in the early '30s they were all
11 junkmen. I went to work with the father when I met
12 Sandra. He wanted to take me on the truck with him.
13 I said okay. He treated me like a son, so I started
14 hanging out with him.

15 Q. Did you ever talk to him about smoking?

16 A. No, not really.

17 Q. Did he say that he loved his Lucky Strikes,
18 or how do you know that?

19 MS. WALD: Form.

20 THE WITNESS: I used to hide it from him.
21 I used to hide them under the seat. I mean, he
22 smoked in front of his wife, but she didn't want to
23 know he had backup packs behind the seat of the
24 truck.

25 ///

1 BY MS. KENYON:

2 Q. Why would you hide his cigarettes from her?

3 A. I don't know. He said, "Put them away. I
4 don't want her to see them."

5 Q. Did his wife not want him smoking?

6 MS. WALD: Form.

7 THE WITNESS: I don't know that. I never
8 requested why. I guess he just wanted me to put
9 them under the seat for him.

10 BY MS. KENYON:

11 Q. So then why would he hide his cigarettes
12 from his wife?

13 MS. WALD: Form.

14 THE WITNESS: Oh, I don't know. No, he
15 never -- he was hiding from somebody. I don't know
16 from who. He just told me, "Slip them under the
17 seat, and keep them there in case I run out."

18 BY MS. KENYON:

19 Q. Did you ever hear him discuss smoking with
20 your wife?

21 A. I never, no.

22 Q. After his heart attack, did you encourage
23 him to quit smoking?

24 MS. WALD: Form.

25 THE WITNESS: No.

1 BY MS. KENYON:

2 Q. Do you know whether he smoked after his
3 heart attack?

4 A. I don't know that either, ma'am, because
5 after that I had my regular job. I didn't visit
6 much. I visit when I could get to him, to be with
7 him. But he was, like, paralyzed in the wheelchair.
8 I can't see how he was smoking with his lip hanging
9 one side, like drooling all the time. So I don't
10 know if he did or not.

11 Q. You mentioned a stroke and a heart attack.
12 Did they happen at different times, or did they
13 happen --

14 A. I don't want to guess because I'm not a
15 doctor. All I know is he wound up in a wheelchair,
16 and one arm was, like, gone and something hanging
17 here, like, dead (indicating). I don't know. Maybe
18 they said it was a stroke, a heart attack. I never
19 questioned it. All I know is I didn't like what I
20 was seeing.

21 MS. KENYON: For the record, he was
22 pointing towards the left side of his face when you
23 were referring to it.

24 THE WITNESS: Yeah. If I remember right,
25 probably left.

1 BY MS. KENYON:

2 Q. Do you know when he had a stroke?

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

4 Q. Was it before you moved to Las Vegas?

5 A. No. It was -- yeah, before we moved.

6 Before we moved. It was 1990 when he died for sure,
7 because we had the truck and the car hooked up to a
8 trailer in front of the house, and we were going to
9 say our goodbyes and he passed.

10 Q. Did he pass before you moved to Las Vegas?

11 A. No. On the very day we were moving. We
12 didn't know he was going to pass that morning.

13 Q. Did you come back for a funeral?

14 A. He was cremated.

15 Q. He also had bladder cancer; is that right?

16 A. Yeah. That's what Sandra told me. I guess
17 it runs in the family.

18 Q. Sorry. What was that last part?

19 A. I think it runs in the family, Sandra
20 mentioned once.

21 Q. That bladder cancer runs in the family?

22 A. Yeah. That's why she's always going -- you
23 know, goes for her physicals and stuff. Thank God
24 that she doesn't have that.

25 Q. Do you know anyone else in her family who

1 has any form of cancer?

2 A. I think she told me her brother, Carmi
3 Mucci, he had it. That's what Sandra told me. When
4 we spoke, she said, "Yeah, he's got it too, like his
5 brother." Carmi, yeah. There was four or five
6 brothers all in the same business.

7 Q. So Carmi is Mrs. Camacho's uncle; is that
8 right?

9 A. Would that be uncle or brother-in-law?

10 Q. He was her father's brother?

11 A. Uncle, you're right.

12 Q. So Carmi was John's brother?

13 A. John's brother. I don't know what their
14 ages were. But they were, like I said, all up there
15 in age, because these people were born back in,
16 like, the '30s. I don't know their ages.

17 Q. And he also had bladder cancer? Carmi did?

18 A. Carmi? That's what Sandra, when we spoke,
19 she said, yeah, she goes -- we called him Pops --
20 has bladder cancer, and that his brother Carmi,
21 that's what he died of, bladder cancer.

22 Q. Do you know whether Carmi was a smoker?

23 A. Oh, I don't know Carmi. That was before my
24 time.

25 Q. So he passed away before you met

1 Mrs. Camacho?

2 A. That was way before my time. All the
3 old-timers, I didn't know them. The only old-timer
4 I knew was Pops, John Mucci.

5 Q. Her mother is Virginia?

6 A. Virginia Mucci.

7 Q. She's living; right?

8 A. Yeah. She got -- what's that when you
9 can't remember nothing? I mean absolutely -- is
10 that dementia or Alzheimer's?

11 Q. She has either dementia or Alzheimer's?

12 A. Yeah. She'll come on the computer and
13 she'll look at us. She'll say, "Oh, I know you,
14 Sandra and Tony." And then guess what happens the
15 next day when we talk to her? "Who are you people?"
16 She's bad.

17 Q. And she was a smoker?

18 A. Oh, I don't know.

19 Q. So you don't know --

20 A. No. That was before my time. I don't know
21 if she smoked or not.

22 Q. Did you ever see Virginia smoke?

23 A. Like I said, I don't know. I never see her
24 smoke in front of me. So, you know, I don't know if
25 she was a smoker or not. But I never saw her

1 smoking in the house.

2 Q. And you met Mrs. Camacho in 1978?

3 A. 1978 we met, yes, ma'am.

4 Q. So you never saw -- after 1978 you never
5 saw Virginia smoking?

6 A. No. Not in the house, no. I don't know if
7 she was smoking or not, to be honest with you.

8 Q. I understand you don't know anything about
9 her before 1978.

10 A. Yeah.

11 Q. But from the point you met Mrs. Camacho on,
12 you never saw her mother smoke?

13 A. No. I never saw her smoke, ma'am.

14 Q. Did you ever talk to Virginia about
15 smoking?

16 A. Why should I if I never saw her smoking?

17 Q. Did you ever talk to Virginia about
18 Mrs. Camacho's smoking?

19 A. No. Because I was right there too with
20 her.

21 Q. Did you ever hear Virginia talk to
22 Mrs. Camacho about smoking?

23 A. No, ma'am. I never heard any
24 conversations.

25 Q. So you never heard her -- strike that.

1 Mrs. Camacho has two sisters, Linda and
2 Donna?

3 A. Yeah, Linda and Donna. Three sisters.

4 Q. Linda and Donna, the two sisters?

5 A. Yeah, two sisters.

6 Q. And Donna was a smoker?

7 A. Yeah, Kinsella. She was a smoker. But
8 that was before my time. But she quit when she was
9 pregnant for some reason.

10 Q. How do you know she quit when she was
11 pregnant?

12 A. Sandra told me.

13 Q. Do you know when she was pregnant?

14 A. No, I don't know that. That was way before
15 my time.

16 Q. So did you ever see Donna smoke?

17 A. No. It was before my time. The kids were
18 little.

19 Q. So Donna had already quit smoking by the
20 time you met Mrs. Camacho; is that right?

21 A. I never saw her smoke in front of me, so I
22 guess so. She did quit at some time.

23 Q. When she was pregnant?

24 A. Yeah. For some reason, she quit. I don't
25 know the circumstances behind it.

1 Q. Do you know if she quit while she was
2 pregnant for health reasons?

3 A. No, I don't know why. I don't know. Some
4 people quit. Some people pregnant, they still
5 smoke. I don't know her reason for quitting.

6 Q. Did you ever talk to Donna about smoking?

7 A. No, never.

8 Q. Did she ever talk to you about quitting
9 smoking?

10 A. Never.

11 Q. Did you ever hear Mrs. Camacho talk with
12 Donna about smoking?

13 A. I never heard any conversations about
14 smoking with them.

15 Q. Do you know whether Donna encouraged
16 Mrs. Camacho to quit when she did?

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

18 Q. When did your wife tell you that Donna had
19 quit when she was pregnant?

20 A. Probably maybe through the years that she
21 quit smoking. But I never questioned why or
22 anything like that. That was it. Maybe because she
23 was a school teacher and she felt uncomfortable. I
24 don't know.

25 Q. How many children does Donna have?

1 A. She has Mikey Kinsella and Kindy Kinsella.

2 Q. How old is Mike?

3 A. They're both baby boomers. In their 50s,
4 early 50s. Not baby boomers. Millennials, I guess.

5 Q. So were they born sometime in the 1960s?

6 A. Yeah. Like Laura and John, in that area.
7 All four of the cousins are all, like, pretty much
8 close in ages. Over 50.

9 Q. And then her other sister is Linda. It's
10 my understanding that Linda has never been a smoker?

11 A. That's what I understand too.

12 Q. You've never seen Linda smoke?

13 A. No. Sandra said she never smoked.

14 Q. Have you ever talked with Linda about
15 smoking?

16 A. No, ma'am.

17 Q. Did you ever hear Linda talk to
18 Mrs. Camacho about smoking?

19 A. No, ma'am.

20 Q. Did you ever hear Linda encourage
21 Mrs. Camacho to quit smoking?

22 A. No, ma'am. I never heard anything.

23 Q. When you and Mrs. Camacho would go --
24 strike that.

25 Did you and Mrs. Camacho ever go over to

1 Linda's home?

2 A. Many times when we were living there.

3 Q. Would Linda let you and Mrs. Camacho smoke
4 inside her home?

5 A. I believe Sandra had to go in the yard, in
6 the patio. Yeah, outside.

7 Q. Did Mrs. Camacho have an issue with going
8 outside to smoke?

9 A. No. There was no argument. She was glad
10 to do it to be respectful.

11 Q. Would you go visit Donna at her home?

12 A. Yeah, in Buffalo Grove, Illinois. That was
13 fun.

14 Q. When you and Mrs. Camacho would go visit
15 Donna, did she allow you and Mrs. Camacho to smoke
16 inside her home?

17 A. I know Sandra would go with her husband,
18 Tom, who passed. They would go outside for some
19 reason. I imagine because of the kids. But most of
20 the folks didn't allow it in the house, especially
21 when you got little kids.

22 Q. So Mrs. Camacho didn't want to smoke around
23 little kids?

24 MS. WALD: Object to form.

25 THE WITNESS: No, that wasn't -- no, ma'am.

1 Donna didn't allow smoking, period, in the house.
2 You want to smoke, you go outside. Maybe because of
3 the tobacco smell for whatever reason. She didn't
4 allow it. Just like some of the friends we had
5 didn't allow it. You'd go in the patio and have
6 your cigarette.

7 BY MS. KENYON:

8 Q. Did Mrs. Camacho have an issue going
9 outside to smoke?

10 A. No. They were nice about it.

11 Q. Who were the friends that wouldn't let you
12 smoke in their home?

13 A. Family members. My brother-in-law Tom who
14 passed, he smoked. Who else? Probably all the
15 old-timers. Not all of them, but some of the
16 old-timers, they'd light up during picnics and
17 stuff, and there were some that didn't light up.

18 Q. Tom, whose husband is that?

19 A. Tom Kinsella, Donna Kinsella's husband.

20 Q. When did he pass away?

21 A. I don't even want to guess, but it was a
22 while back, way back.

23 Q. Was it when you were still living in the
24 Chicago area?

25 A. No. When we were living here it happened.

1 I don't want to guess the year.

2 Q. What did he pass away from?

3 A. I don't know, but he was in his 60s when it
4 happened. They don't know if it was a heart attack
5 or, you know, whatever. I don't know. He just
6 passed.

7 Q. Did anyone ever attribute his death to his
8 smoking?

9 A. I never heard no talk like that. No,
10 ma'am.

11 Excuse me a minute.

12 MS. KENYON: Off the record.

13 (A pause in proceedings.)

14 BY MS. KENYON:

15 Q. Were Tom and Donna, were they living in the
16 Chicago area when he passed away?

17 A. Buffalo Grove.

18 Q. Is that -- Buffalo Grove, is that the
19 Chicago --

20 A. Illinois, yeah. About 40 minutes from my
21 mother-in-law's house on Belmont in Chicago.

22 Q. Does Linda have any children?

23 A. Yes. Betsy -- well, now she's married. It
24 was Betsy Blake and Andy Blake.

25 Q. Are they both in their 50s?

1 A. Yeah. They're pretty much close with Laura
2 and John and Timmy and Mikey. All in the same area
3 that they grew up and stuff.

4 Q. Do you know if Tom, Donna's husband, ever
5 quit smoking?

6 A. I don't know, because I was -- the only
7 time we visit them was in Buffalo Grove, and I don't
8 know his habits after we moved here.

9 Q. Was he still smoking -- or was he smoking
10 when you moved to Las Vegas?

11 A. I don't really know. All I know is he did
12 smoke when I came into the family. I don't know his
13 habits after that, if he stopped or anything like
14 that, ma'am.

15 Q. Who were Mrs. Camacho's close friends when
16 you met?

17 A. Jan Puccio. They go back I believe
18 60 years. Sandra used to babysit for Jan and John
19 Puccio when the kids were little toddlers. They
20 hired her as a baby-sitter. I believe Sandra said
21 she was, like, maybe in her early teens. As the
22 kids grew, she kept taking care of them. 60 years
23 later, the kids are in their late 50s, and they come
24 out to see us.

25 Q. Anyone else that she has been close friends

1 with?

2 A. Let's see. Her waitress friends in
3 Denny's.

4 Q. Do you recall any of their names?

5 A. Yeah. Mary Giacomino. Her cousin Lucy,
6 they were close, but I don't know her last name.
7 And who else? That's about it.

8 Q. Mrs. Camacho's cousin Lucy?

9 A. Yeah, Lucy. I don't know her last name.
10 Darn it.

11 Q. Do you have an address book or anything
12 where you keep people's contacts?

13 A. No. Because people -- as time went by,
14 people moved and stuff. Most of the stuff in our
15 phonebook, I just found out it's, like, obsolete
16 because they're phone numbers that don't work no
17 more, addresses where they moved, some people bought
18 homes. You know what I mean? And we got -- ours is
19 old.

20 Q. How do you keep track of people's contacts?

21 A. Well, her and Lucy don't communicate for
22 some reason. I don't know why. I think some
23 medical issues with Lucy that we don't know about.
24 But there was no communication for some reason.
25 That's all I can tell you about Lucy.

1 Mary Giacomino, I guess since her husband
2 died, Tony Giacomino, she probably, like, went into
3 some kind of depression.

4 Q. I believe my question was how do you keep
5 track of people's addresses and phone numbers?

6 A. Well, if you're asking about me, I don't
7 keep in touch with nobody, and I have no phone
8 numbers or address.

9 Sandra, on her family's side, she can tell
10 you more about it than I can.

11 Q. How does she keep track of addresses?

12 MS. WALD: Form.

13 THE WITNESS: She probably knows Linda's
14 address, Donna's address, and Virginia Mucci's
15 address, her mother. Other than that, I don't know,
16 because we don't send cards anymore or anything like
17 that. So addresses are not important anymore. But
18 I know between the two siblings and the mom, those
19 three addresses are important.

20 BY MS. KENYON:

21 Q. Do you belong to a church?

22 A. Who? Me?

23 Q. Yeah.

24 A. No.

25 Q. Does Mrs. Camacho?

1 A. Well, she went to Notre Dame High School.

2 I don't really know.

3 Q. So since the time that you met her up until
4 now, you and Mrs. Camacho have not been affiliated
5 with any sort of church or religion?

6 A. No, ma'am.

7 Q. I believe your interrogatory responses said
8 that you served in the U.S. Marines?

9 A. I did join the Marines, I don't know if it
10 was '70 or '73, where I was shipped off to San Diego
11 for boot camp, and they noticed something with one
12 of my legs where I couldn't keep up with the crew.
13 So they took some X-rays, and they found out I had a
14 bullet in my kneecap.

15 Q. A bullet?

16 A. Yeah. There was a shooting, if I have a
17 good memory. We were taking the bus on a hot day,
18 and we five of us going to the camping store to look
19 at camping stuff. And the bus stopped to pick up.
20 All of a sudden, "Pop, pop, pop." Everybody
21 scattered, but I couldn't run because I was trapped
22 by -- I don't know if you guys remember these weight
23 machines on every corner back in the day, these big
24 machines where you put a penny and they weigh you.

25 So I wedged myself between the machine and

1 the wall. I just caught one in my knee.

2 They took me to the hospital. They didn't
3 want to take the lead out because I would have been,
4 God forbid, a cripple. So I went through life not
5 thinking about it.

6 I joined the Marines. When they took
7 X-rays, they said, "Do you know you have a metal
8 object in your kneecap?"

9 I told the colonel, "Yes, sir. It's a
10 bullet."

11 So they go, "You know you can't serve as a
12 Marine."

13 That was my life dream.

14 Q. Are you okay?

15 A. (Inaudible response.)

16 Q. How old were you when you were hit by the
17 bullet?

18 A. 17. Oh, when I got the bullet?

19 Q. Yeah.

20 A. I think I was 15.

21 Q. What did you do after the Marines?

22 A. Probably -- I know I wasn't in Chicago.
23 Probably living in Norridge with a family I used to
24 know real well.

25 Q. What family was that?

1 A. The parents were older, and they passed
2 now. But there was a family in the neighborhood
3 that moved to the suburbs, and they told their two
4 twin sons, "If you want to bring Tony with you, he
5 can go." Because they knew I was always in the
6 street. "Tell his mother if he wants to go live
7 with us."

8 So they took me with them to the suburbs.
9 We lived there, and I left the old neighborhood
10 behind. And that was about it.

11 Then one of the twins passed, and I lost
12 track of the other one. And their parents are
13 deceased. Because they were, like, in their 70s
14 when I decided to move. I never saw anybody again.

15 Q. What were the twins' names?

16 A. The one that's deceased was Wally Manino,
17 and the one I lost track that I haven't seen in over
18 40 years is Freddie Manino.

19 Q. Did Mrs. Camacho ever meet --

20 A. The Maninos?

21 Q. Yeah.

22 A. Oh, yeah.

23 Q. Were you pretty close with -- were you and
24 Mrs. Camacho close with the Manino brothers?

25 A. No, I was. I grew up with the Maninos.

1 Q. After you met Mrs. Camacho, did you
2 introduce her to the Maninos?

3 A. We became distant after that because I was
4 married then, and I had responsibilities, and the
5 friendship became distanced. We lost track of
6 everything, all my friends that I had.

7 Q. Are you currently working?

8 A. Say again?

9 Q. Are you currently working?

10 A. No. I'm on disability because of my back.

11 Q. When did you stop working?

12 A. I believe seven years ago.

13 Q. When did you start having back issues?

14 A. Maybe ten years ago. I tried to stay
15 employed, but it didn't work out.

16 Q. Did you suffer an injury that resulted in
17 the back issues?

18 A. Just a medical issue, like spinal stenosis.
19 I believe three discs near the spine are completely
20 deteriorated disc, and I have sciatica on both legs,
21 the flame that goes up and down your legs, in the
22 hips and stuff. They talked about surgery. I said,
23 "What are the risk of, you know, being crippled
24 because they're so close to the spine?" My doctor
25 said, "I don't think that's an option."

1 So what I do is I get injections in my
2 spine. And the insurance company at the time
3 allowed me to have two injections on each side, and
4 then they changed the rules. I would have to go get
5 one done, make a new appointment for the second one.

6 So I try not to go through all that. I try
7 to do it on my own. So with January coming around,
8 I think I'm going to be ready. Because that's when
9 I try to hold out as long as I can, and then I have
10 to go for the injections.

11 Q. Are those cortisone injections, or what are
12 they?

13 A. No. Something else. It's a shot that you
14 get that takes ten days to work its way into the
15 spine. And you cannot -- you've got to wait -- the
16 doctors say, "You only come here in severe pain.
17 I'm not going to give you injections, but I'll give
18 you something to relieve the pain, like maybe pills,
19 but not for the injection. We got to wait. We got
20 to space it out because those are bad for your
21 kidneys and your bladder. So we have to space those
22 out."

23 So I try to hold out as long as I can.
24 Sometimes it gets so crucial that I'll have to go.
25 Like I said, I have to make two appointments. He'll

1 ask me which side hurts the worst. If I say the
2 left, that's the side he'll do. Then I have to wait
3 like a week or two to do the other side.

4 Q. Do you take any medication in between for
5 your back?

6 A. Yeah. I got tramadol.

7 Q. Is that a pain reliever?

8 A. Yeah, pain reliever. 50 milligram. Be
9 aware, it does not take the pain away. It takes my
10 mind off the pain. It puts me in a different mood
11 where I won't be constantly thinking and hurting.
12 It puts me in a better mood. Because once I get
13 those, I feel useless, depressed. It just ruins my
14 whole day. I can be in bed for three days with the
15 spasms. When they meet, I'm crippled, and I don't
16 really care what happens. I just worry about her.

17 Q. When you're in bed for the three days, who
18 takes care of Mrs. Camacho?

19 A. She takes care -- or Laura will come over.
20 Like, if I can't get out of bed, then Laura will
21 come and assist her. Or lately I've been crawling
22 out of bed. Ever since this happened to Sandra,
23 I've been crawling out. I've got a walker. I use
24 the walker.

25 Because when I brought her home, I had

1 severe back problems with the shot. But I had -- I
2 was at UCLA for 17 days, so I had to learn
3 everything, because they were going to send her
4 home. They showed me the suction machine, what to
5 do, what not to do, medical supplies. Then I had to
6 call the company to come out and show me how to work
7 all these machines and what hoses to use. And four
8 years later, I think I'm doing a good job.

9 Q. So is the back issues that you had, is it
10 due to an injury that you suffered?

11 A. No, ma'am. It's a medical condition. I
12 don't even know how I got it.

13 Q. What was the -- you said that you stopped
14 working about seven years ago. What was the last
15 job that you had?

16 A. I worked for Hertz Rent-a-Car for 16 years.

17 Q. What did you do at Hertz?

18 A. First I started out as a courtesy bus
19 driver. I had a CDL license. I was driving a bus
20 for the County. It was run by a contractor. I
21 stayed there for three years driving those double
22 buses. I quit that, and I applied with Hertz. They
23 hired me because I had experience in bussing. I
24 stayed with them for 16 years, until they eliminated
25 my job and they moved to a consolidated car rental

1 that handles all the bussing by the County and
2 everything.

3 Q. Where were you -- where did you work before
4 that? Before Hertz?

5 A. Before Hertz, ATC/Vancom bus company, the
6 contractor for the County.

7 Q. You were a bus driver?

8 A. Yeah. But not a county employee. I was
9 employee of ATC/Vancom, who had the contract to
10 supply drivers. The County supplies the machinery
11 and the buildings and the hardware.

12 Q. How long were you at ATC?

13 A. I'd say maybe two or three years, the most.
14 I got out of that real quick.

15 Q. Why?

16 A. It wasn't good. It was pretty violent. I
17 had to put up with a lot of abuse. I've been
18 assaulted a couple of times. I had to go to
19 depositions a couple of times for people claiming
20 injuries on my bus. And then they wait almost a
21 year before January to call me in to give an
22 explanation. I had no memory. I handle how many
23 hundreds and hundreds of people in a year? I don't
24 know who got caught under the wheel or got runned
25 over.

1 Q. Were they saying that you were responsible
2 for their injuries?

3 A. I don't know what the outcome of the
4 deposition was. A lot of people were going, I guess
5 they wanted to get money, and some of them claimed
6 that they caught their door when it was closing.

7 So my testimony and the company, that was
8 false, because when you get caught on the bus door,
9 it's like an elevator, it shoots back. Or I close
10 the door on your head and drove away with you. They
11 used to come up with all kind of stuff.

12 I mean, it was really -- you know, I didn't
13 know anything about depositions. Here I am sitting
14 at a table with lawyers and stenographers. I just
15 said the truth. "I don't remember." "I don't
16 know." But, you know, the guy said he was on my bus
17 a year ago. I don't know if he was or not. I was
18 picking up a double bus with 80 people, three doors,
19 six mirrors. I didn't know who I was picking up.
20 And they would claim injuries. "You ever see this
21 person before?" Oh, my God.

22 Q. So you didn't think you were responsible
23 for their injuries?

24 MS. WALD: Form.

25 THE WITNESS: Can I answer?

1 MS. WALD: You can answer.

2 THE WITNESS: I don't think I was. I was a
3 professional driver. I was never involved in any
4 motor vehicle accidents. And those buses are long.
5 I never had no problem.

6 Same thing with Hertz. No accidents. I
7 had a clean record with accidents. Because I had to
8 get drug tested constantly, being pulled off the
9 bus, random drug testing. I had a CDL license that
10 I wouldn't jeopardize for the world, which I had to
11 give up because of my back. Because if I go on
12 disability, you can't go driving no bus or truck.
13 So give up your license.

14 BY MS. KENYON:

15 Q. Prior to the ATC where did you work?

16 A. I worked at a 7-Eleven for a year before
17 the bus company, I recall. One year.

18 Q. And what did you do there?

19 A. I was a cashier.

20 Q. Did you work there at the same time as
21 Sandra?

22 A. She was working -- they were working -- she
23 was working at the other 7-Eleven that used to be
24 owned by Mark Miller. And Mark Miller is the one
25 that got me the job with Barry and Iris. They owned

1 a chain of 7-Elevens here in Las Vegas. They owned
2 like five stores at the time. So they put me in a
3 store.

4 When I gave my notice, they didn't want me
5 to leave. But I had a chance for opportunity. So
6 they didn't want me to go because I had a real good
7 record with them. They used to give me bags of
8 money with 3,000, 4,000 for Brink's to pick up. They
9 used to trust me right away. They didn't like it,
10 but I had to move up in the world, so I left there.

11 Q. Were you ever involved in any lawsuits
12 while working at Hertz?

13 A. No, nothing at Hertz. That was a nice job.
14 Worked with a better clientele of people that came
15 in from all over town. Professional people, not --
16 I hate to use the word -- nut jobs.

17 Q. Prior to working at 7-Eleven, where did you
18 work?

19 A. I worked for DHL Airways. That was back in
20 Chicago.

21 Q. What did you do for DHL Airways?

22 A. It was a -- DHL Airlines was a freight
23 company. We owned multiple aircrafts. I was in
24 charge of -- I was a loadmaster on the ramp, loading
25 the containers onto the planes. I was supervising

1 like between 10 and 15 people. We were called the
2 weekend crew because we were like -- we worked
3 like -- started on Friday. We would work 15-hour
4 shifts all the way to Monday. If there was a
5 snowstorm or a freight delay, we would have to stay
6 longer. I worked there, and I was the operation
7 lead there.

8 And I left there. I called DHL here in
9 Las Vegas. And I got to know -- I knew the
10 managers. At the time we had telex machines and
11 whatnot. I got to know the manager here. His name
12 was Randy Yamuchi. I told him I was relocating to
13 Vegas, "Do you have a spot?"

14 He says, "I understand you're the operation
15 lead there. I'm going to have you come here, and
16 you can take over the operation."

17 Well, with my luck, Randy Yamuchi got
18 transferred to a bigger station. I came in, and the
19 new manager had his own people for that. And when I
20 was working with people that didn't know very much,
21 I got upset, and I gave my notice after 11 years.

22 Q. When you were working at --

23 MS. KENYON: Off the record.

24 (A break was taken.)

25 ///

1 BY MS. KENYON:

2 Q. Before the break you mentioned that you
3 worked at 7-Eleven as a cashier?

4 A. Yes, ma'am.

5 Q. Did you sell cigarettes there when you were
6 a cashier?

7 A. Sold everything. Cigarettes, alcohol.
8 That was my job, to sell the product that the store
9 provided. If I didn't, there's the door.

10 Q. Did you ever tell anyone that you did not
11 want to sell cigarettes?

12 A. No. I would never do that.

13 Q. Why not?

14 A. If you want to buy cigarettes, that's your
15 choice, not mine. I can't tell the customers what
16 to buy and not to buy.

17 Q. If one of your customers bought cigarettes
18 from you and then got a smoking-related illness, do
19 you think you're responsible?

20 MS. WALD: Form.

21 THE WITNESS: Answer?

22 MS. WALD: You can answer.

23 THE WITNESS: Oh, I'm not responsible
24 for it.

25 ///

1 BY MS. KENYON:

2 Q. Why not?

3 A. I don't feel responsible for selling
4 alcohol or cigarettes.

5 Q. Because it's the customer's choice whether
6 to smoke the cigarettes?

7 MS. WALD: Object to form.

8 THE WITNESS: Well, I don't know that
9 either. All I know is I sold the product. I'm not
10 a doctor or psychologist. I just sold the product.
11 I'm not responsible for selling a product.

12 BY MS. KENYON:

13 Q. Is that because it was the person's choice
14 whether they bought the product from you?

15 MS. WALD: Form. Asked and answered.

16 BY MS. KENYON:

17 Q. You can go ahead and answer.

18 A. I don't know. All I know is I sold the
19 product, and it wasn't my job to question the
20 customer.

21 Q. Is that because people are entitled to make
22 the choice and buy what they want?

23 MS. WALD: Form. Asked and answered.

24 THE WITNESS: Yeah, if they want to buy
25 something, go ahead and buy it. I'm not going to

1 tell you don't buy the water; it's no good. I never
2 made comments like that. I just sold a product.
3 That was my job.

4 BY MS. KENYON:

5 Q. If someone wanted to buy cigarettes, you
6 would sell it to them?

7 A. I had to. They would let me go if I didn't
8 sell their products, whether it was cigarettes,
9 milk, eggs. If I didn't sell the product, you're
10 not a cashier anymore.

11 Q. When you go into the store to buy a
12 product, is it your choice what you buy?

13 MS. WALD: Object to form.

14 THE WITNESS: Yeah. If I like the product,
15 a can of soup, I like their product, I'm going to
16 buy it. That's my choice. Not anybody else's.

17 BY MS. KENYON:

18 Q. What are your current sources of income?

19 A. My income?

20 Q. Yeah.

21 A. I don't even know what I get for
22 disability. She knows the -- it's not very much. I
23 know that. I don't even want to guess. She knows
24 the exact numbers.

25 Q. You receive disability?

1 A. Yeah, disability, every month.

2 Q. Do you receive anything else?

3 A. No. That's it, ma'am.

4 Q. Does your wife receive any --

5 A. Yeah, she does too. She gets disability --
6 a retirement check, not disability. Retirement.
7 Whatever that is.

8 Q. Is that Social Security?

9 A. Yeah, Social Security. Like retired after
10 65 or whatever. She gets the check for that. And
11 being a waitress all her life, that wasn't very
12 much, I understand.

13 Q. Do you receive a Social Security check?

14 A. Me, ma'am, yeah. I don't know the exact
15 figure. I'm not going to guess. It changes all the
16 time. They throw a few bones in there to make it
17 look good. It's not very much.

18 You know, we tried to get Medicare, you
19 know, to help us, if I can have somebody come here
20 and sit with her while I go shopping or something.
21 They give me a song and dance.

22 We almost applied for food stamps, but we
23 decided I don't want to live like that.

24 So, you know, we don't have options to get
25 the stuff that we need, you know.

1 Q. You and Mrs. Camacho pay for the mortgage
2 on your home?

3 A. This is not my home.

4 Q. Whose home is it?

5 A. This belongs to Laura Stramaglia, my
6 stepdaughter.

7 Q. Did Laura buy this home for you and
8 Mrs. Camacho?

9 A. I guess so. We're here. We can't
10 afford it.

11 Q. I want to ask you a few questions about
12 your smoking history. Okay?

13 Can you tell me the first time that you
14 smoked a cigarette?

15 A. The first time?

16 Q. Yes.

17 A. With Sandra.

18 Q. The first time you ever smoked a cigarette
19 was with Sandra?

20 A. Yeah, with Sandra. I smoked one when I met
21 her.

22 Q. So the first time you ever smoked was
23 in 1978?

24 A. Yeah. L&M with her. That's her favorite
25 cigarette.

1 Q. So what brand of cigarette was the first
2 brand you smoked?

3 A. I didn't smoke until I met Sandra. L&M.

4 Q. So the first cigarette you smoked was
5 an L&M?

6 MS. WALD: Object to form.

7 THE WITNESS: Yeah, with her.

8 BY MS. KENYON:

9 Q. Why did you choose to smoke at that time?

10 A. I really don't know. Being around Sandra,
11 we started going out dancing and everything. It
12 just became a habit, and we started smoking. I
13 started smoking with her.

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

16 A. I really don't remember that. All I know
17 is I started lighting up after, so I must have liked
18 something about it, but I don't know what. One
19 thing I didn't like was the smell of the tobacco,
20 but that passed me by. It didn't bother me no more.

21 Q. In 1978 were you about 26 when you met
22 Mrs. Camacho?

23 A. I'm seven years younger than her. I don't
24 know. I don't know my math pretty good. Maybe you
25 can figure it out. I'm seven years younger than

1 her. I met her in '78.

2 Q. That would be about 26?

3 A. Yeah? Wow.

4 Q. So you didn't smoke your first cigarette
5 until you were 26 years old?

6 A. Prior to that, when I was little, I used to
7 like to sneak a cigar with the kids in the
8 neighborhood.

9 Q. If you could just try to answer what I'm
10 asking you.

11 The first time you smoked a cigarette --

12 A. Sandra.

13 Q. -- was when you were 26 years old with
14 Mrs. Camacho?

15 A. Yep.

16 Q. You said that you -- was that back when
17 you were living in Puerto Rico that you said you
18 would -- strike that.

19 A. No, not Puerto Rico.

20 Q. You just mentioned cigars.

21 A. Yeah, when I was like 15 years old, we used
22 to sneak cigars in the neighborhood, all the kids.

23 Q. Where would you get the cigars?

24 A. From the old-timers in the neighborhood.

25 Mostly people that came from Europe and stuff. They

1 had to smoke cigars, and we used to keep an eye on
2 them, find out what they were smoking. Sometimes
3 they would give us one.

4 Q. Did you like smoking a cigar?

5 A. I was young. I was ignorant. I didn't
6 know. We'd just puff to puff, I guess. We thought
7 we were Indians.

8 Q. Who would you smoke the cigars with?

9 A. Little kids my age that were 13, 14, 15.
10 We used to get cigars, pass it around.

11 Q. Do you remember any of their names?

12 A. No, not at all.

13 Q. Did you continue to smoke cigars?

14 A. No. Once I got older, I didn't. Until,
15 you know, I went to cigarettes.

16 Q. When you were 26?

17 A. Yeah, with Sandra.

18 Q. Did you become a daily smoker at some
19 point?

20 A. I was more like a recreational smoker where
21 I can do it back and forth.

22 Q. What do you mean, "do it back and forth"?

23 A. Well, it didn't bother me. I could stop it
24 when I wanted. But then I got into trouble when I
25 moved here, and the habit was pretty bad. I

1 started -- you know what I mean -- going overboard
2 with it. And it didn't bother me. So I just kept
3 smoking. No longer recreational where I can quit on
4 my own. Then I started lighting up.

5 Q. Why did your smoking increase when you
6 moved to Las Vegas?

7 A. Probably -- well, being around Sandra, she
8 smoked all the time, so I kept keeping up with her.
9 Of course when we went to one of the casinos, we
10 would light up constantly. That was even worse. We
11 were just smoking.

12 Q. Before, when you were living in Chicago,
13 when you described yourself as a recreational
14 smoker, would you smoke when you were at home?

15 A. With the cigars?

16 Q. Cigarettes.

17 A. I never smoked cigars at home. I never
18 smoked cigarettes at home at all.

19 Q. At any point?

20 A. At any point. Only when I married Sandra,
21 we had the apartment. We smoked in the apartment.
22 We smoked in every house we had.

23 But not home. Back in the neighborhood,
24 that was 65 years or so ago. We didn't smoke in our
25 homes. We were hiding out smoking. It was cigars,

1 not cigarettes.

2 Q. So I'm talking about when you and
3 Mrs. Camacho -- you described yourself as a
4 recreational smoker after you started smoking
5 cigarettes in 1978.

6 A. Then it all changed. Then I started
7 smoking more because I was around her more. So I
8 started smoking with her. Then it was no longer,
9 you know, when I wanted. I started smoking. Then
10 we moved here, it got worse.

11 Q. So how much were you smoking a day when you
12 were living in Chicago?

13 A. In River Grove, I don't really know that.
14 We were smoking heavy. I know I was and she was. I
15 can't estimate packages or how many.

16 Q. When you say "heavy," is that -- that could
17 mean different things to different people.

18 A. I don't know if I was going through a pack
19 a day or maybe a half a pack. I can't be precise on
20 what I was smoking, but I was smoking.

21 Q. I'm not asking for an exact. Your best
22 recollection. You mentioned a half a pack or a
23 pack?

24 A. I have no recollection how many. All I
25 know is I was smoking.

1 Q. Do you know how much you were smoking after
2 you moved to Las Vegas?

3 A. I can only tell you it got heavier, and --
4 you know, it got heavier. We were buying -- she was
5 buying a pack of cigarettes. I was using hers.
6 We'd run out. I'd run out and get another pack.
7 So -- you know what I mean?

8 Q. You told us that your first cigarette was
9 an L&M?

10 A. Yeah, L&M.

11 Q. Why did you choose L&M?

12 A. She was smoking it, so I liked it too.

13 Q. How long did you smoke L&M?

14 A. I guess until Sandra couldn't get the
15 cigarettes no more for some reason. Then we started
16 smoking Marlboros.

17 Q. So is the only reason that you initially
18 started smoking L&M is because that's what Sandra
19 was smoking and that's what she gave you?

20 A. Yes, ma'am.

21 Q. When you were living in Chicago, did you
22 ever smoke any other brand of cigarette?

23 A. You mean River Grove? I never lived --

24 Q. Yes. So River Grove is outside of Chicago;
25 right?

1 A. Outside, yeah. What was your question now?

2 Q. When you were living in River Grove --

3 A. There you go.

4 Q. -- did you smoke any other brands?

5 A. No. It was always the same thing. L&M.

6 Q. How long did you smoke L&M for?

7 A. Well, until we moved to Las Vegas and it
8 became harder to get. We switched over to Marlboro.

9 Q. So the reason that you switched from L&M to
10 Marlboro was because you couldn't find L&M in
11 Las Vegas?

12 A. Yeah. Then Marlboro got more expensive, so
13 we went to Basic.

14 Q. So is the only reason you switched from L&M
15 to Marlboro was because you couldn't find it here in
16 Las Vegas?

17 A. Yeah. L&M, we couldn't find it no more for
18 some reason. It got harder to find.

19 Q. Do you know when you switched from Marlboro
20 to Basic?

21 A. Somewhere in the middle. I don't even want
22 to guess. Probably in the middle somewhere, in the
23 middle 2000 or something like that. Then we went to
24 Basics.

25 Q. Is the only reason that you switched from

1 Marlboro to Basics because Marlboro was getting too
2 expensive?

3 A. Yeah, too expensive.

4 Q. Can you describe the L&M package?

5 A. The who?

6 Q. The package of L&M cigarettes, can you
7 describe that?

8 A. The logo on it?

9 Q. Sure. Do you know what it looks like?

10 A. Yeah. It had an L and an M.

11 Q. Do you recall anything else about the
12 package?

13 A. Probably red.

14 Q. Do you have a specific memory of that?

15 A. No. I just noticed the L&M stuck out.

16 Q. The L&M, was it filtered or unfiltered?

17 A. Filters.

18 Q. Why did you smoke a filtered cigarette?

19 A. We were under the impression that it was
20 safer to use filters, and it would filter out all
21 the chemicals that were in there that they didn't
22 want us to inhale.

23 Q. Where did you get that information?

24 A. From the tobacco company, between '80 and
25 '90.

1 Q. But you were already smoking L&M in 1978?

2 A. Yeah, with Sandra.

3 Q. Right. So why were you smoking a filtered
4 cigarette in 1978?

5 A. I guess because the tobacco company said
6 that the filters were safer because it would block
7 out, I guess, nicotine or whatever it was. I guess
8 that wasn't true, very true. So I don't know.

9 Q. When did you hear that?

10 A. Between '80 and '90, I guess, on different
11 news channels.

12 Q. So prior to the late '80s or '90s when you
13 saw this news story, where did you get the
14 information that filters were safer?

15 MS. WALD: Object to form. He never said
16 late '80s. Mischaracterizes the testimony.

17 BY MS. KENYON:

18 Q. You can answer.

19 A. I just went by what the officials from the
20 tobacco company said. There was testimony. And
21 there was no kind of scientific data saying that
22 smoking was bad for you or that filters were going
23 to help you. We were under the impression that the
24 filters were safe because the magazine ads smoked
25 filters, so we smoked filters.

1 Q. What did the magazine ad say about filters?

2 A. I don't recall. All I recall is everybody
3 believed there was filters, they were okay to smoke.

4 Q. Did you ever see an ad that said filters
5 were safe?

6 A. Well, on TV, what the tobacco company said.
7 They got filter cigarettes. We don't got no problem
8 with it. You know? We believed them. We used
9 filters. I don't really know what was in the
10 cigarette. All I know is that filtered thing that
11 they said, that was good enough for me. I can keep
12 smoking.

13 Q. So my question, though, is prior to the
14 time that you saw the tobacco companies on TV --
15 I'll back up because you've given two different
16 times now.

17 When do you recall seeing the tobacco
18 companies on the news?

19 A. '80s and '90s mostly.

20 Q. When you say '80s or '90s, can you --

21 A. In that whole area, we were misled. So I
22 guess it was the '80s or '90s.

23 MS. KENYON: Move to strike as
24 nonresponsive.

25 ///

1 BY MS. KENYON:

2 Q. Were you living in Las Vegas or River Grove
3 when you saw the tobacco companies on the news?

4 A. I believe here.

5 Q. So it would have been after 1990?

6 A. Let's see. When I started smoking with
7 Sandra, I saw more here than back there. I -- we
8 used to watch the news back home too, but I have no
9 memory of that. I know when we got here, we started
10 learning more about, you know, smoking and the
11 filters and all that. That's all I can tell you
12 about it.

13 Q. So prior to 1990, you were smoking for 12
14 years. You were smoking a filtered cigarette for 12
15 years. Why were you smoking a filtered cigarette
16 during that time?

17 A. They said -- the advertisement, they said
18 it was safe. On the news or however we picked it up
19 and whoever put it out there, it was safe to smoke
20 filtered cigarettes. I don't know who put the data
21 out there. All I know is probably a magazine I
22 picked up. I don't have a memory of it. But it was
23 safe to smoke filtered cigarettes.

24 Q. So do you even know if it was a tobacco
25 company that said it was safe to smoke cigarettes?

1 MS. WALD: Object to form.

2 Mischaracterizes the testimony.

3 BY MS. KENYON:

4 Q. You can answer.

5 A. Say it again.

6 Q. Do you even know if it was a tobacco
7 company who said that it was -- the filtered
8 cigarettes were safe?

9 A. Somebody said it. It wasn't the public.
10 The data we got -- we went by what the tobacco
11 company said. Everybody thought it was safe to use
12 filtered cigarettes. It had to come from the
13 companies. No?

14 Q. That's what I'm asking you. How do you
15 know it was the tobacco companies that said that?

16 A. Who else would put data like that out
17 there?

18 Q. Does the public health community put out
19 information?

20 A. I don't know. I don't know who put it out
21 there. But it was safe to use filters.

22 Q. Right. But who said that?

23 MS. WALD: Form.

24 THE WITNESS: You keep asking the same
25 question. I don't know.

1 BY MS. KENYON:

2 Q. So that's what I am asking. You don't
3 know --

4 A. I just went by the news clippings that I
5 saw on the news, and there was maybe a time when I
6 picked up a magazine, seen somebody smoking, smoking
7 a filter, like the Marlboro Man on the billboard
8 signs blowing smoke. Everybody thought filters were
9 safe. Again, I don't know who put that out there.
10 It could have been -- you know, the tobacco company
11 kept encouraging us to smoke, it was safe, and we
12 listened.

13 Q. Did you think smoking filtered cigarettes
14 would be completely safe?

15 A. From what I understand, yes. From the data
16 we got from the tobacco companies.

17 Q. You thought filtered cigarettes would be
18 completely safe?

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

21 THE WITNESS: We only went with what the
22 company said. Use the filtered cigarettes. It
23 would probably block out the nicotine or whatever.
24 We would have no problem. We just smoked filtered
25 cigarettes. We were under the impression that it

1 was safe.

2 BY MS. KENYON:

3 Q. Blowing smoke into your lungs, you thought
4 it would be completely safe?

5 MS. WALD: Objection. Asked and answered.

6 THE WITNESS: Well --

7 MS. WALD: Argumentative.

8 Give me a minute to object first before you
9 go answer.

10 THE WITNESS: I didn't know you were
11 objecting.

12 MS. WALD: It's okay. It's okay.

13 THE WITNESS: I'm talking to her. I'm not
14 looking at you.

15 MS. WALD: I know. I know. Take a breath
16 before you answer a question.

17 THE WITNESS: I got two people talking. I
18 don't know who is who. This is new to me.

19 (The question was read.)

20 MS. WALD: Same objection.

21 BY MS. KENYON:

22 Q. I'm going to ask a different question.

23 A. Who do I answer?

24 MS. WALD: Wait for a question.

25 THE WITNESS: I am waiting, but you talked

1 and I got tripped up.

2 MS. WALD: That's okay. Wait for a
3 question, take a breath, and then answer.

4 THE WITNESS: Okay. Well, when you keep,
5 you know, with your little comments, hit me so I
6 don't talk. Otherwise I get tripped up. I don't
7 know if I should or I shouldn't.

8 MS. WALD: We got it. I'm not going to hit
9 you.

10 THE WITNESS: Unless you say "Objection"
11 nice and loud, then I won't answer. But be quick
12 about it so I don't answer.

13 BY MS. KENYON:

14 Q. So you thought breathing smoke into your
15 lungs would be completely safe?

16 MS. WALD: Object to form.
17 You can answer.

18 THE WITNESS: I didn't know that. I'm not
19 a doctor. All I know is the filters were safe.

20 Again, I don't know what was getting into
21 my lungs.

22 BY MS. KENYON:

23 Q. Did you ever ask your doctor whether a
24 filtered cigarette was completely safe?

25 MS. WALD: Form.

1 You can answer.

2 THE WITNESS: I never brought up any
3 smoking with the doctors.

4 BY MS. KENYON:

5 Q. Why not?

6 MS. WALD: Form.

7 THE WITNESS: They never asked, and it
8 wasn't important.

9 BY MS. KENYON:

10 Q. Your doctor never asked you, when you would
11 go in for a checkup, whether you smoked?

12 MS. WALD: Form.

13 THE WITNESS: No, not my doctors. They
14 just gave me the regular annual blood work and
15 everything. And if I was overweight, they would
16 tell me, "You're overweight for your size. Lose
17 some weight or eat better." But the smoking issue
18 never came up with me with any doctors, that I know
19 of.

20 BY MS. KENYON:

21 Q. At any point in your life?

22 A. I don't recall any conversation I said.
23 Any conversation. I don't know. Maybe there could
24 have been a conversation. But I have no memory of
25 it.

1 Q. So what you --

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

3 (A break was taken.)

4 BY MS. KENYON:

5 Q. So this news story that you saw where you
6 saw the tobacco companies on the news, you saw that
7 when you were living here in Vegas?

8 A. Yeah, I believe something -- some kind of
9 congressional hearing in the '90s. I think the news
10 was CBS or one of those news channels when they had
11 it. It was a big thing that it was okay. I didn't
12 watch the whole thing, but I watched enough to know
13 that they were, you know, like a regular
14 congressional meeting, when they go at it and they
15 drill the person that there was no scientific data
16 proving that it was harmful to our health.

17 Q. So is this one news story that you saw?

18 A. I don't know. It could be multiple,
19 because I don't stick to one channel. It could have
20 been on Nightline, which I watch, ABC Nightline. It
21 could have been another channel --

22 Q. And I'm just going to stop you. I think
23 you keep guessing with your answers --

24 A. I'm not guessing. I know I saw it on TV.
25 But I don't know what channel.

1 MS. LUTHER: You guys are talking over each
2 other a lot.

3 MS. KENYON: Off the record.

4 (A break was taken.)

5 BY MS. KENYON:

6 Q. Before we took a break, we were starting to
7 talk over each other quite a bit. So that our court
8 reporter doesn't smack us both on the wrist, can you
9 please do your best to wait until I get my question
10 out before you start answering?

11 A. Sure.

12 Q. Thank you. Earlier you mentioned when you
13 worked at 7-Eleven. Was it Barry and Iris?

14 A. Yeah.

15 Q. Do you know their last name?

16 A. Not offhand, ma'am.

17 Q. Was it Yost?

18 A. Yeah, Yost. That's it. Barry and
19 Iris Yost.

20 Q. Have you kept in touch with them?

21 A. No. I just ran into Iris a few times when
22 I was shopping a couple years ago. And she did tell
23 me they got rid of some of the stores, and they kept
24 the profitable ones in the better areas. I'm pretty
25 sure they probably got three in the good areas of

1 town that are money-makers, and they dumped the ones
2 that were not producing enough.

3 Q. Did you tell Iris that you were suing
4 tobacco companies and retailers?

5 A. No, ma'am. I didn't discuss this with
6 nobody.

7 Q. Why did you and Mrs. Camacho move to
8 Las Vegas?

9 A. Well, we came out twice for vacation, and
10 we wanted to probably get away and be on our own.
11 Being around the family thing was getting old, and
12 we wanted to go to Vegas. So we discussed it with
13 my father-in-law.

14 Then what happened, John got married to
15 Jeannine. My stepson. And we told my
16 father-in-law, Pops, "We want to move to Vegas, but
17 we're afraid to make the move."

18 His exact words I remember, "If you don't
19 do it now, you're going to regret it for the rest of
20 your life."

21 Then we brought up Laura and John, my two
22 stepchildren, "How about the two?" He goes,
23 "They're grown up. They got jobs. Let it go.
24 Because if they start having a family, you'll never
25 do it, and you will regret it."

1 So we took his advice. We started looking
2 at real estate when we came out here. And we
3 decided we're going to do it. Then of course that
4 happened with Pops with the -- you know, with heart
5 attack or stroke that he got.

6 So we moved, and we never looked back. It
7 was what we needed because we were getting older,
8 you know, the kids were starting families, and we
9 would have been trapped. So we're going to go. He
10 said, "You're going to regret it," and I believe in
11 that.

12 Q. So we were talking about a news story that
13 you heard or that you saw in the '90s sometime from
14 the tobacco companies.

15 What channel do you remember seeing either
16 the story or the news story on?

17 A. Well, back home in Chicago, going back to
18 Chicago, we watched Channel 9 News on WGN. And all
19 the stations, we probably heard it on there. I'm
20 pretty sure it was from there. But then when we
21 moved here, we heard it on other news channels that
22 we watch here.

23 Q. So if you could just listen closely to what
24 I'm specifically asking you.

25 The news story -- I'll back up.

1 The congressional hearing that you talked
2 about, was it a news story that was reporting on
3 that? Or tell me what you remember.

4 A. It was a congressional hearing that was
5 on TV.

6 Q. Right. So my question is, was it a news
7 story reporting on it?

8 A. Well, yeah, pertaining to the congressional
9 hearing where people had to testify. I guess the
10 tobacco company, just like you're doing me, you're
11 drilling me, that's what I saw. And I know from
12 watching other congressional hearings that they
13 broadcast now, that's how I saw it. I didn't pay
14 pretty much attention to it. Only that they were
15 talking about, I guess, the -- who is the tobacco?
16 Were they the plaintiff or -- when they were
17 questioning them in that hearing, they were saying
18 stuff, you know, scientific stuff, that there was no
19 proven data that smoking was this. Then they were
20 questioning them. So I just changed it. But I did
21 see part of it.

22 Q. Do you recall them talking specifically
23 about filters?

24 A. I don't recall that. I don't really know.
25 But it's been a while. It's been a long time since

1 I saw that. But they were talking about the
2 senators drilling them, telling them, You don't
3 believe this. You don't believe that.

4 So I'm watching it. And like I said, I
5 just, you know, didn't watch the whole thing. But
6 it was pertaining -- there was no scientific data.
7 They were drilling whoever those people were that
8 were answering questions. I don't know who they
9 were. But it was probably from the tobacco company,
10 defending their product.

11 Q. What channel do you remember seeing that?

12 MS. WALD: Form.

13 THE WITNESS: I don't know. It could have
14 been 13 --

15 BY MS. KENYON:

16 Q. If you don't know, that's fine.

17 A. Something like that was on multiple
18 channels. I'm sure of that. Not just one news
19 outlet. Something that big was probably out there.

20 Q. When did you first learn that smoking was
21 harmful to a smoker's health?

22 A. In 2000, when the congressional hearings --
23 when they came out that they finally found out that
24 smoking was bad for you, and it can cause all kind
25 of medical problems and even lead to death. Then

1 everybody started to freak out.

2 Q. Did Mrs. Camacho see that?

3 A. Probably she saw it. We were watching the
4 same news channels all the time.

5 Q. Did you talk to her about it?

6 A. Not really. We just made comments like,
7 "Look, Sandra." But by then we were already so far
8 into the cigarettes and addicted to them that it
9 didn't matter much. Because we were already smoking
10 and hooked, how we gonna kick this habit?

11 Q. Did you try to quit at that time?

12 A. I never did. I was smoking. Somewhere in
13 the middle of 2000 she started doing goofy stuff
14 like throwing cigarettes away or hiding them or --
15 you see, like, Nicorettes.

16 Q. So I'm just trying to ask about you right
17 now.

18 A. Me? I just kept smoking.

19 Q. So you did not try to quit at that time?

20 A. No, ma'am.

21 Q. How do you know you weren't able to quit?

22 A. There were signs there. I was a pretty
23 strong person. Then I thought about it. I kept
24 lighting up.

25 Q. You didn't want to quit?

1 A. I didn't want to quit. You're right.

2 Q. In 2000 did you talk to Sandra about her
3 needing to quit smoking?

4 MS. WALD: Form.

5 THE WITNESS: Not really. We just kept
6 smoking until this happened. Then we knew we were
7 in trouble.

8 BY MS. KENYON:

9 Q. In 2000 did Mrs. Camacho try to quit
10 smoking?

11 MS. WALD: Form.

12 THE WITNESS: In the middle, multiple times
13 she tried to quit.

14 BY MS. KENYON:

15 Q. Do you recall her quitting when you saw
16 this news story in 2000?

17 A. She never stopped smoking when she saw
18 that. She saw the congressional hearings, but she
19 was already addicted to whatever was in the
20 cigarette. She tried, but she couldn't do it.

21 Q. Did she actually try to quit smoking when
22 you saw this news story in 2000?

23 MS. WALD: Form.

24 THE WITNESS: I don't know that. I can't
25 answer yes or no on that. I don't really know. We

1 just saw it, and we just went on smoking, I guess.
2 But like, you know, I don't know what to tell you
3 there, ma'am.

4 BY MS. KENYON:

5 Q. Did you ever smoke a different brand from
6 Mrs. Camacho?

7 A. Yeah. When I could afford it, I'd get a
8 pack of Marlboro Lights. They were easier on my
9 throat. But that came to a halt pretty quick
10 because I couldn't afford the money it cost for
11 Marlboro Light. She told me no, too expensive for
12 that. So that was it.

13 Q. Did Mrs. Camacho ever smoke Marlboro Light?

14 A. No. She liked the Marlboro red. She
15 didn't like that smooth inhaling, whatever we were
16 doing at the time.

17 Q. How many packs of Marlboro Lights did you
18 purchase?

19 A. One. One Light. But like I said, it came
20 to a very quick -- I couldn't afford it no more. I
21 tried to buy them, but then I noticed the prices on
22 them, and I stuck with Basic with Sandra.

23 Q. So you only smoked one pack of Marlboro
24 Lights?

25 A. Not in one day. I smoked them, but

1 whenever I ran out, I'd get another pack. Then she
2 said, "No, no. No more Lights. That's too
3 expensive."

4 Q. So my question then, how many packs of
5 Marlboro Lights did you purchase?

6 A. Well, be specific. In a week, in a day, or
7 a month? And then I can answer. I'm sorry.

8 Q. When you were smoke -- when were you
9 smoking Marlboro Lights?

10 A. Once in a while I would sneak a pack when I
11 could afford to buy one, because they were expensive
12 and she didn't want to see me buying expensive
13 smokes.

14 Q. Was it after you and Mrs. Camacho had
15 switched to Basic?

16 A. Yeah, we were on Basic. But my daughter,
17 Laura, she'd been smoking those Lights, and I used
18 to mooch off of her. When I didn't have my Basics,
19 I used to mooch a few Lights. So then that's when I
20 got to buy them. That's when she put a stop to it.
21 Because Laura smokes Lights.

22 Q. Why did you smoke Marlboro Lights?

23 A. They were easier on my throat.

24 Q. Is that the only reason that you --

25 A. Yeah. I liked the Lights. The Marlboros

1 were kind of strong for me. I don't know. Maybe I
2 was weak or something.

3 But I noticed when Laura smoked them, like
4 I said, I used to mooch off of her. Then I started.

5 Then again, she put the stop to that. It
6 didn't last very long.

7 Q. Do you know when you and Mrs. Camacho
8 switched from Marlboro to Basic?

9 A. Probably in the middle of 2000 sometime.
10 Because we were going by the not being able to get
11 L&M and then the prices on the Marlboro. Yeah, they
12 didn't last too long. We went right to Basics. It
13 was cheaper, and everybody sold them.

14 Q. How many cigarettes per day were you
15 smoking when you used Marlboro?

16 A. Marlboros? Well, if I had a pack in home
17 here, probably about five a day. But if we went to
18 the casino, kiss that pack goodbye. The excitement
19 of the noises and machines and playing, you know,
20 you get carried away. And then when the pack was
21 gone, I couldn't believe that I went through a pack
22 of smokes. I knew I'd better chill and be careful
23 with all the smoking. But I just kept doing it.

24 Q. Did you enjoy smoking when you were at the
25 casino?

1 A. Casino, yeah. It was like all the glitter
2 and the machines and everybody smoking. You know,
3 we thought -- it didn't bother us. We were smokers,
4 and we were okay with it. We didn't know we were
5 going to wind up like we did now with all this stuff
6 that went on.

7 Q. Do you have any smoking-related illness?

8 A. Knock on wood, so far I believe I pass all
9 my physicals. I can't walk, like, to get the mail.
10 Just my legs, from the sciatica.

11 Q. But do you have any smoking-related
12 illnesses?

13 A. Not that I know of. I'm not aware of any.
14 Thank God. I don't know. It could change by
15 tomorrow.

16 Q. How many cigarettes a day were you smoking
17 while using Basic?

18 A. Probably about five a day or something like
19 that.

20 Q. When you would smoke Marlboro Lights, did
21 the amount that you smoked in a day change?

22 A. Yeah. The Lights were easier to smoke, so
23 I did increase my smoking. Yeah, that I knew right
24 away. I didn't even want to use Basics. But like I
25 said, again, I couldn't afford it. They were

1 lighter for some reason, and I did increase it. Go
2 in the yard, in the garage. I said, Uh-oh, these
3 are nice.

4 But like I told you over and over, Sandra
5 said, "No, you can't afford to be buying a pack for
6 yourself too."

7 Q. And you listen to your wife?

8 A. Yeah, 41 years.

9 Q. Did you and Mrs. Camacho like smoking
10 together?

11 A. Yeah.

12 MS. WALD: Form.

13 THE WITNESS: Yeah, we enjoyed it. We'd
14 drink our coffee at the kitchen table and exchange
15 war stories like we always did and -- you know,
16 husband and wife sharing, you know, a moment
17 smoking. That was our way of life. We used to
18 smoke on the table right there (indicating).

19 BY MS. KENYON:

20 Q. So you enjoyed getting up in the mornings,
21 having coffee and smoking a cigarette with
22 Mrs. Camacho?

23 MS. WALD: Form.

24 BY MS. KENYON:

25 Q. You can answer.

1 A. I didn't really enjoy it. I got up and I
2 had a cigarette. I don't know if it was a habit, if
3 I enjoyed it or not. I got up and I smoked, and I
4 smoked and started feeling good in the morning with
5 my coffee. The next morning I'd repeat the same
6 thing. But I don't know if I enjoyed it. I can't
7 say that I did, and I can't say that I didn't. I
8 kept smoking.

9 BY MS. KENYON:

10 Q. Did you enjoy sitting there with your wife,
11 having your coffee and having your cigarette in the
12 morning?

13 MS. WALD: Form. Asked and answered.

14 You can answer.

15 THE WITNESS: Yeah, we'd sit there and talk
16 and smoke. That was nice. I think I enjoyed the
17 togetherness with her, that we were sharing
18 something.

19 BY MS. KENYON:

20 Q. You mentioned the casinos. Mrs. Camacho
21 told us yesterday you and her would go play penny
22 slots?

23 A. South Point.

24 Q. Is that a "yes," you would go to the
25 casinos and play penny slots?

1 A. Yeah, penny slots at South Point. It's
2 nice. It's all locals and tourists, and it's in a
3 safe location. It was nice. We'd eat there and
4 play the penny machines.

5 Q. Is it a buffet?

6 A. Yeah. They've got like ten restaurants.
7 We got sometimes the buffet, or my favorite was the
8 cafe with the booths and everything. It was really
9 nice there.

10 Q. When is the last time you went to
11 South Point?

12 A. Over four years now. When all this
13 happened, our lives changed.

14 Q. Were there any other games at the casinos
15 that you enjoyed playing?

16 A. We played the penny slots. And sometimes,
17 when Megabucks was real high, we'd try to put a 20
18 or 40. Nothing ever happened. So we cut that habit
19 out.

20 Q. You smoked inside the casino?

21 A. Yeah.

22 Q. Would you smoke when you were playing the
23 penny slots?

24 A. Oh, yeah. There was a rush. You'd line up
25 five clowns or five this and the machine goes crazy

1 and you tally up your winnings. It was nice when
2 the money dropped into the tray. Then they went to
3 a new technology where you get receipts. That took
4 a little excitement out of it.

5 Q. Do you enjoy gambling or playing the penny
6 slots?

7 MS. WALD: Form.

8 THE WITNESS: I never gambled. Just the
9 machines. I wasn't a compulsive gambler. I never
10 gambled.

11 BY MS. KENYON:

12 Q. My question is did you enjoy playing the
13 penny slots?

14 A. Yeah. I did that. I liked that.

15 Q. It was a thrill when you would win?

16 A. Yeah. Like I said, but it was better when
17 the money dropped into the tray. Then they came out
18 with the receipts. When you hit, they would give
19 you the receipts. It was not the same back in the
20 day.

21 Q. What's the most you've ever won gambling?

22 A. It's hard to say. Sometimes we would rake
23 up a hundred bucks on the machine, maybe less.
24 Sometimes you lose; sometimes you win. We never
25 kept track of it. You know what I mean, ma'am?

1 Q. You understand when you play penny slots
2 you could lose money?

3 A. Yeah, if you don't be careful. You've got
4 a choice of, like, ten denominations. You've got to
5 pick how many pennies you want to play. If you
6 stick with the one and two or three pennies, you'll
7 be okay. But when you hit that number 10, you're
8 playing the max, and you're playing five lines.
9 That's like -- what's 10 times 5? 50 or something?
10 You're increasing your play now.

11 But we always tried to stay away from the
12 higher numbers. Because you want to cover five
13 lines, and you hit that button with 10 to cover all
14 the lines, if you kept doing that, you might as well
15 stay home.

16 Q. So you understand that playing the penny
17 slots can be risky?

18 MS. WALD: Form.

19 THE WITNESS: Answer?

20 MS. WALD: Yes.

21 THE WITNESS: Everything was risky in the
22 casinos. Not only pennies. There was a lot of risk
23 people took going in there if you couldn't afford
24 it.

25 ///

1 BY MS. KENYON:

2 Q. But you continued to play?

3 A. Well, not after that.

4 Q. When --

5 A. Yeah, we used to go a couple of times a
6 week if we could afford it. It wasn't a habit or
7 going into money we didn't have. I did work at the
8 time. I had two days off. Most of the time, if
9 I -- being there at Hertz for 16 years, I had good
10 seniority and sick days. If I took a sick day and
11 blend it in with my weekend, now I've got three days
12 off. Then we would go. If I worked my two days
13 off, we would go. But never when I worked.

14 Q. So you enjoyed playing the penny slots even
15 though you could lose money?

16 MS. WALD: Form.

17 THE WITNESS: What was that?

18 BY MS. KENYON:

19 Q. You enjoyed playing the penny slots even
20 though you could lose money?

21 A. Yeah. Risk everybody takes.

22 Q. Did you ever quit smoking?

23 A. Yeah, when she -- when I started -- I got
24 worried when she started squeaking, and I tried to
25 ask her, "What's going on?" She started squeaking

1 more.

2 And then they rushed her to the hospital
3 because something respiratory. She couldn't breathe
4 hardly. That's when it all started, with that visit
5 to the hospital.

6 Q. Do you know when that was?

7 A. Four years ago. Right?

8 Q. I'm asking you.

9 A. Yeah, I think four years ago. That's when
10 all this started to happen. I don't know the exact
11 year, but it's gonna be four years this March, I
12 think. Yeah, four years it's going to be, I'm
13 pretty sure.

14 Q. How did you quit?

15 A. How? Wasn't easy, but I did it cold
16 turkey. I tried, and sometimes I'd sneak. But when
17 I saw what was happening, I stopped it altogether,
18 even though -- there was no more -- no more tobacco.
19 I stopped it because I was getting worried.
20 Especially when we went to the nose, ear, and throat
21 doctor, and he knew something was there.

22 Whoa, we got floored when we had to go
23 to UCLA for 17 days and see my wife make two
24 major operations. I mean, they cut her from ear
25 to ear and brought her head back and took out a

1 golf ball-sized tumor. That was growing more and
2 more. That's why she was squeaking. It was cutting
3 off her air circulation. So when they saw that,
4 they rushed her to the hospital. We were at the
5 doctor's office, the specialist. I don't know, he
6 used a code. We rushed her (indicating).

7 Q. Had you tried to quit before that?

8 A. No. Just when I saw this.

9 Q. And "this," you're referring to
10 Mrs. Camacho?

11 A. Yeah. It was tough to see that.

12 Q. Did you ever smoke again?

13 A. No. I got scared. I mean, really scared.
14 When I saw her, I couldn't believe they did that,
15 took out her voice box, that big tumor. Then when
16 they cut that from ear to ear and the doctor
17 explained what he did in detail, I'm glad I still
18 have her.

19 Q. Did you feel better after you quit?

20 A. I don't know if I felt better, but -- I
21 don't know if I did, ma'am, but I just stopped and
22 probably today do feel better.

23 Q. Did your health improve in any way after
24 you quit?

25 A. In a way. But now I'm dealing with this

1 (indicating). In a way.

2 Q. When you're moving your hands like that,
3 are you referring to your back?

4 A. Yeah, because now, like I said, I can't
5 even walk to the mailbox. And I got Number 13
6 mailbox that's way down. I have to take something
7 with me to grab what's in there, push it out, and
8 get it. It's hard.

9 I used to walk the whole subdivision, but
10 now I can't even walk there. Or at Walmart, I've
11 got to be careful how I swing the cart. She'll help
12 me grab the front and she will do the turning for
13 me. Once it gets heavier and heavier, I can't.
14 I've got to get those bottles for the humidifier.
15 Those big bottles. And you get six of those bottles
16 and put them in the cart with the other stuff,
17 she'll help me push the cart. I can't do it no
18 more.

19 Q. I appreciate all that. We do have a
20 seven-hour time limit on your deposition. So if you
21 could just try to answer my questions as best you
22 can, and hopefully we'll be able to get through this
23 a little bit quicker. Okay?

24 A. Okay.

25 Q. Do you believe that you were addicted to

1 smoking?

2 A. Yeah, I was addicted.

3 Q. And you were able to quit?

4 A. I was able to quit.

5 Q. Do you think anyone can quit smoking if
6 they're motivated to do it?

7 MS. WALD: Form.

8 THE WITNESS: I don't know. We're all
9 different. I guess if somebody really tries hard,
10 anything is possible.

11 BY MS. KENYON:

12 Q. How did you and Mrs. Camacho meet?

13 A. Well, I was working for DHL, which was the
14 company down the street. We had a big warehouse
15 near the airport. And the warehouse was on River
16 Road in Rosemont. And she worked exactly about
17 three blocks from my warehouse at Denny's
18 Restaurant. We used to go there to eat breakfast or
19 whatever with the crew. I kept looking at her. You
20 know, how you meet. And I asked her to go on a
21 date. And we went, and here I am.

22 Q. Where did you go on your first date?

23 A. We went dancing, disco.

24 Q. Did you smoke on your first date with her?

25 A. No. Not on the first date, no.

1 Q. Was she smoking when you first met her?

2 A. She smoked the L&M. Yeah, she smoked.

3 Q. After you went on your first date, how
4 long did it take for you and Mrs. Camacho to
5 start dating?

6 A. Continuously?

7 Q. Yeah.

8 A. I guess up to the time we got married,
9 which was like a year or two later we got married.

10 Q. So from the time you met in 1978, you dated
11 her until 1979?

12 A. We got married in '80. Yeah, I was dating
13 her in '79, and then '80 we tied the knot.

14 Q. When did you propose to her? How long
15 before you were married did you propose?

16 A. Probably around '79 I started bringing it
17 up. But I got cold feet. I would bail out, and I
18 would ask her again. So she got -- she was getting
19 annoyed and mad. So one day I went to call on a
20 date, and she was going out with somebody. That
21 changed my mind quick.

22 Q. She was going out with another man?

23 A. She said, "I'm going on a date. I can't
24 see you."

25 So I said, "Okay, could we talk?"

1 The next day, here I was, proposing.

2 Q. Did the two of you ever live together
3 before you were married?

4 A. No, we never lived together.

5 Q. Was Mrs. Camacho's smoking something that
6 you discussed with her when you were dating?

7 A. No. I didn't discuss it at all.

8 Q. When you first started dating, did you like
9 the fact that she smoked?

10 A. At first it bothered me, but then the more
11 I was around her, I didn't really ask her -- you
12 know, I never tell her to stop. Because I knew she
13 was a smoker when I dated her, I knew she was a
14 smoker when I married her, so I didn't make no
15 issues of it.

16 Q. When you say it bothered you at first, did
17 you ask her not to smoke around you?

18 A. Never.

19 Q. You never told her that --

20 A. No, never. Didn't bother me none. I just
21 wanted to be with her.

22 Q. Did you want her to stop smoking while you
23 were dating?

24 A. Not really. It didn't bother me. She was
25 already doing it when I met her. So, you know, when

1 I'd go in the restaurant at Denny's, I could see her
2 in the break room. Because the way the counter was
3 set up, there was a break room where the girls
4 punched in. There was a smoking room back there.

5 Q. Did you ever see Mrs. Camacho back in the
6 back room?

7 A. Yeah. The girls used to go there when
8 there was light traffic, nothing really going on.
9 They used to go sneak cigarettes back there all the
10 time. They weren't allowed to do it when there was
11 customers. But that was their designated smoking
12 area.

13 Q. Do you know how often she would do that?

14 A. I don't know that. She was working, and I
15 couldn't hang there all day. All I know, sometimes,
16 if I didn't see her on the floor when I walked in
17 and there was a light crowd, they would be back
18 there. But if there was a heavy crowd, they would
19 always be on the floor. I don't know how many times
20 she'd make trips back there.

21 Q. Did you ever spend the day with her at
22 work?

23 A. The whole day?

24 Q. Yeah.

25 A. Never.

1 Q. Did you ever see her actually smoking in
2 the break room?

3 A. I saw her and her waitress friends. They
4 used to take breaks back there.

5 Q. Did you ever go back into the break room?

6 A. No. Employees only.

7 Q. Could you see into the break room?

8 A. Yeah, you could see, because the clock is
9 there to punch in. This is the counter
10 (indicating), and the break room was there, like a
11 little turn, and you saw their little table with
12 ashtrays and everything.

13 Q. Did you actually see Mrs. Camacho smoking
14 in the break room at Denny's?

15 A. A couple times when I went in, when I used
16 to go in. Not all the time. A lot of time they
17 was, like, swamped because it was industrial area
18 and heavy traffic. The managers didn't want you
19 back there. You had to be on the floor.

20 Q. When there was heavy traffic, Mrs. Camacho
21 didn't smoke?

22 A. Yeah, I never saw it. They were too busy.
23 The counters and the booths were busy, and everybody
24 was huffing, and there was no time for a break.
25 When they got one, I'm sure all the girls headed to

1 that room.

2 Q. Was Mrs. Camacho good at her job?

3 A. Yeah. She loved her job. Yeah, she
4 liked that.

5 Q. When the restaurant was busy, she was able
6 to refrain from smoking during that time?

7 A. Yeah. She had no choice, or they'd get rid
8 of you.

9 Q. What sorts of things would you and
10 Mrs. Camacho do together while you were dating?

11 A. We were dating, we'd visit her family, her
12 family and her little nephews. Then we would go
13 dancing disco. We would do a lot of dancing.

14 Q. When you would go out dancing, did she
15 smoke?

16 A. Sure did, yeah.

17 Q. Did you?

18 A. Yep. When we started dancing, I grabbed
19 one of her smokes and just kept going out dancing
20 and smoking.

21 Q. Is that something you enjoyed doing with
22 her?

23 A. I don't know about enjoy, but it was early
24 in the relationship when I started. I don't know if
25 I enjoyed it. As time went by, then I enjoyed it.

1 Q. You mentioned you were married in 1980?

2 A. Yeah, 1980.

3 Q. Where was your wedding?

4 A. Downtown Chicago. We went in front of a
5 judge. That judge's name was Lucille something. I
6 don't know her last name. She married us. We got
7 married. We had a nice dinner at an Italian
8 restaurant in the old neighborhood, and there was
9 just a few friends gathering, close, close family
10 members. And that was it.

11 Q. What family members were there?

12 A. Her sisters. Her cousins. Some of them
13 already passed away. Her aunties that passed away.
14 Most of her aunties are gone. Yes, in general,
15 everybody related to the immediate family, cousins
16 and all that. It wasn't an extravagant thing. It
17 was just like a dinner gathering. Maybe 20 people,
18 something like that.

19 Q. Do you have a wedding book?

20 A. No. We never took wedding pictures. I
21 think I got a picture of the gathering, and most of
22 the people that we had at picnics and weddings,
23 they're mostly all gone. They were, like, older
24 people.

25 Q. During your marriage have you and

1 Mrs. Camacho ever separated?

2 A. Separated? Yeah, one time I got mad at
3 her. I don't know if we were married or not
4 married. But once I got mad, and I didn't want to
5 see her. I don't know what I got mad about. But
6 then we got back together.

7 Q. How long were you apart?

8 A. Not long. Probably couple of days.

9 Q. You don't recall what you were mad about?

10 A. No. I don't recall. It was probably
11 something childish or -- you know, I don't know. It
12 was something -- it wasn't anything to cause a
13 breakup or anything. It was probably just a
14 discussion that we had, and probably I didn't like
15 what I heard and it hurt my feelings or something,
16 but then I got over it and came back.

17 Q. Has there ever been a period of time where
18 you and Mrs. Camacho did not live together during
19 your marriage?

20 A. No. We always lived together.

21 Q. Have you and Mrs. Camacho ever had any
22 significant marital issues?

23 A. No, ma'am.

24 Q. Have you ever had any fights about her
25 smoking?

1 A. No, ma'am.

2 Q. Fights about your smoking?

3 A. No.

4 Q. Have you ever had financial troubles?

5 A. Probably when I was unemployed or when I
6 got laid off in 2000. When they had the terrorist
7 attack in New York in 2000, they closed down the
8 town. They weren't running no cars at Hertz, so
9 they laid everybody off. Once they closed the
10 airport down and everything, the business just went
11 down. So everybody with low seniority -- because
12 when we transferred there, what happened, when they
13 did away with bussing, they gave me an option to
14 transfer to the detail department. Me and five
15 other drivers who had perfect attendance, they kept
16 five of us. The rest they let go. So they transfer
17 us to that department.

18 Then they started to build the consolidated
19 car rental. And then that's when that attack took
20 place. They decided to stop the construction.
21 Business went down.

22 So even though I had 16 years with them, I
23 can go to that department, but not bring seniority,
24 but I can keep my five weeks' vacation.

25 And then the five of us, they got --

1 MS. WALD: Tony, just make sure to listen
2 to her question and just answer her question.

3 THE WITNESS: What was the question?

4 MS. WALD: Exactly.

5 BY MS. KENYON:

6 Q. Have you and Mrs. Camacho ever had
7 financial troubles?

8 A. Only when I got laid off.

9 Q. Have you ever filed for bankruptcy?

10 A. One bankruptcy. That was -- I'm going to
11 estimate maybe between 20 or 25 years ago.

12 Q. Why did you have to -- did your wife file
13 for bankruptcy with you?

14 A. Yeah. Both of us together.

15 Q. Why did you file for bankruptcy?

16 A. I was unemployed, and we were going to lose
17 our home.

18 Q. Where were you living at the time?

19 A. Buckingham, on Windmill, that first home.

20 Q. Since moving to Las Vegas, how often would
21 you go back to Chicago to visit friends or family?

22 A. We went back I think it was eight years ago
23 to see her mom and sisters. That was our last trip.

24 Q. Is that the only time you've gone back to
25 Chicago since moving to Las Vegas?

1 A. Yeah. Never went back.

2 Q. Not even to visit?

3 A. Yeah, because of my disability. I can't
4 sit in the airplane.

5 Q. So you and Mrs. Camacho do not travel
6 because of your back problems?

7 A. Yeah, and --
8 MS. WALD: Form.
9 You can answer.

10 THE WITNESS: Yeah. She's not allowed to
11 bring oxygen tanks aboard the aircraft. They won't
12 allow it. So we can't go unless we rent a portable
13 machine.

14 BY MS. KENYON:

15 Q. Have you talked to her doctors about
16 getting a portable oxygen tank?

17 A. Those machines are \$5,000, and we never
18 really checked with Medicare if they would let us
19 have one. That's why they give us oxygen tanks.

20 Q. Why have you not checked with Medicare?

21 A. I don't know. But like I said, I don't
22 know if they would approve of a \$6,000 machine.

23 Q. Do you know how much they cost?

24 A. Yeah. I called the company. The company
25 told me that the machines they make are for people

1 that need it continuously, not -- how do you say
2 that word when you got to stop?

3 Well, if she was doing it continuously with
4 the trach, she would be able to get one. But
5 because she needs oxygen when she's home -- or when
6 she's -- how would you say that? Like if we go
7 shopping or something. If it was something constant
8 that she needed. But because she uses the oxygen
9 only when she gets short of breath, then they said
10 that would be difficult to control the machine.
11 They called me a few times. They said they couldn't
12 help us with that, because it's a trach for a
13 laryngectomy.

14 Q. So she doesn't require oxygen all the time?

15 A. At nighttime, yes, when she's sleeping.
16 And then I've got to get up and check on her and
17 make sure it's on. Sometimes it comes off by
18 accident.

19 If she does a lot of walking, she needs it.

20 Q. During the day Mrs. Camacho does not need
21 continuous oxygen; is that right?

22 A. Only if she gets short of breath while
23 she's sitting there. Because sometimes she does.
24 I'll see her with the tank on. But she's always
25 around oxygen. We've got three machines set up.

1 When she needs it, it's there.

2 Q. So my question is during the day she does
3 not need continuous oxygen?

4 A. I can't say that, because that can change.
5 It's not a thing that -- medical with her changes in
6 the morning and night. It's different all the time.
7 I can't say yes or no.

8 Q. Right now, today --

9 A. Right now she's doing okay, other than she
10 keeps that stuff. But if it keeps up, I would have
11 to put her on oxygen.

12 MS. WALD: Tony, make sure you wait for her
13 to finish her question before you answer.

14 THE WITNESS: I am waiting.

15 MS. WALD: I don't want us to talk over
16 each other.

17 THE WITNESS: I think I'm listening. I
18 don't know.

19 BY MS. KENYON:

20 Q. My question is a little different.

21 So during the day, as we sit here today,
22 your wife does not need continuous oxygen?

23 MS. WALD: Form.

24 You can answer.

25 THE WITNESS: Probably not now. But that

1 can change at any time. And it does change
2 sometimes in the morning, where she needs it.

3 BY MS. KENYON:

4 Q. She uses it, and then she stops using it?

5 A. Uh-huh. There you go.

6 Q. My question is continuous. You're
7 describing someone who has to use it continuously?

8 A. Constant. Yeah, continuous. They have to
9 keep it on.

10 Her problem is different. Ever since they
11 took the tumor out, she switches back and forth.
12 Like I said, it can change. She might use it; she
13 might not use it.

14 But at nighttime, it's a plus. She's got
15 to sleep with it on so she don't suffocate.

16 Q. I'm only asking about the day.

17 A. It changes.

18 Q. She does not qualify as someone who needs
19 oxygen continuously through the day?

20 MS. WALD: Form.

21 THE WITNESS: No, no. That's through the
22 machine. The machine I tried to get for her. She
23 is on oxygen. Medicare supplies the oxygen for her.
24 And they supply it for a reason. She does need
25 oxygen.

1 BY MS. KENYON:

2 Q. That's not what I'm saying.

3 She does not need continuous, constant
4 oxygen during the day; right?

5 A. During the day it changes. Maybe not. It
6 changes. I can't answer that question.

7 Q. Has there ever been a day where she's worn
8 it for 12 or 16 hours straight?

9 A. The oxygen?

10 Q. The oxygen.

11 A. Never. Only when she's sleeping, again,
12 and on her back, and then --

13 Q. I'm just asking you about today.

14 A. I'm telling you, when she's sleeping, she
15 needs it.

16 I can't keep repeating myself if you keep
17 asking the same question. You're getting me tripped
18 up.

19 MS. WALD: Tony, just wait for the
20 question.

21 THE WITNESS: I think we'd better take a
22 break.

23 MS. WALD: Let's take a break.

24 (A break was taken.)

25 ///

1 BY MS. KENYON:

2 Q. Ready?

3 A. Yeah, ready as I'll ever be.

4 Q. Feeling okay?

5 A. Yeah, just a little tired. I'm not used to
6 this early bird special, you know.

7 Q. Are you feeling okay to answer some more
8 questions?

9 A. I'm going to try to hang in there for --

10 MS. LUTHER: Kim, we were thinking, since
11 we have to be back for her, that if he gets too
12 tired, we can do her in the morning and him in the
13 afternoon.

14 MS. WALD: I've already given him that
15 option.

16 So we're going to go as long as you can.
17 We're going to try to finish today. If we can't,
18 don't worry. We're already going to be back in
19 December, so we can finish yours.

20 THE WITNESS: At what time?

21 MS. WALD: Let's just keep going and see
22 how it goes.

23 THE WITNESS: But how long is the
24 interview?

25 MS. WALD: Let's just keep going and see

1 how long we can get to today.

2 THE WITNESS: Three hours?

3 MS. WALD: Let's keep going.

4 BY MS. KENYON:

5 Q. Before we took a little lunch break, we
6 were talking about what you and Mrs. Camacho liked
7 to do.

8 What sorts of things did you and
9 Mrs. Camacho enjoy doing throughout your marriage?

10 A. Visit the family members back home.
11 Picnics in the backyards, cookouts in the backyards.
12 And go dancing.

13 Q. And dancing, is that something you and
14 Mrs. Camacho did?

15 A. Yeah. We enjoyed that, disco dancing.

16 Q. When you moved to Las Vegas, did you
17 continue going out dancing?

18 A. No. We stopped.

19 Q. Why?

20 A. I don't know. We just -- I guess we lost
21 interest in it.

22 Q. Did you travel together?

23 A. No. Only to Chicago one time.

24 Q. So during your marriage did you take any
25 vacations?

1 A. No vacations.

2 Q. Are there any other activities that you
3 liked to do together?

4 A. Let's see. No, ma'am. Probably just going
5 to South Point when we're together all the time. We
6 enjoyed that.

7 Q. You were here yesterday when I was talking
8 with your wife about her employment history; right?

9 A. Yes, ma'am.

10 Q. She worked at Denny's as a waitress and
11 IHOP as a waitress?

12 A. Yes.

13 Q. She worked at 7-Eleven and Texaco as a
14 cashier?

15 A. Yes.

16 Q. And then she worked as a beautician?

17 A. Yes.

18 Q. Do you know what year she retired?

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

20 Q. Do you know how long after moving to
21 Las Vegas she -- how many years after you moved to
22 Las Vegas she continued to work?

23 A. Probably -- I don't want to guess. I don't
24 know, ma'am. I'm sorry.

25 Q. You mentioned a close friend of

1 Mrs. Camacho's. I believe her name was Jan?

2 A. Jan Puccio. Lifelong friend.

3 Q. Does she still live in the Chicago area?

4 A. Melrose Park, Illinois.

5 Q. Earlier you were talking about a
6 congressional hearing that you recall seeing a news
7 story on in the '90s sometime?

8 A. '80s and '90s. '80s was in Chicago, WGN
9 News, Channel 9. Then the '90s was here, on our
10 system here.

11 Q. So when you were living in Chicago, did you
12 recall seeing congressional hearings on the news?

13 A. We just saw news clippings of certain stuff
14 that was going on pertaining to smoking. I don't
15 know if they were congressional hearings or not.

16 Q. What did you see on the news in the '80s?

17 A. There was no scientific data about these
18 cigarettes being harmful to your health.

19 Q. Who was saying that in the '80s?

20 A. I guess the officials from the tobacco
21 companies.

22 Q. Are you guessing, or do you --

23 A. No, I know, because they were interviewing
24 some of them. Like I said, I watched a little bit
25 of it, and then I turned the TV off.

1 Q. Right. So are you recalling one instance
2 where you saw this?

3 A. That was in Chicago or here. I don't
4 recall. But we did see stuff in the '80s in Chicago
5 on our news cable about smoking and how it was okay
6 with the filters and all.

7 And then over here, I think it was in
8 2000-something with that congressional hearing when
9 we found out that it was bad for your health.

10 Q. I thought you said in the '90s you recall a
11 congressional hearing.

12 A. There was a congressional hearing, I guess,
13 where they drilled the tobacco company executives,
14 and there was all kind of questions. I just changed
15 it. It was too technical for me to listen to so I
16 changed it. I saw part of it. Not all of it.

17 Q. Was Mrs. Camacho there when you saw that
18 story?

19 A. Yeah. I think we watched it together. I
20 don't recall, but we always watched the news
21 together at that time.

22 Q. Did she say, Hey, go back; I want to hear
23 that story?

24 A. No, not that I recall.

25 Q. Did you guys discuss anything after you saw

1 that story?

2 A. Not really. Just comments, you know,
3 little comments. What do you think and --

4 Q. What were the little comments?

5 A. I don't recall. Just, you know ...

6 Q. And then in the '80s in Chicago, was
7 Mrs. Camacho present for the news stories on smoking
8 that you saw?

9 A. I don't know that, because we -- that was
10 in the '80s, and we were just married. I could have
11 saw it by myself and just brushed it off. I don't
12 know if she was with me or not.

13 Q. Do you know if she saw any news stories on
14 smoking and health in the '80s?

15 A. I don't know. You would have to ask her.

16 Q. Do you recall any news stories in the 1980s
17 that said smoking is bad for your health?

18 A. Only news clippings that it was safe, and
19 there was no scientific data to prove otherwise.

20 Q. Did Mrs. Camacho ever smoke a light
21 cigarette?

22 A. No. She stuck with those harder ones like
23 L&M with filters and the red package for Marlboro.

24 Q. You both smoked filtered cigarettes because
25 you thought they were safer?

1 A. Yes.

2 MS. WALD: Object to form. Asked and
3 answered.

4 BY MS. KENYON:

5 Q. Did you ever hear that light cigarettes
6 were safer?

7 A. I thought they were not safer, but they
8 were smoother when I took drags. They were better
9 on my throat.

10 Q. Did you ever hear that light cigarettes
11 were safer?

12 MS. WALD: Form.

13 THE WITNESS: Say again?

14 BY MS. KENYON:

15 Q. Did you ever hear light cigarettes were
16 safer?

17 A. No, I never heard that.

18 Q. Did you ever see any statements that light
19 cigarettes were safer?

20 MS. WALD: Form.

21 THE WITNESS: Did I see any statement that
22 cigarettes were safer? Yeah, on the news cables or
23 magazines.

24 BY MS. KENYON:

25 Q. I think you -- did you ever hear any

1 statements that light cigarettes were safer?

2 A. Actual statement like on news clippings and
3 stuff, news media?

4 Q. Anything. I'm asking you.

5 A. Only what I saw on TV or magazine or
6 newspaper, what I picked up. I don't know.

7 Q. So I'm confused. Did you ever see any
8 statements that light cigarettes were safer?

9 A. What do you mean by "statement"? That
10 people made statements?

11 Q. Did you ever --

12 A. Who made the statements?

13 MS. LUTHER: Anyone.

14 BY MS. KENYON:

15 Q. I'm asking you. Anyone?

16 A. No.

17 Q. You told us Mrs. Camacho was smoking when
18 you first met her.

19 A. Yes, ma'am.

20 Q. Is it fair to say that any knowledge you
21 have about Mrs. Camacho's smoking prior to the time
22 you met her in 1978 is not based on your personal
23 knowledge?

24 A. I don't know that, ma'am. She was smoking
25 when I met her.