

IN THE SUPREME COURT OF THE STATE OF NEVADA

SANDRA CAMACHO; and ANTHONY
CAMACHO,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT, STATE OF NEVADA, CLARK
COUNTY; and THE HONORABLE
NADIA KRALL, DISTRICT COURT
JUDGE, DEPT. 4

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

Real Parties in Interest.

Supreme Court Case No. 86501

District Court Case No. A-19-807850-C
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**REAL PARTY IN INTEREST PHILIP MORRIS USA INC.'S RESPONSE
TO PETITIONERS' MOTION TO EXCEED WORD LIMIT**

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NRAP 26.1 DISCLOSURE

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a) and must be disclosed in order that the Justices of this Court may evaluate possible disqualification or recusal.

The parent company of Philip Morris USA Inc. is Altria Group, Inc. Altria Group, Inc. is the only publicly held corporation that owns 10% or more of Philip Morris USA Inc.'s stock. Philip Morris USA Inc. has no other publicly traded subsidiaries or affiliates. Philip Morris USA Inc. is and has been represented in this litigation by Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC, Shook, Hardy & Bacon, L.L.P., and Fasi & DiBello.

DATED: May 11, 2023.

/s/ Ryan T. Gormley

Attorney for Real Party in Interest
Philip Morris USA Inc.

RESPONSE

Pursuant to NRAP 27(a)(3), Real Party in Interest Philip Morris USA Inc. submits this response to Petitioners' motion to exceed their word limit.

Petitioners' petition stems from district court orders filed on October 23, 2022, and October 26, 2022. *See* 59 PA 8969–72, 59 PA 8979–81, 59 PA 9127–29. Petitioners' motions to reconsider those orders were denied on February 11, 2023. *See* 61 PA 9535–37, 61 PA 9547–49. Nearly three months later (and more than six months after the original district-court orders), on May 4, 2023, Petitioners filed an 89-page, 18,294-word writ petition; a 62-volume, 9,655-page appendix; and a motion to exceed the word limit. Petitioners' motion to exceed the word limit should be denied.

Writ petitions are ordinarily capped at 7,000 words. *See* NRAP 21(d). “The [C]ourt looks with disfavor on motions to exceed the . . . type-volume limitation.” NRAP 32(a)(7)(D)(i). “[T]herefore, permission to exceed the . . . type-volume limitation will not be routinely granted.” *Id.* Philip Morris typically does not oppose motions to exceed word limits—so long as the requested increase is modest and reasonable. Here, however, Petitioners request a word-limit extension that would allow a writ petition that is *over two-and-a-half times* the presumptive 7,000-word limit—and is over 4,000 words greater than the presumptive 14,000-word limit that applies to principal briefs in plenary, noncapital appeals, *see* NRAP 32(a)(7)(A)(ii).

In this case, Philip Morris would not oppose a 10,000-word limit. To the extent the Court does not summarily deny the petition, the Court should deny Petitioners' motion to exceed the word limit and order them to refile a petition that does not exceed 10,000 words. *See also* NRAP 32(a)(7)(D)(i) ("The court will not consider the cost of preparing and revising the brief in ruling on the motion [to exceed the word limit].").

To the extent that the Court orders Philip Morris to submit an answer, Philip Morris respectfully requests that its answer be subject to the same word limit as Petitioners' petition, and that its answer be due three months after entry of the Court's order.

DATED: May 11, 2023.

/s/ Ryan T. Gormley

Attorney for Real Party in Interest
Philip Morris USA Inc.

CERTIFICATE OF SERVICE

Pursuant to NRAP 25, I hereby certify that I am an employee of Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC and that on May 11, 2023, I filed the foregoing **REAL PARTY IN INTEREST PHILIP MORRIS USA INC.'S RESPONSE TO PETITIONERS' MOTION TO EXCEED WORD LIMIT** with the Clerk of the Nevada Supreme Court. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

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I further certify that I served a copy of the foregoing documents by e-mail to the following:

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Respondents

/s/ Kelly L. Pierce