

**IN THE SUPREME COURT OF NEVADA**

SANDRA CAMACHO; and ANTHONY CAMACHO,  
Petitioners,

v.

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 INC. D/B/A SMOKES &  
VAPORS, a domestic corporation,

Real Parties in Interest.

Case No. 86501

District Court Case A-19-807650-C

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**REAL PARTY IN INTEREST PHILIP MORRIS USA INC.'S  
MOTION FOR EXTENSION OF TIME TO FILE  
ANSWER TO PETITION FOR WRIT OF MANDAMUS**

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*Attorney for Real Party in Interest Philip Morris USA Inc.*

## **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: June 1, 2023.

/s/ D. Lee Roberts, Jr.

Attorney for Real Party in Interest  
Philip Morris USA Inc.

Pursuant to Nevada Rules of Appellate Procedure 26(b) and 27, Real Party in Interest Philip Morris USA Inc. moves the Court for a 60-day extension of time to file its answer to Petitioners’ Petition for Writ of Mandamus, which would move its current June 23, 2023, answer deadline to August 22, 2023. This is Philip Morris’s first motion for an extension of time. To date, no request for additional time has been denied in whole or in part. As explained below, this motion is supported by good cause.

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.

In moving to exceed the applicable word limit by over 11,000 words, Petitioners emphasized—five times—the “attention and care” they exercised in drafting various sections of their petition. Pet. Mot. to Exceed Word Limit, Doc. 2023–14063, at 4–7, 9. They further represented “that spending nearly three months reviewing the entire relevant record, reading all the parties’ proffered caselaw, and drafting a complete mandamus petition was reasonable.” Pet. Reply in

Supp. of Mot. to Exceed Word Limit, Doc. 2023–15264, at 3 n.1.

We agree: it was reasonable for Petitioners to spend nearly three months to review the record, research the relevant caselaw, and draft their petition. A 60-day extension would afford Philip Morris a similar amount of time to review the record and caselaw, and to draft a response to Petitioners’ 18,294-word petition with a similar level of attention and care. In the meantime, there is no countervailing urgency, because the trial court—at Petitioners’ unopposed request—“stay[ed] the entire matter . . . pending the Supreme Court of Nevada’s resolution of Plaintiffs’ mandamus petition.” 61 PA 9565–69.

Good cause is also shown by the other commitments Philip Morris’s counsel have in the coming months.

Philip Morris’s undersigned counsel, Lee Roberts, is heavily involved in both pretrial motion practice and trial preparation in *Bension v. Alhambra*, A–20–812202–C, pending in Clark County Nevada, District Court Department 4. Thirty-two summary judgment and pretrial motions are scheduled to be argued beginning June 7, 2023. The jury trial is scheduled to begin July 5, 2023, with jury selection, and is scheduled to continue through July 21, 2023.

Philip Morris’s appellate counsel, Scott Chesin (who will apply for *pro hac vice* status), has several competing professional obligations that will limit his

availability over the coming three months, which include:

- Drafting an appellate reply brief due on June 16, 2023, in *Philip Morris USA Inc. v. Garcia*, No. 3D21–0032 (Fla. Dist. Ct. App.)
- Drafting an appellate opening brief due on June 19, 2023, in *R.J. Reynolds Tobacco Co. v. Levine*, No. 3D22–1803 (Fla. Dist. Ct. App.)
- Drafting an appellate opening brief due on July 3, 2023, in *Philip Morris USA Inc. v. Hoffman*, No. 3D23–751 (Fla. Dist. Ct. App.)
- Preparing for and arguing a summary-judgment motion on July 3, 2023, in *Ricapor-Hall v. Philip Morris USA Inc.*, No. 1CCV–21–0000334 (Haw. Cir. Ct.)
- Drafting an appellate reply brief due on July 18, 2023, in *Monzón v. Philip Morris USA Inc.*, No. 3D22–1619 (Fla. Dist. Ct. App.)
- Representing Philip Morris in a four-week jury trial scheduled to start on July 14, 2023, in *Ricapor-Hall v. Philip Morris USA Inc.*, No. 1CCV–21–0000334 (Haw. Cir. Ct.)
- Drafting an appellate response brief due on July 20, 2023, in *Sommers v. Philip Morris USA Inc.*, No. 3D22–1202 (Fla. Dist. Ct. App.)

As demonstrated above, this motion is submitted in good faith and is supported by good cause, in accordance with Nevada Rule of Appellate Procedure 26(b).

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For the foregoing reasons, Philip Morris respectfully requests a 60-day extension of time, until August 22, 2023, within which to file its answer to Petitioners' Petition for Writ of Mandamus.

DATED: June 1, 2023.

/s/ D. Lee Roberts, Jr.

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 June 1, 2023, I filed the foregoing **REAL PARTY IN INTEREST PHILIP MORRIS USA INC.'S MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO PETITION FOR WRIT OF MANDAMUS** 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*