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

Electronically Filed
Aug 10 2023 12:44 PM
Elizabeth A. Brown
Clerk of Supreme Court

REAL PARTY IN INTEREST PHILIP MORRIS USA INC.'S MOTION TO ASSOCIATE COUNSEL (ELLIOTT M. DAVIS)

D. Lee Roberts, Jr., Esq.
Nevada Bar No. 8877
WEINBERG, WHEELER, HUDGINS,
GUNN & DIAL, LLC
6385 South Rainbow Blvd., Suite 400
Las Vegas, Nevada 89118
Telephone: (702) 938-3838
Facsimile: (702) 938-3864

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: August 10, 2023

Attorney for Real Party in Interest
Philip Morris USA Inc.

Pursuant to Nevada Rule of Appellate Procedure 27 and Nevada Supreme Court Rule 42, Real Party in Interest Philip Morris USA Inc. moves the Court for an order associating Elliott M. Davis as counsel in this matter. In support of this motion, Philip Morris attaches: (i) the Declaration of Elliott M. Davis in Support of Pro Hac Vice Application and Motion to Associate (Ex. A); (ii) the Verified Application for Association of Counsel (Elliott M. Davis) under Nevada Supreme Court Rule 42 (Ex. B); (iii) Mr. Davis's certificates of good standing from New York, Massachusetts, and the District of Columbia (Ex. C); (iv) the Statement of the Nevada State Bar (Ex. D); and (v) a proposed order (Ex. E).

As explained in greater detail in Mr. Davis's attached declaration, good cause and special circumstances warrant Mr. Davis's association as counsel in this matter. The law firm of Shook, Hardy & Bacon, L.L.P., with which Mr. Davis practices, is Philip Morris USA Inc.'s national litigation counsel. Shook, Hardy & Bacon regularly defends Philip Morris in product-liability litigation across the country.

In Nevada, there are four pending product-liability lawsuits brought against Philip Morris (including this one) based on a plaintiff's purchase and use of tobacco products. These lawsuits all involve similar allegations and counsel. As Philip Morris's national litigation counsel, Shook, Hardy & Bacon is familiar with the facts of these cases, the evidence and the law pertaining to the plaintiffs' claims, and Philip Morris's strategy for litigating these matters. Attorneys from Shook, Hardy

& Bacon have been admitted *pro hac vice* in each of these matters. Mr. Davis, however, has never sought *pro hac vice* admission in any of these cases.

The related nature of these various proceedings against Philip Morris, and Shook, Hardy & Bacon's institutional knowledge concerning these product-liability lawsuits, present good cause and special circumstances warranting Mr. Davis's association as counsel in this matter.

For the foregoing reasons, Philip Morris respectfully requests that the Court grant this motion, and allow Mr. Davis's association as counsel in this matter.

DATED: August 10, 2023

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 August 10, 2023, I filed the foregoing **REAL PARTY IN INTEREST PHILIP MORRIS USA INC.'S MOTION TO ASSOCIATE COUNSEL (ELLIOTT M. DAVIS)** 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:

Ursula Marie Henninger, Esq. *Admitted Pro Hac Vice* UHenninger@klsaw.com KING & SPALDING 300 S. Tryon Street Charlotte, NC 28202 *Attorneys for Real Party in Interest, R.J. Reynolds Tobacco Company*	Jennifer Kenyon, Esq. *Admitted Pro Hac Vice* *jbkenyon@shb.com* Bruce R. Tepikian, Esq. *Admitted Pro Hac Vice* *btepikian@shb.com* SHOOK, HARDY & BACON L.L.P. 2555 Grand Boulevard Kansas City, MO 64108 (816) 474-6550 *Attorneys for Real Party in Interest Philip Morris USA Inc.*
Hassia T. Diolombi, Esq. *Admitted Pro Hac Vice* *hdiolombi@shb.com* SHOOK, HARDY & BACON L.L.P. 201 S. Biscayne Blvd., Suite 3200 Miami, FL 33131 (305) 358-5171 *Attorneys for Real Party in Interest Philip Morris USA Inc.*	Peter M. Henk, Esq. *Admitted Pro Hac Vice* *phenk@shb.com* SHOOK, HARDY & BACON L.L.P. 600 Travis Street, Suite 3400 Houston, TX 77002 (713) 227-8008 *Attorneys for Real Party in Interest Philip Morris USA Inc.*

Joseph M. Fasi, II, Esq. *Admitted Pro Hac Vice* *fasi@fasidibellolaw.com* FASI & DIBELLO 150 SE 2d Avenue, Suite 1010 Miami, FL 33131 (305) 537-0469 *Attorneys for Real Party in Interest Philip Morris USA Inc.*	Brian A. Jackson, Esq.* *Admitted Pro Hac Vice* *bjackson@arnoldporter.com* ARNOLD & PORTER KAYE SCHOLER LLP 601 Massachusetts Ave, NW Washington, DC 20001-3743 (202) 942-5000 *Attorneys for Real Party in Interest Philip Morris USA Inc.*

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

Hon. Nadia Krall, D.J.
Dept04lc@clarkcountycourts.us
Respondents

An Employee of Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC

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* Admitted only in Florida, Kansas, and Missouri; practicing law in the District of Columbia during the pendency of his application for admission to the D. C. Bar and under the supervision of lawyers in the firm who are members in good standing of the D.C. Bar.

EXHIBIT A

EXHIBIT A

DECLARATION OF ELLIOTT M. DAVIS
IN SUPPORT OF PRO HAC VICE APPLICATION AND MOTION TO ASSOCIATE

I, Elliott Davis, declare as follows:

1. I am a senior counsel with the law firm of Shook, Hardy & Bacon L.L.P. I have personal knowledge of and am competent to testify to the facts contained in this Declaration. I make this Declaration in support of my Pro Hac Vice Application and Motion to Associate.

2. Shook, Hardy & Bacon is a Kansas City-based Am Law 100 law firm. Established in 1889, Shook, Hardy & Bacon has expanded to become an international law firm with an expertise in products liability, and has more than 500 attorneys across 19 offices, globally.

3. Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC is local counsel for Philip Morris USA Inc. ("PM USA"), while Shook, Hardy & Bacon serves as counsel in the following proceedings pending in the Eighth Judicial District Court, Clark County:

a. *Camacho v. Philip Morris USA Inc. et al.*, Case No. A-19-807650-C, pending in Department No. VIII.

b. *Tully v. Philip Morris USA Inc. et al.*, Case No. A-19-807657-C, pending in Department No. XVII.

c. *Rowan v. Philip Morris USA Inc. et al.*, Case No. A-20-811091-C, pending in Department No. V.

d. *Geist v. Philip Morris USA Inc. et al.*, Case No. A-19-807653-C, pending in Department No. VIII.

e. *Lango v. Philip Morris USA Inc. et al.*, Case No. A-23-872964-C, pending in Department No. XX.

4. In *Geist v. Philip Morris USA Inc. et al.*, as of May 22, 2023, the case was settled as to PM USA and a notice of dismissal with prejudice was filed on June 14, 2023.

5. Shook, Hardy & Bacon regularly defends PM USA in these cases throughout the United States, and the institutional knowledge of Shook, Hardy & Bacon and its individual attorneys is a valuable asset to PM USA.

6. Supreme Court Rule 42(6) provides that, "absent special circumstances, and only upon a showing of good cause . . . more than 5 appearances by any attorney granted under this rule in a 3-year period is excessive use of this rule." S. Ct. R. 42(6)(a).

7. This is my first *pro hac vice* application in Nevada. Shook, Hardy & Bacon has made 27 appearances in Nevada in the past three years.

8. Currently, Shook, Hardy & Bacon is defending PM USA in these pending matters, which may not reach final resolution for several years. These matters are all related, with similar allegations, counsel, and parties. They are all product-liability matters based on the purchase and use of tobacco products.

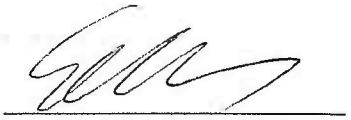
9. PM USA desires that Shook, Hardy & Bacon represent it in currently pending matters and any new matters that are filed. Shook, Hardy & Bacon is familiar with the facts of these cases, the evidence at issue, the law pertaining to the claims, and PM USA's strategy for litigating these matters. PM USA would be severely prejudiced by having to obtain different counsel for these matters. The attorneys admitted *pro hac vice* in the pending cases involving PM USA in the district court do not seek admission in every case, so as not to abuse the *pro hac vice* process.

10. While Supreme Court Rule 42 does not provide a specific limit on the number of appearances that members of the same law firm may make within a set period of time, the related nature of these cases and the long-standing relationship between Shook, Hardy & Bacon L.L.P.

and PM USA present good cause and special circumstances sufficient to satisfy Supreme Court Rule 42(6).

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated: August 8, 2023



Elliott M. Davis

EXHIBIT B

EXHIBIT B

IN THE SUPREME COURT OF THE STATE 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

VERIFIED APPLICATION FOR ASSOCIATION OF COUNSEL (ELLIOTT M. DAVIS) UNDER NEVADA SUPREME COURT RULE 42

Elliott M. Davis, Petitioner, respectfully represents:

1. Petitioner resides at 2555 Pennsylvania Ave. NW, Washington, D.C. 20037; phone: (201) 956-3695.

2. Petitioner is an attorney at law and member of the law firm of Shook Hardy & Bacon, with offices at 1800 K St. NW Ste. 1000, Washington, D.C. 20006; phone: (202) 662-4867 email:

edavis@shb.com.

3. Petitioner has been retained personally or as a member of the above named law firm by Real Party in Interest Philip Morris USA Inc. to provide legal representation in connection with the above-entitled matter now pending before the above referenced court.

4. Since January 4, 2021, petitioner has been, and presently is, a member of good standing of the bar of the highest court of the District of Columbia where petitioner regularly practices law.

5. Petitioner was admitted to practice before the following United States District Courts, Courts of Appeal, the Supreme Court of the United States, and/or courts of other states on the dates indicated for each, and is presently a member in good standing of the bars of said Courts:

Court	Date Admitted	Good Standing?
New York Appellate Division	4/23/2008	Yes
Massachusetts Supreme Judicial Court	12/17/2012	Yes
U.S. Court of Appeals, First Circuit	8/22/2018	Yes
U.S. Court of Appeals, Second Circuit	10/12/2022	Yes
U.S. Court of Appeals, Fifth Circuit	1/21/2010	Yes
U.S. Court of Appeals, Ninth Circuit	6/1/2022	Yes
U.S. Court of Appeals, Tenth Circuit	4/27/2016	Yes
U.S. District Court, Southern District of New York	6/17/2008	Yes
U.S. District Court, Eastern District of New York	6/17/2008	Yes
U.S. District Court, Northern District of New York	1/18/2022	Yes
U.S. District Court, District of Massachusetts	4/16/2013	Yes
U.S. District Court, Eastern District of Michigan	1/31/2014	Yes

6. Is Petitioner currently suspended or disbarred in any court? You must answer yes or no. If yes, give particulars; e.g., court, jurisdiction, date: No.

7. Is Petitioner currently subject to any disciplinary proceedings by any organization with authority at law? You must answer yes or no. If yes, give particulars, e.g., court, discipline

authority, date, status: No.

8. Has Petitioner ever received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law? You must answer yes or no. If yes, give particulars, e.g., court, discipline authority, date, status: No.

9. Has Petitioner ever had any certificate or privilege to appear and practice before any regulatory administrative body suspended or revoked? You must answer yes or no. If yes, give particulars, e.g., date, administrative body, date of suspension or reinstatement: No.

10. Has Petitioner, either by resignation, withdrawal, or otherwise, ever terminated or attempted to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings? You must answer yes or no. If yes, give particulars: No.

11. Petitioner, or any member of petitioner's firm, has/have filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matter(s), if none, indicate so: *(do not include Federal Pro Hacs)*

Date of Application	**Cause**	**Title of Court, Administrative Body, or Arbitrator**	**Was Application Granted or Denied**
5/31/2022	*Speed v. Philip Morris USA Inc. et al.* (A-20-819040-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney Andre D. Tinoco, Jr.)
5/18/2022	*Camacho v. Philip Morris USA Inc. et al.* (A-19-807650-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney Peter M. Henk)
5/18/2022	*Camacho v. Philip Morris USA Inc. et al.* (A-19-807650-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney Hassia T. Diolombi)
5/6/2022	*Geist v. Philip Morris USA Inc. et al.* (A-19-807653-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney John M. Lyons)
2/22/2022	*Tully v. Philip Morris USA Inc. et al.* (A-19-807657-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney Scott A. Chesin)

12/27/2021	*Camacho v. Philip Morris USA Inc. et al.* (A-19-807650-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney Alexandra L. Sorenson)
12/7/2021	*Tully v. Philip Morris USA Inc. et al.* (A-19-807657-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney Martin Scott Michelman)
5/17/2021	*Melinda Adkins et al. v. Union Pacific Railroad Co. et al.* (A-21-827461-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney Richard L. Campbell)
4/26/2021	*Marquez-Espino v. Barber et al.* (A-18-780341-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney Bryan T. Pratt)
4/26/2021	*Melinda Adkins et al. v. Union Pacific Railroad Co. et al.* (A-21-827461-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney Thomas M. Goutman)
4/23/2021	*Melinda Adkins et al. v. Union Pacific Railroad Co. et al.* (A-21-827461-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney Rosemary R. Schnall)
4/23/2021	*Melinda Adkins et al. v. Union Pacific Railroad Co. et al.* (A-21-827461-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney Kim Kocher)
4/23/2021	*Melinda Adkins et al. v. Union Pacific Railroad Co. et al.* (A-21-827461-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney David S. Haase)
4/12/2021	*Kelly v. Philip Morris USA Inc. et al.* (A-20-820112-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney Lindsey K. Heinz)
4/8/2021	*Melinda Adkins et al. v. Union Pacific Railroad Co. et al.* (A-21-827461-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney Adam E. Miller)
4/7/2021	*Melinda Adkins et al. v. Union Pacific Railroad Co. et al.* (A-21-827461-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney Chelsea Mannery)
3/31/2021	*Marsh v. Monster Beverage Corp. et al.* (A-20-824699-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney Kristy A. Schlesinger)
3/31/2021	*Marsh v. Monster Beverage Corp. et al.* (A-20-824699-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney Marc P. Miles)

2/2/2021	*Speed v. Philip Morris USA Inc. et al.* (A-20-819040-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney Jennifer Kenyon)
11/5/2020	*Parsons v. Colt's Manufacturing Co. LLC,* (No. 81034)	Nevada Supreme Court	Granted (for attorney Victor Schwartz)
9/4/2020	*Camacho v. Philip Morris USA Inc. et al.* (A-19-807650-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney Brian Jackson)
8/20/2020	*Tully v. Philip Morris USA Inc. et al.* (A-19-807657-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney Brian Jackson)
8/5/2020	*Camacho v. Philip Morris USA Inc. et al.* (A-19-807650-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney Bruce Tepikian)
7/31/2020	*Clark v. Philip Morris USA Inc. et al.* (A-19-802987-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney Bruce Tepikian)
7/28/2020	*Geist v. Philip Morris USA Inc. et al.* (A-19-807653-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney Bruce Tepikian)
7/16/2020	*Rowan v. Philip Morris USA Inc. et al.* (A-20-811091-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney Lindsey K. Heinz)
6/25/2020	*Clark v. Philip Morris USA Inc. et al.* (A-19-802987-C)	Eighth Judicial District Court (Clark County)	Granted (for attorney Jennifer Kenyon)

12. Nevada Counsel of Record for Petition in this matter is: D. Lee Roberts, Jr., Esq. (NV Bar 8877), who has offices at Weinberg Wheeler Hudgins Gunn & Dial, LLC, 6385 S. Rainbow Blvd., Ste. 400, Las Vegas, Clark County, Nevada 89118, 702-938-3838; lroberts@wwhgd.com.

13. The following accurately represents the names and addresses of each party in this matter, WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each counsel of record who appeared for said parties:

Sean K. Claggett, Esq. sclaggett@claggettlaw.com Micah S. Echols, Esq. micah@claggettlaw.com Matthew S. Granda, Esq. mgranda@claggettlaw.com	Fan Li, Esq. fli@kulaw.com Nevada Bar No. 15771 KELLEY UUSTAL 500 North Federal Highway, Suite 200 Fort Lauderdale, FL 33301

David P. Snyder, Esq. david@claggettlaw.com Charles L. Finlayson, Esq. charles@claggettlaw.com CLAGGETT & SYKES LAW FIRM 4101 Meadows Lane, Suite 100 Las Vegas, NV 89107 (702) 655-2346 (702) 655-3763 FAX *Attorneys for Petitioners Sandra Camacho and Anthony Camacho*	*Attorneys for Petitioners Sandra Camacho and Anthony Camacho*
Daniel F. Polsenberg, Esq. dpolsenberg@lrrc.com J. Christopher Jorgensen, Esq. cjorgensen@lrrc.com LEWIS ROCA ROTHGERBER CHRISTIE LLP 3993 Howard Hughes Parkway, Suite 600 Las Vegas, Nevada 89169 (702) 949-8200 *Attorneys for Real Party in Interest Liggett Group LLC*	Kelly Anne Luther, Esq. *Admitted Pro Hac Vice* kluther@kasowitz.com Giselle Gonzalez Manseur, Esq. *Admitted Pro Hac Vice* gmanseur@kasowitz.com KASOWITZ BENSON TORRES LLP 1441 Brickell Avenue, Suite 1420 Miami, FL 33131 (786) 587-1045 *Attorneys for Real Party in Interest Liggett Group LLC*
Dennis L. Kennedy, Esq. DKennedy@baileykennedy.com Joseph A. Liebman, Esq. JLiebman@baileykennedy.com BAILEY KENNEDY 8984 Spanish Ridge Ave. Las Vegas, Nevada 89148 Phone: 702-562-8820 Fax: 702-562-8821 *Attorneys for Real Party in Interest R.J. Reynolds Tobacco Company*	Valentin Leppert, Esq. *Admitted Pro Hac Vice* VLeppert@kslaw.com Sergio Alejandro Galvan, Esq. *Admitted Pro Hac Vice* agalvan@kslaw.com KING & SPALDING 1180 Peachtree Street NE, Suite 16090 Atlanta, GA 30309 *Attorneys for Real Party in Interest R.J. Reynolds Tobacco Company*

Ursula Marie Henninger, Esq. *Admitted Pro Hac Vice* UHenninger@klsaw.com KING & SPALDING 300 S. Tryon Street Charlotte, NC 28202 *Attorneys for Real Party in Interest, R.J. Reynolds Tobacco Company*	Jennifer Kenyon, Esq. *Admitted Pro Hac Vice* *jbkenyon@shb.com* Bruce R. Tepikian, Esq. *Admitted Pro Hac Vice* *btepikian@shb.com* SHOOK, HARDY & BACON L.L.P. 2555 Grand Boulevard Kansas City, MO 64108 (816) 474-6550 *Attorneys for Real Party in Interest Philip Morris USA Inc.*
Hassia T. Diolombi, Esq. *Admitted Pro Hac Vice* *hdiolombi@shb.com* SHOOK, HARDY & BACON L.L.P. 201 S. Biscayne Blvd., Suite 3200 Miami, FL 33131 (305) 358-5171 *Attorneys for Real Party in Interest Philip Morris USA Inc.*	Peter M. Henk, Esq. *Admitted Pro Hac Vice* *phenk@shb.com* SHOOK, HARDY & BACON L.L.P. 600 Travis Street, Suite 3400 Houston, TX 77002 (713) 227-8008 *Attorneys for Real Party in Interest Philip Morris USA Inc.*
Joseph M. Fasi, II, Esq. *Admitted Pro Hac Vice* *fasi@fasidibellolaw.com* FASI & DIBELLO 150 SE 2d Avenue, Suite 1010 Miami, FL 33131 (305) 537-0469 *Attorneys for Real Party in Interest Philip Morris USA Inc.*	D. Lee Roberts, Jr., Esq. Nevada Bar No. 8877 lroberts@wwhgd.com WEINBERG, WHEELER, HUDGINS, GUNN & DIAL, LLC 6385 South Rainbow Blvd., Suite 400 Las Vegas, NV 89118 (702) 938-3838 *Attorneys for Real Parties in Interest Philip Morris USA Inc. and ASM Nationwide Corporation*
Brian A. Jackson, Esq.* *Admitted Pro Hac Vice* *bjackson@arnoldporter.com* ARNOLD & PORTER KAYE SCHOLER LLP 601 Massachusetts Ave, NW Washington, DC 20001-3743 (202) 942-5000 *Attorneys for Real Party in Interest Philip Morris USA Inc.*	

* Admitted only in Florida, Kansas, and Missouri; practicing law in the District of Columbia during the pendency of his application for admission to the D. C. Bar and under the supervision of lawyers in the firm who are members in good standing of the D.C. Bar.

14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and (13) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES OF THIS MATTER ONLY.

15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

Creed of Professionalism and Civility

PREAMBLE

A lawyer should always show personal courtesy and professional integrity in the fullest sense of those terms.

In fulfilling our duty to represent a client vigorously as lawyers, we will honor our obligations to the administration of justice, which is a truth-seeking process designed to resolve human and societal problems in a rational, peaceful, and efficient manner. We remain committed to the rule of law as the foundation for a just and peaceful society.

Uncivil, abrasive, abusive, hostile, or obstructive conduct impedes the fundamental goal of resolving disputes rationally, peacefully, and efficiently. Incivility tends to delay, and often deny, justice.

Lawyers should exhibit courtesy, candor, and cooperation when participating in the legal system and dealing with the public. These standards encourage lawyers to fulfill obligations to each other, to litigants, and to justice. These honorable actions achieve the twin goals of civility and professionalism, both of which are hallmarks of a learned profession dedicated to public service.

While these standards are voluntary and not a basis for litigation or sanctions, violations of these standards may trigger sanctions under Rules 4.4, 8.4(b), or others. Ethical problems arise from the conflict between a lawyer's responsibilities to clients, to the legal system, and to the lawyer's own interests. The Rules of Professional Conduct resolve such conflicts. The Rules, however, cannot address every conflict that may arise. These standards honor the spirit of the Rules by balancing a lawyer's obligation to protect and pursue a client's legitimate interests zealously, within the bounds of the law, while maintaining a professional, courteous, and civil attitude toward all persons in the legal system.

The Court expects lawyers to commit to the spirit and letter of these standards, affirming that these guidelines do not denigrate the lawyer's duty of zealous representation. Law schools and continuing legal education courses should incorporate these standards when teaching professionalism to law students and practicing lawyers alike. Lawyers should make copies available to clients and adjudicators should reinforce these standards in the courtroom to reinforce our obligation to maintain and foster these standards and to make it clear that incivility may hurt the client's case.

CREED

1. We will strive to find harmony in our responsibilities as a representative of clients, as officers of the legal system, and as public citizens.
2. We will treat all participants of the legal system in a civil and courteous manner, not only in court, but also in all other written and oral communications.
3. We will never permit zealous advocacy to carry us beyond sobriety and decorum to disparaging personal remarks or acrimony.
4. We will demonstrate civility, professional integrity, personal dignity, respect, courtesy, and cooperation because they are essential to the fair administration of justice and conflict resolution.
5. We will not encourage or knowingly authorize any person under our control to engage in uncivil conduct.
6. We will not, absent good cause, attribute bad motives or improper conduct to other counsel or bring the profession into disrepute by unfounded accusations of impropriety.
7. We will avoid ex parte communications with the court or tribunal, including the judge's staff, on pending matters, except when permitted by law.
8. Honesty and fair dealing are integral components of civility. We will adhere to promises and agreements fairly reached, whether orally or in writing, in good faith. When reiterating oral promises or agreements in writing, we will fairly, completely, and in good faith, restate all elements of the parties' oral agreement.
9. We will confer early with other counsel to assess settlement possibilities. We will not falsely hold out the possibility of settlement to adjourn discovery or to delay trial.
10. We will stipulate to undisputed matters unless we have a good-faith basis not to stipulate.
11. We will try in good faith to resolve our objections with opposing counsel.
12. We will not time the filing or service of motions or pleadings in any way that unfairly limits another party's opportunity to respond.
13. We will not request an extension of time without just cause.
14. We will consult other counsel regarding scheduling matters in a good-faith effort to avoid scheduling conflicts.
15. We will endeavor to accommodate previously scheduled dates for hearings, depositions, meetings, conferences, vacations, seminars, or other functions of other counsel.
16. We will explain to our clients that cooperation is the professional norm. We will explain how procedural agreements do not compromise the clients' interests.
17. We will draft document requests and interrogatories without placing an undue burden or expense on any party.
18. We will ensure that our clients respond to document requests and interrogatories without strained interpretation. We will not produce documents or answer interrogatories in a manner designed to hide or obscure the existence of documents or information.
19. We will be punctual and prepared for all Court appearances so that all hearings, conferences, and trials may commence on time.
20. We will not engage in conduct that brings disorder or disruption to the legal proceeding. We will advise our clients and witnesses of the proper conduct expected and, to the best of our ability, prevent our clients and witnesses from creating disorder or disruption.

I, Elliott M. Davis, do hereby swear/affirm under penalty of perjury that the assertions of this application and the following statements are true:

1) That I am the Petitioner in the above entitled matter.

2) That I have received a copy of, read, and will adhere to the Nevada Creed of Professionalism and Civility.

3) That I have read Supreme Court Rule (SCR) 42 and meet all requirements contained therein, including, without limitation, the requirements set forth in SCR 42(2), as follows:

(A) I am not a member of the State Bar of Nevada;

(B) I am not a resident of the State of Nevada;

(C) I am not regularly employed as a lawyer in the State of Nevada;

(D) I am not engaged in substantial business, professional, or other activities in the State of Nevada;

(E) I am a member in good standing and eligible to practice before the bar of any jurisdiction of the United States; and

(F) I have associated a lawyer who is an active member in good standing of the State Bar of Nevada as counsel of record in this action or proceeding.

4) That I have read the foregoing application and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

5) That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand

and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.

DATED this 24th day of July, 2023

Petitioner/Affiant (blue ink)

DISTRICT OF COLUMBIA)
) ss
)

Subscribed and sworn to before me

this 24th day of July, 2023

Notary Public

ALAN ROBERT STARNER
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires February 14, 2028

ALAN ROBERT STARNER NOTARY PUBLIC DISTRICT OF COLUMBIA EXP. 02/14/2028

DESIGNATION, CERTIFICATION AND CONSENT OF NEVADA COUNSEL

SCR 42(14) Responsibilities of Nevada attorney of record.

(a) The Nevada attorney of record shall be responsible for and actively participate in the representation of a client in any proceeding that is subject to this rule.

(b) The Nevada attorney of record shall be present at all motions, pre-trials, or any matters in open court unless otherwise ordered by the court.

(c) The Nevada attorney of record shall be responsible to the court, arbitrator, mediator, or administrative agency or governmental body for the administration of any proceeding that is subject to this rule and for compliance with all state and local rules of practice. It is the responsibility of Nevada counsel to ensure that the proceeding is tried and managed in accordance with all applicable Nevada procedural and ethical rules.

I D. LEE ROBERTS hereby agree to associate with Petitioner referenced hereinabove and further agree to perform all of the duties and responsibilities as required by Nevada Supreme Court Rule 42.

DATED this 27 day of July, 2023

Nevada Counsel of Record (blue ink)

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

Subscribed and sworn to before me

this 27th day of July, 2023

Notary Public

FLOR E. GONZALEZ-PACHECO
Notary Public, State of Nevada
No. 20-9197-01
My Appt. Exp. May. 22, 2024

EXHIBIT C

EXHIBIT C

On behalf of JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals, the District of Columbia Bar does hereby certify that

Elliott Marc Davis

was duly qualified and admitted on January 4, 2021 as an attorney and counselor entitled to practice before this Court; and is, on the date indicated below, an Active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on July 18, 2023.

JULIO A. CASTILLO
Clerk of the Court

Issued By:

David Chu - Director, Membership
District of Columbia Bar Membership

For questions or concerns, please contact the D.C. Bar Membership Office at 202-626-3475 or email memberservices@dcbar.org.

Appellate Division of the Supreme Court
of the State of New York
First Judicial Department

I, Susanna M. Rojas, Clerk of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, do hereby certify that

Elliott Marc Davis

was duly licensed and admitted to practice as an Attorney and Counselor at Law in all the courts of this State on ***April 23, 2008,*** *has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counselors at Law on file in this office, is duly registered with the Administration Office of the Courts, and according to the records of this Court is currently in good standing as an Attorney and Counselor-at-Law.*

In Witness Whereof, I have hereunto set my hand in the City of New York on July 18, 2023.

Clerk of the Court

CertID-00128997

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BE IT REMEMBERED, that at the Supreme Judicial Court holden at Boston within and for said County of Suffolk, on **December 17, 2012**, said Court being the highest Court of Record in said Commonwealth:

Elliott Marc Davis

being found duly qualified in that behalf, and having taken and subscribed the oaths required by law, was admitted to practice as an Attorney, and, by virtue thereof, as a Counsellor at Law, in any of the Courts of the said Commonwealth: that said Attorney is at present a member of the Bar, and is in good standing according to the records of this Court*.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court, this **nineteenth** day of **July** in the year of our Lord **two thousand and twenty-three.**

MAURA S. DOYLE, Clerk

* Records of private discipline, if any, such as a private reprimand imposed by the Board of Bar Overseers or by any court, are not covered by this certification. X3116.

Amended January 2022, effective February 2022 for digital and/or electronic attestation for the Supreme Judicial Court for the County of Suffolk.

EXHIBIT D

EXHIBIT D

STAT

IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No. 86501

Sandra Camacho;
Anthony Camacho

vs.

The Eighth Judicial District
Court of the State of Nevada
_____/

STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE 42(3)(b)

THE STATE BAR OF NEVADA, in response to the application of Petitioner, submits the following statement pursuant to SCR42(3):

SCR42(6)**Discretion.** The granting or denial of a motion to associate counsel pursuant to this rule by the court is discretionary. The court, arbitrator, mediator, or administrative or governmental hearing officer may revoke the authority of the person permitted to appear under this rule. Absent special circumstances, repeated appearances by any person or firm of attorneys pursuant to this rule shall be cause for denial of the motion to associate such person.

(a) **Limitation.** It shall be presumed, absent special circumstances, and only upon showing of good cause, that more than 5 appearances by any attorney granted under this rule in a 3-year period is excessive use of this rule.

(b) **Burden on applicant.** The applicant shall have the burden to establish special circumstances and good cause for an appearance in excess of the limitation set forth in subsection 6(a) of this rule. The applicant shall set forth the special circumstances and good cause in an affidavit attached to the original verified application.

1. DATE OF APPLICATION: 7/28/2023

2. APPLYING ATTORNEY: Elliott Marc Davis, Esq.

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3. FIRM NAME AND ADDRESS: Shook Hardy & Bacon, 1800 K Street NE, Suite 1000, Washington, DC 20006

4. NEVADA COUNSEL OF RECORD: D. Lee Roberts, Esq., Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC, 6385 S. Rainbow Blvd., Suite 400, Las Vegas, NV 89118

5. There is no record of previous applications for appearance by petitioner within the past three (3) years.

DATED this July 28, 2023

Suzy Moore

Suzy Moore
Member Services Admin.
Pro Hac Vice Processor
STATE BAR OF NEVADA

EXHIBIT E

EXHIBIT E

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

PROPOSED ORDER ADMITTING TO PRACTICE (ELLIOTT M. DAVIS)

D. Lee Roberts, Jr., Esq.
Nevada Bar No. 8877
WEINBERG, WHEELER, HUDGINS,
GUNN & DIAL, LLC
6385 South Rainbow Blvd., Suite 400
Las Vegas, Nevada 89118
Telephone: (702) 938-3838
Facsimile: (702) 938-3864

Attorney for Real Party in Interest Philip Morris USA Inc.

Elliott M. Davis, Esq. having filed a Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Application for Association of Counsel, "Certificate of Good Standing"; and the State Bar of Nevada Statement; said application having been noticed, the Court having considered this matter, and the Court being fully apprised in the premises, and good cause appearing:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said application is granted and Elliott M. Davis, Esq. is hereby admitted to practice in the above-entitled Court for the purposes for the above-entitled matter only.

DATED this _____ day of _____, 2023.

_____

Respectfully Submitted By:

/s/ D. Lee Roberts, Jr.
D. Lee Roberts, Jr., Esq.
Nevada Bar No. 8877
WEINBERG, WHEELER, HUDGINS,
GUNN & DIAL, LLC
6385 South Rainbow Blvd., Suite 400
Las Vegas, Nevada 89118
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Facsimile: (702) 938-3864
Attorney for Real Party in Interest
Philip Morris USA Inc.