

SUPREME COURT OF NEVADA

Camacho v. District Court (Philip Morris USA, Inc.)

No. 82654, Supreme Court of Nevada (November 19, 2021)

SUMMARY

The Nevada Supreme Court granted petitioners' motion to voluntarily withdraw and dismiss their petition for a writ of mandamus or prohibition in Docket No. 82654. The court dismissed the petition, ordered the parties to bear their own attorney fees and costs, and denied as moot a motion to consolidate.

CASE DETAILS

COURT	Supreme Court of Nevada
JURISDICTION	Nevada
DECIDED	November 19, 2021
DOCKET	82654
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioners sought mandamus or prohibition relief from the Nevada Supreme Court. After the district court orally granted reconsideration in petitioners' favor and petitioners notified the Supreme Court that the writ petition was moot, petitioners moved to voluntarily withdraw and dismiss the petition.
PRECEDENTIAL VALUE	Nonprecedential dispositional order
PARTIES	Anthony Camacho, Sandra Camacho v. The Eighth Judicial District Court of the State of Nevada, in and for the County of Clark, Nadia Krall, ASM Nationwide Corporation, Liggett Group, LLC, Philip Morris USA, Inc., R.J. Reynolds Tobacco Company

TOPICS

writ of certiorari mootness appellate procedure civil procedure

PRACTICE AREAS

civil procedure appellate procedure extraordinary writs

QUESTIONS PRESENTED

1. Whether petitioners' motion to voluntarily withdraw and dismiss the petition for a writ of mandamus or prohibition should be granted.

KEY QUOTATIONS

“The petition is dismissed.”

FACTUAL BACKGROUND

The underlying matter was pending in the Eighth Judicial District Court in Clark County. Petitioners sought extraordinary relief concerning that proceeding. During the pendency of the writ petition, the district court orally granted reconsideration to petitioners, and petitioners advised the Supreme Court that the writ petition had become moot.

PROCEDURAL HISTORY

The petition was filed on March 24, 2021, challenging proceedings in Clark County District Court case A807650. The Supreme Court ordered answers, received an answer and joinder, and was later notified that the district court had granted reconsideration to petitioners. The Supreme Court ordered petitioners to provide the written district court order and file any motion to withdraw; petitioners then moved for voluntary dismissal. On November 19, 2021, the court granted the motion despite R.J. Reynolds Tobacco Company's opposition and dismissed the petition.

DISPOSITION

dismissed

OPINION

PER CURIAM.

82654: Case View Nevada Appellate Courts Appellate Case Management System C-Track, the browser based CMS for Appellate Courts Case Search Participant Search Cases Case Search Participant Search 21-33391: This document is currently unavailable. If you need a copy of this document, please contact Clerk's Office at (775)684-1600. Disclaimer: The information and documents available here should not be relied upon as an official record of action.Only filed documents can be viewed.

Some documents received in a case may not be available for viewing.Some documents originating from a lower court, including records and appendices, may not be available for viewing.For official records, please contact the Clerk of the Supreme Court of Nevada at (775) 684-1600. Case Information: 82654 Short Caption:CAMACHO VS. DIST. CT. (PHILIP MORRIS USA, INC.)Court:Supreme Court Related Case(s):83724 Lower Court Case(s):Clark Co. - Eighth Judicial District - A807650Classification:Original Proceeding - Civil - Mandamus/Prohibition Disqualifications:Case Status:Disposition Filed/Case Closed Replacement:Panel Assigned: Panel

To SP/Judge:SP Status: Oral Argument:Oral Argument Location: Submission Date:How Submitted: + Party Information RoleParty NameRepresented By PetitionerAnthony CamachoSean K. Claggett (Claggett & Sykes Law Firm) Micah S. Echols (Claggett & Sykes Law Firm) Matthew S. Granda (Claggett & Sykes Law Firm) Michael Aaron Hersh (Kelley Uustal/Fort Lauderdale) Fan Li (Kelley Uustal/Fort Lauderdale) Kimberly Lauren Wald (Kelley Uustal/Fort Lauderdale) PetitionerSandra CamachoSean K. Claggett (Claggett & Sykes Law Firm) Micah S. Echols (Claggett & Sykes Law Firm) Matthew S. Granda (Claggett & Sykes Law Firm) Michael Aaron Hersh (Kelley Uustal/Fort Lauderdale) Fan Li (Kelley Uustal/Fort Lauderdale) Kimberly Lauren Wald (Kelley Uustal/Fort Lauderdale) Real Party in InterestASM Nationwide CorporationDaniela LaBounty (Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC/Las Vegas) D. Lee Roberts, Jr. (Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC/Las Vegas) Phillip N. Smith, Jr. (Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC/Las Vegas) Real Party in InterestLiggett Group, LLCJ.

Christopher Jorgensen (Lewis Roca Rothgerber Christie LLP/Las Vegas) Kelly Anne Luther (Kasowitz Benson Torres LLP/Miami) Daniel F. Polsenberg (Lewis Roca Rothgerber Christie LLP/Las Vegas) Real Party in InterestPhilip Morris USA, Inc.Brian A. Jackson (Shook, Hardy & Bacon LLP/Kansas City) Jennifer Kenyon (Shook, Hardy & Bacon LLP/Kansas City) Daniela LaBounty (Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC/Las Vegas) D. Lee Roberts, Jr. (Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC/Las Vegas) Phillip N. Smith, Jr. (Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC/Las Vegas) Bruce R. Tepikian (Shook, Hardy & Bacon LLP/Kansas City) Real Party in InterestR.J.

Reynolds Tobacco CompanyDennis L. Kennedy (Bailey Kennedy) Joseph A. Liebman (Bailey Kennedy) RespondentNadia Krall RespondentThe Eighth Judicial District Court of the State of Nevada, in and for the County of Clark Docket Entries DateTypeDescriptionPending?Document 03/24/2021Filing FeeFiling fee paid. E-Payment \$250.00 from Micah S. Echols. (SC) 03/24/2021Petition/WritFiled Petition for Writ of Mandamus or Prohibition.

(SC)Y21-08404 03/24/2021AppendixFiled Appendix to Petition for Writ - Volume 1. (SC)21-08405 03/24/2021AppendixFiled Appendix to Petition for Writ - Volume 2. (SC)21-08406 03/24/2021AppendixFiled Appendix to Petition for Writ - Volume 3. (SC)21-08407 04/15/2021Order/ProceduralFiled Order Directing Answer. Real parties in interest, on behalf of respondents, shall have 28 days from the date of this order to file and serve an answer against issuance of the requested writ.

Petitioner shall have 14 days from service of the answer to file and serve any reply. (SC)21-10861 04/22/2021MotionFiled Real Party in Interest RJ Reynolds Tobacco Company's Stipulation for Extension of Time to File Answer to Writ. (SC)21-11622 04/27/2021Order/ProceduralFiled Order Approving Stipulation. R.J. Reynolds' answer to the writ petition due: June 14, 2021.

Petitioners shall have 14 days from the last-filed answer to file and serve any reply. (SC)21-12022 05/13/2021MotionFiled Real Party in Interest Liggett Group LLC's Motion for Extension of Time to File Answer. (SC)21-13872 05/24/2021Order/ProceduralFiled Order Granting Motion. Liggett Group's answer due: June 14, 2021. Petitioners shall have 14 days from the last-filed answer to file and serve any reply.

This matter will be resolved without answers from Philip Morris or ASM Nationwide. (SC)21-14763 06/14/2021Petition/WritFiled Real Party in Interest RJ Reynolds Tobacco Company's Answer to Petition for Writ of Mandamus or Prohibition. (SC)21-17117 06/14/2021BriefFiled Liggett Group LLC's Joinder in Answer to Writ Petition. (SC)21-17144 06/22/2021Order/Clerk'sFiled Order Granting Telephonic Extension.

Petitioner's Reply due: July 12, 2021. (SC)21-17886 07/08/2021Notice/IncomingFiled Petitioners' Notice of Appearance for Fan Li. (SC)21-19527 07/12/2021BriefFiled Petitioners' Reply in Support of Petition for Writ of Mandamus or Prohibition. (REJECTED PER NOTICE FILED ON 7/12/21) (SC) 07/12/2021Notice/OutgoingIssued Notice of Rejection of Filed Document. (SC)21-19960 07/12/2021Petition/WritFiled Petitioners' Reply to Answer to Petition for Writ of Mandamus or Prohibition.

(SC)21-20009 09/23/2021Notice/IncomingFiled Petitioners' Notice Regarding District Court's Oral Ruling Granting Reconsideration to Petitioners and Mootness of Writ of Petition. (SC)21-27556 09/24/2021Notice/IncomingFiled Real Party in Interest (R.J. Reynolds Tobacco Company's) Response to Petitioners' Notice Regarding District Court Ruling Granting Reconsideration to Petitioners and Mootness of Writ Petition.

(SC)21-27663 11/03/2021Order/ProceduralFiled Order. Petitioners shall have 30 days from the date of this order to provide this court with the district court's written order and file any motion to withdraw this petition. (SC)21-31605 11/10/2021MotionFiled Petitioners' Motion to Voluntarily Withdraw and Dismiss Petition for Writ of Mandamus or Prohibition. (SC)21-32417 11/17/2021MotionFiled Real Party in Interest R.J.

Reynolds Tobacco Company's Opposition to Petitioners' Motion to Voluntarily Withdraw and Dismiss Petition for Writ of Mandamus or Prohibition. (SC)21-33152 11/17/2021MotionFiled Real Party in Interest R.J. Reynolds Tobacco Company's Motion to Consolidate. (SC)21-33158 11/19/2021Order/DispositionalFiled Order. Cause appearing, and despite real party in interest, R.J.

Reynolds Tobacco Company's opposition, petitioners' motion for a voluntary dismissal of the petition in Docket No. 82654 is granted. "The petition is dismissed." The parties to bear their own attorney fees and costs. R.J. Reynolds' motions to consolidate these matters are denied as moot. SNP21 - RP/LS/AS. Nos. 82654/83724. (SC)21-33391 Combined Case View

