

1 **WILLIAM H. PRUITT, ESQ**  
 Nevada Bar No. 6783  
 2 **JOSEPH R. MESERVY, ESQ.**  
 Nevada Bar No. 14088  
 3 **BARRON & PRUITT, LLP**  
 3890 West Ann Road  
 4 North Las Vegas, Nevada 89031-4416  
 Telephone: (702) 870-3940  
 5 Facsimile: (702) 870-3950  
 Email: [BPruitt@lvnvlaw.com](mailto:BPruitt@lvnvlaw.com)  
 6 Email: [JMeservy@lvnvlaw.com](mailto:JMeservy@lvnvlaw.com)  
 Attorneys for Defendant,  
 7 Smart Industries Corporation

8  
 9 **UNITED STATES DISTRICT COURT**  
 10 **DISTRICT OF NEVADA**

\*\*\*\*\*

11 WESCO INSURANCE COMPANY as subrogee  
 of its insured NICKELS AND DIMES  
 12 INCORPORATED,

Case No.: 2:16-cv-01206-JCM-EJY

13 Plaintiff,

CONSOLIDATED FOR PURPOSES OF  
DISCOVERY AND TRIAL

14 vs.

Case No.: 2:16-cv-02378-JCM-EJY

15 SMART INDUSTRIES CORPORATION dba  
 SMART INDUSTRIES CORP., MFG., an Iowa  
 16 corporation,

17 Defendants.

18 **STIPULATION AND ORDER TO**  
**EXTEND TIME TO FILE A JOINT**  
**PRETRIAL ORDER**  
 19 **(Second Request)**

18 JENNIFER WYMAN, individually; BEAR  
 19 WYMAN, a minor, by and through his natural  
 parent JENNIFER WYMAN; JENNIFER  
 20 WYMAN and VIVIAN SOOF, as Joint Special  
 Administrators of the ESTATE OF CHARLES  
 21 WYMAN; and SARA RODRIGUEZ natural  
 parent and guardian ad litem of JACOB WYMAN,

22 Plaintiffs,

23 vs.

24 SMART INDUSTRIES CORPORATION dba  
 25 SMART INDUSTRIES CORP., MFG, an Iowa  
 Corporation; HI-TECH SECURITY INC, a  
 26 Nevada Corporation; WILLIAM ROSEBERRY;  
 BOULEVARD VENTURES, LLC, a Nevada  
 27 Corporation; DOES 1 through 10; BUSINESS  
 ENTITIES I through V; and ROE  
 28 CORPORATIONS 11 through 20, inclusive,

**BARRON & PRUITT, LLP**  
 ATTORNEYS AT LAW  
 3890 WEST ANN ROAD  
 NORTH LAS VEGAS, NEVADA 89031  
 TELEPHONE (702) 870-3940  
 FACSIMILE (702) 870-3950

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Defendants.  
HI-TECH SECURITY INC; and WILLIAM ROSEBERRY,  
Third-Party Plaintiffs,  
vs.  
NICKELS AND DIMES INCORPORATED,  
Third-Party Defendants.

COMES NOW, Plaintiffs, SARA RODRIGUEZ parent and guardian of JACOB WYMAN, by and through their counsel of record, Cliff W. Marcek, Esq and Thomas Schwartz, Esq.; Jennifer Wyman, Bear Wyman and the Estate of Charles Wyman by and through their attorney of record, Tracy A. Eglet, Esq. of EGLET ADAMS LAW OFFICE; Smart Industries Corporation, by and through its attorney of record William H. Pruitt, Esq. and Joseph R. Meservy, Esq. of BARRON AND PRUITT; and Wesco Insurance Company by and through its attorney Peter Duboswky, Esq. and hereby agree and stipulate to extend the time to file the Joint Pretrial Order.

On September 16, 2021, the Honorable Judge James C. Mahan filed a Minute Order stating the parties were to submit a Joint Pretrial Order in compliance with Local Rule 16-4 within 30 days. The Joint Pretrial Order was due October 18, 2021. The parties were granted an extension until November 1, 2021 and have now agreed to extend the deadline another week to November 8, 2021.

The parties have conducted extensive discovery and there are many documents to review. In addition, there have been numerous depositions, written discovery and each side has disclosed expert witnesses. Due to the amount of potential evidence, the parties need more time to prepare and file the Joint Pretrial Order.

1  
2 The parties are circulating drafts for the joint pretrial order and have made progress since the  
3 last extension was granted, but it is unlikely the Joint Pretrial Order will be completed by Monday,  
4 November 1, 2021.

5 The parties above request that the court approve of this stipulation and order giving the parties  
6 an additional week to submit the Joint Pretrial Order.

7 DATED this 29th day of October, 2021. DATED this 29th day of October, 2021.

8  
9 /s/ Cliff W. Marcek  
10 CLIFF W. MARCEK, ESQ.  
11 Nevada Bar No. 5061  
12 **CLIFF W. MARCEK, P.C.**  
13 411 E. Bonneville Ave.  
14 Las Vegas, Nevada 89101  
15 *Attorneys for Plaintiffs*  
16 *SARA RODRIQUEZ, parent and guardian*  
17 *Of JACOB WYMAN*

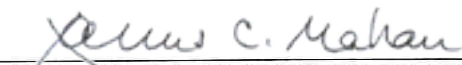
8  
9 /s/ Joseph R. Meservy  
10 WILLIAM H. PRUITT, ESQ.  
11 Nevada Bar No. 6783  
12 JOSEPH R. MESERVY, ESQ.  
13 Nevada Bar No. 14088  
14 **BARRON & PRUITT, LLP**  
15 3890 West Ann Road  
16 North Las Vegas, Nevada 89031  
17 *Attorneys for Defendant*  
18 *SMART INDUSTRIES CORPORATION*

15 DATED this 29th day of October, 2021. DATED this 29th day of October, 2021.

17 /s/ Brittney R. Glover  
18 TRACY A. EGLET, ESQ.  
19 Nevada Bar No. 6419  
20 BRITTNEY R. GLOVER, ESQ.  
21 Nevada Bar No. 15412  
22 **EGLET ADAMS**  
23 400 South Seventh Street, Suite 400  
24 Las Vegas, Nevada 89101  
25 *Attorneys for Plaintiffs*  
26 *JENNIFER WYMAN, BEAR WYMAN;*  
27 *and*  
28 *ESTATE OF CHARLES WYMAN*

17 /s/ Peter Dubowsky  
18 PETER DUBOSWKY, ESQ.  
19 Nevada Bar No. 4972  
20 AMANDA VOGLER-HEATON, ESQ.  
21 Nevada Bar No. 13609  
22 **DUBOWSKY LAW OFFICE, CHTD**  
23 300 South Fourth Street, Suite 1020  
24 Las Vegas, Nevada 89101  
25 *Attorneys for WESCO INSURANCE CO.*

**IT IS SO ORDERED** November 2, 2021.

  
UNITED STATES DISTRICT JUDGE  
JAMES C. MAHAN

## Deb Sagert

---

**From:** Brittney Glover <bglover@egletlaw.com>  
**Sent:** Friday, October 29, 2021 1:35 PM  
**To:** Deb Sagert; cwmarcek@marceklaw.com; Tracy Eglet; peter@dubowskylaw.com  
**Cc:** Joseph Meservy  
**Subject:** RE: Wesco v. Smart, et al

You have my permission to apply my e-signature.

Thank you,  
Brittney

**From:** Deb Sagert <DSagert@lvnvlaw.com>  
**Sent:** Friday, October 29, 2021 1:21 PM  
**To:** cwmarcek@marceklaw.com; Brittney Glover <bglover@egletlaw.com>; Tracy Eglet <TEglet@egletlaw.com>; peter@dubowskylaw.com  
**Cc:** Joseph Meservy <JMeservy@lvnvlaw.com>  
**Subject:** Wesco v. Smart, et al

Good afternoon. Please see the attached SAO to extend deadline for filing of the Joint Pre-Trial Order. Let me know if you have any changes and also if it is acceptable for us to apply your e-signature. Thank you.

**Deborah Sagert | Paralegal**  
[barronpruitt.com](http://barronpruitt.com) | [dsagert@lvnvlaw.com](mailto:dsagert@lvnvlaw.com)  
p 702.870.3940 | f 702.870.3950  
3890 West Ann Road  
North Las Vegas NV 89031  
**Barron & Pruitt, LLP**  
L A W Y E R S

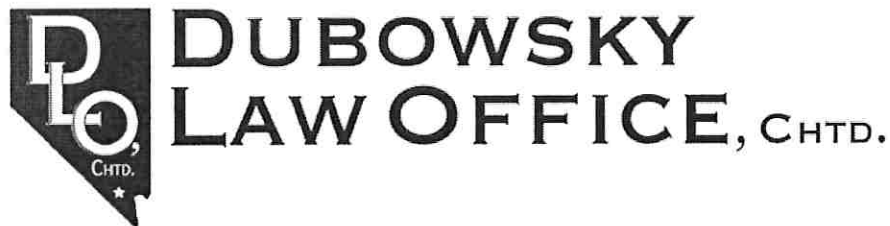
## Deb Sagert

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**From:** Peter Dubowsky <peter@dubowskylaw.com>  
**Sent:** Friday, October 29, 2021 1:43 PM  
**To:** Deb Sagert; cwmarcek@marceklaw.com; bglover@egletlaw.com; teglet@egletlaw.com  
**Cc:** Joseph Meservy  
**Subject:** RE: Wesco v. Smart, et al

You may affix me e-signature.

Peter Dubowsky, Esq.  
**DUBOWSKY LAW OFFICE, CHTD.**  
300 South Fourth Street  
10th Floor- Suite 1020  
Las Vegas, NV 89101  
Ph. (702) 360.3500  
Fx. (702) 360.3515  
[www.dubowskylaw.com](http://www.dubowskylaw.com)



**From:** Deb Sagert  
**Sent:** Friday, October 29, 2021 1:21 PM  
**To:** cwmarcek@marceklaw.com; bglover@egletlaw.com; teglet@egletlaw.com; peter@dubowskylaw.com  
**Cc:** Joseph Meservy  
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**Deborah Sagert | Paralegal**  
[barronpruitt.com](http://barronpruitt.com) | [dsagert@lvnlaw.com](mailto:dsagert@lvnlaw.com)  
p 702.870.3940 | f 702.870.3950  
3890 West Ann Road  
North Las Vegas NV 89031



## Deb Sagert

---

**From:** Joseph Meservy  
**Sent:** Friday, October 29, 2021 3:50 PM  
**To:** Deb Sagert  
**Subject:** FW: Wyman v. Smart Industries et al, JOINT PRETRIAL MEMO

Joseph R. Meservy, Esq.  
**Barron & Pruitt, LLP**  
L A W Y E R S

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**From:** Joseph Meservy  
**Sent:** Friday, October 29, 2021 11:18 AM  
**To:** 'Brittney Glover' <[bglover@egletlaw.com](mailto:bglover@egletlaw.com)>; Cliff Marcek <[cwmarcek@marceklaw.com](mailto:cwmarcek@marceklaw.com)>  
**Cc:** MaryAnn Dillard <[MDillard@lvnlaw.com](mailto:MDillard@lvnlaw.com)>; [dcoil@ggrmlawfirm.com](mailto:dcoil@ggrmlawfirm.com); [peter@dubowskylaw.com](mailto:peter@dubowskylaw.com); Kiera Buckley <[kbuckley@egletlaw.com](mailto:kbuckley@egletlaw.com)>; [tschwartz@holloranlaw.com](mailto:tschwartz@holloranlaw.com)  
**Subject:** RE: Wyman v. Smart Industries et al, JOINT PRETRIAL MEMO

Thanks, we will circulate a stipulation today to extend the date to submit the Joint Pretrial Memo.

Sincerely,  
Joseph R. Meservy, Esq.  
**Barron & Pruitt, LLP**  
L A W Y E R S

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**From:** Brittney Glover [<mailto:bglover@egletlaw.com>]  
**Sent:** Friday, October 29, 2021 11:00 AM  
**To:** Cliff Marcek <[cwmarcek@marceklaw.com](mailto:cwmarcek@marceklaw.com)>; Joseph Meservy <[JMeservy@lvnlaw.com](mailto:JMeservy@lvnlaw.com)>  
**Cc:** MaryAnn Dillard <[MDillard@lvnlaw.com](mailto:MDillard@lvnlaw.com)>; [dcoil@ggrmlawfirm.com](mailto:dcoil@ggrmlawfirm.com); [peter@dubowskylaw.com](mailto:peter@dubowskylaw.com); Kiera Buckley <[kbuckley@egletlaw.com](mailto:kbuckley@egletlaw.com)>; [tschwartz@holloranlaw.com](mailto:tschwartz@holloranlaw.com)  
**Subject:** RE: Wyman v. Smart Industries et al, JOINT PRETRIAL MEMO

I do not have an objection.

**From:** Cliff Marcek <[cwmarcek@marceklaw.com](mailto:cwmarcek@marceklaw.com)>  
**Sent:** Friday, October 29, 2021 10:59 AM  
**To:** Joseph Meservy <[JMeservy@lvnlaw.com](mailto:JMeservy@lvnlaw.com)>  
**Cc:** Brittney Glover <[bglover@egletlaw.com](mailto:bglover@egletlaw.com)>; MaryAnn Dillard <[MDillard@lvnlaw.com](mailto:MDillard@lvnlaw.com)>; [dcoil@ggrmlawfirm.com](mailto:dcoil@ggrmlawfirm.com);

[peter@dubowskylaw.com](mailto:peter@dubowskylaw.com); Kiera Buckley <[kbuckley@egletlaw.com](mailto:kbuckley@egletlaw.com)>; [tschwartz@holloranlaw.com](mailto:tschwartz@holloranlaw.com)  
**Subject:** Re: Wyman v. Smart Industries et al, JOINT PRETRIAL MEMO

I am not in the office today. If there is an agreement to extend the date to submit the JPO, I will agree.

Cliff W. Marcek  
411 E. Bonneville Ave, Suite 390  
Las Vegas, NV 89101  
Telephone: (702) 366-7076  
Facsimile: (702) 366-7078