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10 *Attorneys for Plaintiff Angela Underwood,*  
 PERSONAL REPRESENTATIVE FOR THE ESTATE OF TYLER UNDERWOOD

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13  
 14 ANGELA UNDERWOOD, Personal Representative  
 15 for the Estate of Tyler Underwood,

16 Plaintiff,

17 vs.

18 O'REILLY AUTO ENTERPRISES, LLC d/b/a  
 O'Reilly Auto Parts, Inc.; ILLINOIS TOOL  
 19 WORKS INC., Individually and as Successor in  
 Interest to Pennzoil Quaker State Company d/b/a  
 20 Gumout, THE BLASTER CORPORATION, CRC  
 INDUSTRIES, INC., SAFETY-KLEEN SYSTEMS,  
 21 INC., HIGHLAND STORES, INC. d/b/a Bi-Rite  
 Markets, BI-RITE MARKETS, INC., 7-ELEVEN,  
 22 INC., RICHARD A. HALEY, AUTOZONE  
 STORES, LLC, f/k/a Autozone Stores, Inc.,  
 23 AMREP, INC., ADVANCE STORES COMPANY,  
 INCORPORATED, Individually and as Successor in  
 24 Interest to and d/b/a CarQuest Auto Parts,  
 ASHLAND, LLC, Individually and as Successor In  
 25 Interest to and d/b/a Valvoline, CALUMET  
 BRANDED PRODUCTS, LLC f/k/a Calumet  
 26 Packaging, LLC, SUNNYSIDE CORPORATION,  
 W.M. BARR & COMPANY, INC., TECHNICAL  
 27 CHEMICAL COMPANY, RM MARKETS, INC.,  
 OMNI INDUSTRIES, L.L.C. f/k/a Omni Industries,  
 28 Inc., OMNI SPECIALTY PACKAGING, L.L.C.,  
 f/k/a/ Omni Specialty Packaging, Inc., AMALIE OIL

CASE NO. 2:21-cv-01766-GMN-NJK

**JOINT STIPULATION FOR  
 EXTENSION OF TIME TO FILE  
 OPPOSITIONS TO MOTIONS  
 FOR SUMMARY JUDGMENT  
 AND MOTION IN LIMINE AND  
 REPLIES THERETO**

**(FIRST REQUEST)**

1 COMPANY, CITGO PETROLEUM  
2 CORPORATION, and TOWER ENERGY,  
3 Defendants.  
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8 The parties, through their respective undersigned counsel, and pursuant to LR IA 6-1,  
9 hereby file this stipulation requesting an extension of time to file oppositions and replies to the  
10 motions for summary judgment (ECF Nos. 343, 345, 346, 347, 348, 349, 356, 360, 361, 363,  
11 368, 369, 370 and 371, and joinder motions<sup>1</sup> at ECF Nos. 377, 379, 380, 381 and 382) and  
12 opposition and reply<sup>2</sup> to the motion in limine (ECF No. 344). This is the parties' first stipulation  
13 and request for an extension of time to file oppositions and replies to the motions for summary  
14 judgment and the motion in limine. The Motions for Summary Judgment Docket Nos. 343, 345,  
15 346, 347, 348, 349, 356, 360, 361, 363, 368, 369, 370 and 371 were filed on November 6, 2023  
16 and oppositions to these motions are due on November 27, 2023. On November 7, 2023 a joinder  
17 to Motion for Summary Judgment Docket No. 346 was filed at Docket No. 377. On November  
18 10, 2023 a joinder to Motion for Summary Judgment Docket No. 356 was filed at Docket No  
19 379. On November 10, 2023 a joinder to Motion for Summary Judgment Docket No. 370 was  
20 filed at Docket No. 380. On November 10, 2023 a joinder to Motion for Summary Judgment  
21 Docket No. 347 was filed at Docket No. 381. On November 10, 2023 a joinder to Motion for  
22 Summary Judgment Docket No. 368 was filed at Docket No. 382. A Motion in Limine or to  
23 Exclude Dr. Laumbach (ECF No. 344) was filed on November 6, 2023 and the opposition is due  
24 on November 20, 2023. On November 10, 2023 a joinder to Motion in Limine Docket No. 344  
25 (incorrectly designated ECF 343) was filed at Docket No. 383. A hearing on these motions has  
26 not been scheduled.

27 <sup>1</sup> Plaintiff does not waive any objection she has to any joinder to a motion for summary judgment or a motion in  
limine.

28 <sup>2</sup> To the extent LR 16-3 applies to Fed. R. Evid 702/*Daubert* motions, leave of court to file a Reply is not being  
requested at this time and this date is withdrawn.

1 **AGREED TO AND SUBMITTED BY THE FOLLOWING COUNSEL OF RECORD:**

<p>2 Dated this 14<sup>th</sup> day of November, 2023</p> <p>3 LOCKS LAW FIRM</p> <p>4 <u>/s/ Andrew J. DuPont</u> Andrew J. DuPont, Esq. 5 LOCKS LAW FIRM The Curtis Center, Suite 720 East 6 601 Walnut Street Philadelphia, PA 19106</p> <p>7 8 Cliff W. Marcek, Esq. Bertoldo Carter Smith &amp; Cullen Nevada Bar No. 5061 9 7408 W. Sahara Ave Las Vegas, NV 89117</p> <p>10 11 <i>Attorneys for Plaintiff Angela Underwood, Personal Representative for the Estate of Tyler Underwood</i></p>	<p>Dated this 14<sup>th</sup> day of November, 2023</p> <p>GORDON REES SCULLY MANSUKHANI, LLP</p> <p><u>/s/ Brian K. Walters</u> Brian K. Walters, Esq. Nevada Bar No. 9711 1 East Liberty Street, Suite 424 Reno, NV 89501</p> <p><i>Attorney for Sunnyside Corporation</i></p>
<p>12 Dated this 14<sup>th</sup> day of November, 2023</p> <p>13 MESSNER REEVES LLP</p> <p>14 <u>/s/ Jonathan Owens</u> Jonathan Owens, Esq. 15 Nevada Bar No. 7118 8945 W. Russell Road, Suite 300 16 Las Vegas, NV 89148</p> <p>17 <i>Attorneys for Defendant, AutoZone Stores, Inc.</i></p>	<p>Dated this 14<sup>th</sup> day of November, 2023</p> <p>EVANS FEARS &amp; SCHUTTERT LLP</p> <p><u>/s/ Jay J. Schuttert</u> Alexandria L. Layton, Esq. Nevada Bar No. 14228 Jay J. Schuttert, Esq. Nevada Bar No. 8656 6720 Via Austin Parkway, Suite 300 Las Vegas, NV 89119</p> <p><i>Attorneys for Defendant Calumet Branded Products</i></p>
<p>20 Dated this 14<sup>th</sup> day of November, 2023</p> <p>21 GORDON REES SCULLY MANSUKHANI, LLP</p> <p>22 <u>/s/ James E. Cavanaugh</u> Robert E. Schumacher, Esq. 23 Nevada Bar No. 9504 James E. Cavanaugh, Esq. 24 Nevada Bar No. 6929 300 So. 4<sup>th</sup> Street, Suite 1550 25 Las Vegas, Nevada 89101</p> <p>26 <i>Attorney for The Blaster Corporation</i></p>	<p>Dated this 14<sup>th</sup> day of November, 2023</p> <p>GORDON REES SCULLY MANSUKHANI, LLP</p> <p><u>/s/ Theodore C. Yarbrough</u> Chad A. Harrison, Esq. Nevada Bar No. 13888 300 So. 4<sup>th</sup> Street, Suite 1550 Las Vegas, Nevada 89101</p> <p>Theodore C. Yarbrough, Esq. GORDON REES SCULLY MANSUKHANI, LLP 2200 Ross Avenue, Suite 3700 Dallas, TX 75201 <i>Attorney for Defendant Advance Stores Company, Inc.</i></p>

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Dated this 14<sup>th</sup> day of November, 2023

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Dated this 14<sup>th</sup> day of November, 2023

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*Attorneys for Defendant Amrep, Inc.*

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<p>Dated this 14<sup>th</sup> day of November, 2023</p> <p>OLSON CANNON GORMLEY &amp; STOBERSKI</p> <p><u>/s/ Michael E. Stoberski</u> Michael E. Stoberski, Esq. Nevada Bar No. 4762 9950 W. Cheyenne Avenue Las Vegas, NV 89129</p> <p><i>Attorneys for Defendant, CRC Industries, Inc., Illinois Tool Works, Inc., Ashland LLC, and CITGO Petroleum Corporation</i></p> <p>Larry J. Chilton, Esq. CHILTON YAMBERT PORTER LLP 303 W. Madison, Ste. 2300 Chicago, IL 60606 <i>Attorney for Defendants, CRC Industries, Inc., Ashland LLC, and CITGO Petroleum Corporation</i></p> <p><i>Gary J. Saalman, Esq. VORYS, SATER, SEYMOUR and PEASE LLP 52 E. Gay Street Columbus, OH 43215 Attorney for Defendant, Illinois Tool Works, Inc.</i></p>	<p>Dated this 14<sup>th</sup> day of November, 2023</p> <p>RESNICK &amp; LOUIS, P.C.</p> <p><u>/s/ Kenneth Ching</u> Kenneth Ching, Esq. Nevada Bart No. 10542 Adam McMillen, Esq. Nevada Bar No. 10678 8925 West Russell Road, Suite 220 Las Vegas, NV 89148</p> <p><i>Attorneys for Defendant Highland Stores, Inc.</i></p>
<p>Dated this 14<sup>th</sup> day of November, 2023</p> <p>RESNICK &amp; LOUIS, P.C.</p> <p><u>/s/ Eleanor D. Murphy</u> Eleanor D. Murphy, Esq. Nevada Bar No. 15071 8925 West Russell Road, Suite 220 Las Vegas, NV 89148</p> <p><i>Attorneys for Defendant, RM Markets, Inc.</i></p>	<p>Dated this 14<sup>th</sup> day of November, 2023</p> <p>HALL &amp; EVANS, LLC</p> <p><u>/s/ Kurt Bonds</u> Kurt R. Bonds, Esq. Nevada Bar No. 6228 Charles Deskins, Esq. Nevada Bar No. 15532 411 E. Bonneville Ave., Suite 400 Las Vegas, NV 89149</p> <p><i>Attorneys for Defendants O'Reilly Auto Enterprises, LLC and Tower Energy</i></p>
<p>Dated this 14<sup>th</sup> day of November, 2023</p> <p>LEWIS BRISBOIS BISGAARD &amp; SMITH, LLP</p> <p><u>/s/ Steven Abbott</u> Darrell D. Dennis, Esq. Nevada Bar No. 6618 Steven Foremaster, Esq. Nevada Bar No. 10650 Steven Abbott, Esq.</p>	<p>Dated this 14<sup>th</sup> day of November, 2023</p> <p>RESNICK &amp; LOUIS, P.C.</p> <p><u>/s/ Melissa J. Roose</u> Melissa J. Roose, Esq. Nevada Bar No. 7889 8925 W. Russell Road, Suite 220 Las Vegas, Nevada 89148 mroose@rlattorneys.com</p>

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Richard A. Haley*

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**PROPOSED ORDER**

The deadlines to file oppositions and replies, where applicable, to the following motions are extended as follows:

<b>MOTION, JOINDER</b>	<b>CURRENT OPPOSITION DEADLINE</b>	<b>PROPOSED NEW OPPOSITION DEADLINE</b>	<b>CURRENT REPLY DEADLINE</b>	<b>PROPOSED REPLY DEADLINE</b>
ECF Nos. 343, 383	November 27, 2023	<b>December 27, 2023</b>	December 11, 2023	January 26, 2024
ECF No. 344	November 20, 2023	<b>December 20, 2023</b>		January 19, 2024 <sup>3</sup>
ECF No. 345	November 27, 2023	<b>December 27, 2023</b>	December 11, 2023	January 26, 2024
ECF Nos. 346, 377	November 27, 2023	<b>December 27, 2023</b>	December 11, 2023	January 26, 2024
ECF Nos. 347, 381	November 27, 2023	<b>December 27, 2023</b>	December 11, 2023	January 26, 2024
ECF No. 348	November 27, 2023	<b>December 27, 2023</b>	December 11, 2023	January 26, 2024
ECF No. 349	November 27, 2023	<b>December 27, 2023</b>	December 11, 2023	January 26, 2024

<sup>3</sup> To the extent LR 16-3 applies to Fed. R. Evid 702/*Daubert* motions, leave of court to file a Reply is not being requested at this time and this date is withdrawn.

1	ECF Nos.	November 27,	<b>December 27, 2023</b>	December 11,	January 26, 2024
2	356, 379	2023		2023	
3	ECF No.	November 27,	<b>December 27, 2023</b>	December 11,	January 26, 2024
4	360	2023		2023	
5	ECF No.	November 27,	<b>December 27, 2023</b>	December 11,	January 26, 2024
6	361	2023		2023	
7	ECF No.	November 27,	<b>December 27, 2023</b>	December 11,	January 26, 2024
8	363	2023		2023	
9	ECF Nos.	November 27,	<b>December 27, 2023</b>	December 11,	January 26, 2024
10	368, 382	2023		2023	
11	ECF No.	November 27,	<b>December 27, 2023</b>	December 11,	January 26, 2024
12	369	2023		2023	
13	ECF Nos.	November 27,	<b>December 27, 2023</b>	December 11,	January 26, 2024
14	370, 380	2023		2023	
15	ECF No.	November 27,	<b>December 27, 2023</b>	December 11,	January 26, 2024
16	371	2023		2023	

**IT IS SO ORDERED**

  
 \_\_\_\_\_  
 UNITED STATES DISTRICT COURT JUDGE

DATED: November 16, 2023

CASE NO.: 2:21-cv-01766-GMN-NJK



1 *Respectfully submitted by:*

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3 */s/ Andrew J. DuPont*

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17 *Personal Representative for the Estate of Tyler Underwood*

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