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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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

Plaintiff,

v.

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

Defendants.

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

ORDER

12 Before the Court is Defendant Boulevard Ventures, LLC's Motion for Determination of
13 Good Faith Settlement (ECF No. 36, filed in 2:16-cv-02378 prior to consolidation with 2:16-cv-
14 1206). No opposition to this Motion was filed.

15 The Court finds the global settlement of \$75,000, with \$25,000 being distributed each to
16 Jennifer Wyman, Bear Wyman and the Estate of Charles Wyman is in good faith in accordance with
17 NRS 17.245 and *In re MGM Grand Hotel Fire Litig.*, 570 F.Supp. 913, 927 (D. Nev. 1893).
18 Specifically, the Court finds the amount paid and allocation are reasonable in light of all facts alleged
19 in this case. *See* ECF No. 187 for summary of facts. Further, the facts demonstrate that Boulevard
20 Mall is unlikely to be found liable for harm and, for this reason, insurance policy limits were not
21 considered. There is no evidence of collusion or fraud as the parties reached settlement after good
22 faith, arm's length negotiations.

23 Accordingly,

24 IT IS HEREBY ORDERED that Defendant Boulevard Ventures, LLC's Motion for
25 Determination of Good Faith Settlement (ECF No. ECF No. 36 filed in 2:16-cv-02378 consolidated
26 with 2:16-cv-01206) is GRANTED.

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IT IS FURTHER ORDERED that the parties to this settlement shall submit a stipulation to dismiss claims asserted by Plaintiffs Jennifer Wyman, Bear Wyman and the Estate of Charles Wyman against Defendant Boulevard Ventures, LLC within five business days of payment of settlement funds, each party to bear its own fees and costs.

DATED: February 10, 2020



ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE