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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 *****

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

13 Plaintiff,

14 vs.

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

16 Defendants.

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

19 Plaintiffs,

20 vs.

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

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

30 CONSOLIDATED FOR PURPOSES OF
DISCOVERY AND TRIAL

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

32 **STIPULATION AND ORDER FOR
EXTENSION OF TIME FOR
DEFENDANT SMART TO RESPOND TO
PLAINTIFFS JENNIFER WYMAN, BEAR
WYMAN, AND THE ESTATE OF
CHARLES WYMAN'S MOTION IN
LIMINE NO.5 AND MOTION IN LIMINE
NO. 6**

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

On October 1, 2020, Plaintiffs' filed their Motion in Limine No. 5 to Preclude any Argument that the Subject Arcade Machine Defect did not Exist When it Left Smart Industries Corporation's Possession (ECF No. 288) and their Motion in Limine No. 6 to Exclude Argument or Reference that the Junction Box, Receptacle, and Other Component Parts Contained Therein Were Repaired and/or Replaced as Such Argument Lacks Foundation (ECF No. 289). Responses to said motions are currently due Oct. 15, 2020. Defendant Smart Industries has requested a one-week extension of time to file its responses to Plaintiff's Motions in Limine 5 and 6. Plaintiffs have agreed to Defendant Smart Industries request, which would make the responses due on Oct. 22, 2020.

With this Court's approval, the parties hereby agree that the deadline for Defendant Smart Industries to file its responses to the Wyman Plaintiffs' Motions in Limine Nos. 5 and 6, shall be extended by one week, or such other time as deemed appropriate by the Court. As such, the deadline for filing said responses shall be Oct. 22, 2020.

This Stipulation is submitted in good faith and is not interposed for purposes of delay. This stipulation will allow defense counsel additional time to balance certain work and family demands on his time caused by a recent move. Accordingly, should Plaintiffs need additional time to Reply to Defendant Smart Industries' responsive pleadings, Defendant will not object to a one week extension of time for Plaintiffs' to file their replies. This is the first request to extend the deadline for filing Defendant Smart Industries' Responses to Plaintiffs' Motion in Limine No. 5 to Preclude any Argument that the Subject Arcade Machine Defect did not Exist When it Left Smart Industries Corporation's Possession (ECF No. 288) and Plaintiffs' Motion in Limine No. 6 to Exclude Argument

1 or Reference that the Junction Box, Receptacle, and Other Component Parts Contained Therein Were
2 Repaired and/or Replaced as Such Argument Lacks Foundation (ECF No. 289).

3 Dated this 15th day of October, 2020,
4 BARRON & PRUITT, LLP

5 /s/ Joseph R. Meservy
6 DAVID BARRON, ESQ.
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7 JOSEPH R. MESERVY, ESQ.
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8 3890 West Ann Road
North Las Vegas, Nevada 89031
9 *Attorneys for Defendant
Smart Industries Corporation*

10 Dated this 15th day of October, 2020,
11 CLIFF W. MARCEK, P.C.

12 /s/ Cliff W. Marcek
13 CLIFF W. MARCEK, ESQ.
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536 East St. Louis Ave.
Las Vegas, Nevada 89104
15 *Attorneys for Plaintiffs Sara Rodriguez
and Jacob Wyman*

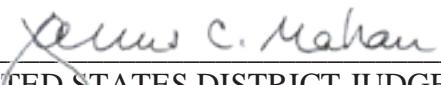
Dated this 15th day of October, 2020,
EGLET ADAMS

/s/ James A. Trummell
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Nevada Bar No. 6419
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Las Vegas, Nevada 89101
10 *Attorneys for the Wyman Plaintiffs*

ORDER

18 Based upon the Stipulation of the parties hereto, and with good cause appearing therefor,
19 IT IS HEREBY ORDERED, that the stipulation to extend the deadline for filing Defendant
20 Smart Industries' Responses to Plaintiffs' Motion in Limine No. 5 to Preclude any Argument that the
21 Subject Arcade Machine Defect did not Exist When it Left Smart Industries Corporation's Possession
22 (ECF No. 288) and Plaintiffs' Motion in Limine No. 6 to Exclude Argument or Reference that the
23 Junction Box, Receptacle, and Other Component Parts Contained Therein Were Repaired and/or
24 Replaced as Such Argument Lacks Foundation (ECF No. 289) is hereby Granted.

25 DATED October 16, 2020.

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27 James C. Mahan
28 UNITED STATES DISTRICT JUDGE