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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**
 19 **EXTEND TIME TO FILE A JOINT**
 20 **PRETRIAL ORDER**
 21 **(Sixth 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,

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| Defendants. |
| HI-TECH SECURTY 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. and Brittney R. Glover, 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 & PRUITT; and Wesco Insurance Company by and through its attorney Peter Duboswky, Esq. of DUBOWSKY LAW OFFICE 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 three extensions until November 12, 2021, and had agreed to further extend the deadline until November 30, 2021 and then to December 21, 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 another short extension to prepare and file the Joint Pretrial Order.

The parties are circulating drafts for the joint pretrial order and have made additional progress since the last extension was granted, but it is unlikely the Joint Pretrial Order will be completed by December 21, 2021. Counsel for the Wyman Plaintiffs circulated a new draft of the Joint Pretrial Order on Friday, December 17, 2021. Additionally, the family of lead trial counsel for Smart has

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1 tested positive for COVID-19 and the Christmas and New Year holiday is upon us—further disrupting
2 the time available for counsel to review and revise the latest draft of the Joint Pretrial Order.
3 Accordingly, the parties have agreed to extend the deadline to January 12, 2022 to enable counsel to
4 spend time with their families.

5 The parties above request that the court approve of this stipulation and order giving the parties
6 an additional time up to January 12, 2022 to submit the Joint Pretrial Order.

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8 DATED this 21st day of December, 2021. DATED this 21st day of December, 2021.

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

9
10 /s/ Joseph R. Meservy
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18 *Attorneys for Defendant*
19 *SMART INDUSTRIES CORPORATION*

20
21 DATED this 21st day of December, 2021. DATED this 21st day of December, 2021.

22
23 /s/ Brittney R. Glover
24 TRACY A. EGLET, ESQ.
25 Nevada Bar No. 6419
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and
ESTATE OF CHARLES WYMAN

22
23 /s/ Peter Dubowsky
24 PETER DUBOSWKY, ESQ.
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27 Nevada Bar No. 13609
28 **DUBOWSKY LAW OFFICE, CHTD**
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Attorneys for WESCO INSURANCE CO.

IT IS SO ORDERED


UNITED STATES MAGISTRATE JUDGE

Dated: December 22, 2021

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