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 7 *Attorneys for Defendant,*  
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 9 **UNITED STATES DISTRICT COURT**  
 10 **DISTRICT OF NEVADA**

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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**  
**(Seventh Request)**

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

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Defendants.

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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. 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 originally due October 18, 2021. The parties were subsequently granted multiple extensions through January 12, 2022.

The parties have conducted extensive discovery and there are many documents to review. In addition, there have been numerous depositions to review, 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 continue to circulate 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 January 12, 2022. Counsel for Defendant Smart circulated the latest draft of the Joint Pretrial Order on January 12, 2022. As the Court is aware, the family of lead trial counsel for Smart has recently suffered from COVID-19 and the Christmas and New Year holiday also interrupted the

1 time that counsel were able to make revisions and conference about such revisions. Accordingly, the  
2 parties have agreed to extend the deadline to January 19, 2022 to enable counsel to review and  
3 conference in an effort to complete the Joint Pretrial Order.

4 The parties above request that the court approve of this stipulation and order giving the parties  
5 an additional time up to January 19, 2022 to submit the Joint Pretrial Order.

6 DATED this 12<sup>th</sup> day of January, 2022.

DATED this 12<sup>th</sup> day of January, 2022.

7  
8 /s/ Cliff W. Marcek

9 CLIFF W. MARCEK, ESQ.  
10 Nevada Bar No. 5061  
11 **CLIFF W. MARCEK, P.C.**  
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13 Las Vegas, Nevada 89101

14 *Attorneys for Plaintiffs*

15 *SARA RODRIQUEZ, parent and guardian*  
16 *Of JACOB WYMAN*

7  
8 /s/ Joseph R. Meservy

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16 *Attorneys for Defendant*

17 *SMART INDUSTRIES CORPORATION*

18 DATED this 12<sup>th</sup> day of January, 2022.

DATED this 12<sup>th</sup> day of January, 2022.

19 /s/ Brittney R. Glover

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22 BRITTNEY R. GLOVER, ESQ.  
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28 *JENNIFER WYMAN, BEAR WYMAN;*

*and*

*ESTATE OF CHARLES WYMAN*

19 /s/ Peter Dubowsky

20 PETER DUBOSWKY, ESQ.  
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22 AMANDA VOGLER-HEATON, ESQ.  
23 Nevada Bar No. 13609

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27 *Attorneys for WESCO INSURANCE CO.*

28 **No further extensions will be granted. IT IS  
SO ORDERED.**



UNITED STATES MAGISTRATE  
JUDGE

Dated: January 13, 2022