

1 **WILLIAM H. PRUITT, ESQ.**  
 Nevada Bar No. 6783  
 2 **JOSEPH R. MESERVY, ESQ.**  
 Nevada Bar No. 14088  
 3 **BARRON & PRUITT, LLP**  
 3890 West Ann Road  
 4 North Las Vegas, Nevada 89031-4416  
 Telephone: (702) 870-3940  
 5 Facsimile: (702) 870-3950  
 Email: [BPruitt@lvnlaw.com](mailto:BPruitt@lvnlaw.com)  
 6 *Attorneys for Defendant,*  
*Smart Industries Corporation*

7  
 8 **UNITED STATES DISTRICT COURT**  
 9 **DISTRICT OF NEVADA**

10 \*\*\*\*\*

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

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

13 Plaintiff,

14 vs.

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

CONSOLIDATED FOR PURPOSES OF  
DISCOVERY AND TRIAL

17 Defendants.

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

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

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  
 CORPORATIONS 11 through 20, inclusive,

**STIPULATION AND ORDER**

**BARRON & PRUITT, LLP**  
 ATTORNEYS AT LAW  
 3890 WEST ANN ROAD  
 NORTH LAS VEGAS, NEVADA 89031  
 TELEPHONE (702) 870-3940  
 FACSIMILE (702) 870-3950

Defendants.

HI-TECH SECURITY INC; and WILLIAM ROSEBERRY,

Third-Party Plaintiffs,

vs.

NICKELS AND DIMES INCORPORATED,

Third-Party Defendants.

IT IS HEREBY STIPULATED AND AGREED, by and between the parties through their undersigned counsel of record, the following:

1. Plaintiffs' designated expert, Steven M. Burke, is withdrawn as an expert and no party will introduce any opinions or testimony from Steven M. Burke at trial;

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

**BARRON & PRUITT, LLP**  
 ATTORNEYS AT LAW  
 3890 WEST ANN ROAD  
 NORTH LAS VEGAS, NEVADA 89031  
 TELEPHONE (702) 870-3940  
 FACSIMILE (702) 870-3950

2. The parties further stipulate and agree that no party may introduce any testimony, reference, or evidence regarding Charles Wyman’s tattoos, including the number of tattoos he had on his body and/or the description and/or type of tattoos he had on his body at trial;
3. The parties further stipulate and agree that no party may introduce any testimony, reference, or evidence regarding Jennifer Wyman’s recreational marijuana use at trial; and
4. The parties further stipulate and agree that no party may introduce any testimony, reference, or evidence regarding “The Chuck Wyman Memorial Fund” (a Go Fund Me fund) at trial.

Respectfully submitted,

Dated this 27<sup>th</sup> day of January, 2023,

BARRON & PRUITT, LLP

*/s/ Joseph Meservy*

\_\_\_\_\_  
 WILLIAM H. PRUITT, ESQ.  
 Nevada Bar No. 6783  
 JOSEPH R. MESERVY, ESQ.  
 Nevada Bar No. 14088  
 3890 West Ann Road  
 North Las Vegas, Nevada 89031  
*Attorneys for Defendant  
 Smart Industries Corporation*

Dated this 27<sup>th</sup> day of January, 2023,

EGLET ADAMS

*/s/ Brittney Glover*

\_\_\_\_\_  
 TRACY A. EGLET, ESQ.  
 Nevada Bar No. 6419  
 BRITTNEY GLOVER, ESQ.  
 Nevada Bar No. 15412  
 400 South 7<sup>th</sup> Street, 4<sup>th</sup> Floor  
 Las Vegas, Nevada 89101  
*Attorneys for the Wyman Plaintiffs*

Dated this 27<sup>th</sup> day of January, 2023,

CLIFFW. MARCEK, PC

*/s/ Cliff Marcek*

\_\_\_\_\_  
 CLIFF W. MARCEK, ESQ.  
 Nevada Bar No. 5061  
 411 E. Bonneville Ave., Suite 390  
 Las Vegas, Nevada 89101  
*Attorneys for Plaintiffs  
 Sara Rodriguez and Jacob Wyman*

Dated this 27<sup>th</sup> day of January, 2023,

DUBOWSKY LAW OFFICE, CHTD.

*/s/ Peter Dubowsky*

\_\_\_\_\_  
 PETER DUBOSWKY, ESQ.  
 Nevada Bar No. 4972  
 300 South Fourth Street, Suite 1020  
 Las Vegas, Nevada 89101  
*Attorneys for Plaintiff  
 Wesco Insurance Company*

**BARRON & PRUITT, LLP**  
 ATTORNEYS AT LAW  
 3890 WEST ANN ROAD  
 NORTH LAS VEGAS, NEVADA 89031  
 TELEPHONE (702) 870-3940  
 FACSIMILE (702) 870-3950

**ORDER**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

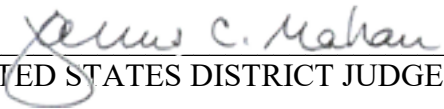
Based upon the Stipulation of the parties hereto, and with good cause appearing therefor,  
IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that designated expert, Steven M. Burke, has been withdrawn as a witness and shall therefore be excluded from testifying at trial in these consolidated cases, and no party may introduce opinions or testimony from Steven M. Burke at trial.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that no party may introduce any testimony, reference, or evidence regarding Charles Wyman’s tattoos, including the number of tattoos he had on his body and/or the description and/or type of tattoos he had on his body at trial.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that no party may introduce any testimony, reference, or evidence regarding Jennifer Wyman’s recreational marijuana use at trial.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that no party may introduce any testimony, reference, or evidence regarding “The Chuck Wyman Memorial Fund” (a Go Fund Me fund) at trial.

DATED this 30th day of January, 2023.

  
UNITED STATES DISTRICT JUDGE

**BARRON & PRUITT, LLP**  
ATTORNEYS AT LAW  
3890 WEST ANN ROAD  
NORTH LAS VEGAS, NEVADA 89031  
TELEPHONE (702) 870-3940  
FACSIMILE (702) 870-3950