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

9 *****

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

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

12 Plaintiff,

13 vs.

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

CONSOLIDATED FOR PURPOSES OF
DISCOVERY AND TRIAL

16 Defendants.

17 JENNIFER WYMAN, individually; BEAR
 WYMAN, a minor, by and through his natural
 18 parent JENNIFER WYMAN; JENNIFER
 WYMAN and VIVIAN SOOF, as Joint Special
 19 Administrators of the ESTATE OF CHARLES
 WYMAN,

Case No.: 2:16-cv-02378-RFB-GWF

20 Plaintiffs,

21 vs.

22 SMART INDUSTRIES CORPORATION dba
 23 SMART INDUSTRIES CORP., MFG.; HI-TECH
 SECURITY INC; WILLIAM ROSEBERRY;
 24 BOULEVARD VENTURES, LLC; SANSONE
 COMPANIES, LLC; DOES I through V; and
 25 BUSINESS ENTITIES I through V, inclusive,

**STIPULATION AND ORDER FOR
EXTENSION OF TIME FOR FILING
JOINT PRETRIAL ORDER
(Eighth Request)**

26 Defendants.

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1 A settlement conference was held in the above referenced matter on October 30, 2018. The
2 parties were unsuccessful in reaching a settlement agreement. Prior to the settlement conference, a
3 Stipulation and Order (ECF Nos. 54 and 55) was entered extending the time for filing the Joint Pretrial
4 Order to thirty days after the settlement conference, if a settlement was not reached. On November
5 29, 2018, the parties filed a Stipulation and Order (ECF Nos. 62 and 63) to extend the deadline by
6 thirty days until January 2, 2019. On December 21, 2018, the parties filed a Stipulation and Order
7 (ECF 64 and 65) to extend the deadline until February 1, 2019.

8 On January 23, 2019, the Wyman Plaintiffs' counsel circulated a 21-page proposed draft of
9 the Joint Pretrial Order, which addressed Plaintiffs' desired stipulated facts, documents, witnesses,
10 designated deposition transcripts, and statements of issues to be decided. In January, the Defendants'
11 counsel reviewed this proposed draft and determined that additional time was necessary to fact check
12 the content sought by the Wyman Plaintiffs, and to prepare and offer their own content additions,
13 objections, counter-designations, and other revisions. Accordingly, the parties filed a Stipulation and
14 Proposed Order (ECF 67) to extend the deadline until March 1, 2019. This Court granted the parties'
15 Proposed Order (ECF 68) on February 4, 2019.

16 On February 22, 2019, the parties filed a Stipulation and Proposed Order (ECF 69) to extend
17 the deadline until April 1, 2019, because the parties needed additional time to fact check issues,
18 complete content additions, objections, counter-designations, and other revisions, and to meet and
19 confer in an effort to resolve their disputes. This Court granted the parties' Proposed Order (ECF 70)
20 on February 26, 2019.

21 On March 29, 2019, the parties filed a Stipulation and Proposed Order (ECF 72) to extend the
22 deadline to May 1, 2019, because counsel for both Defendant Smart Industries and Defendants Hi-
23 Tech and Roseberry had separate upcoming trials commencing on April 1, 2019. This Court granted
24 the parties request on April 4, 2019 (ECF 73).

25 On May 1, 2019, the parties filed a Stipulation and Proposed Order (ECF 74) to extend the
26 deadline to May 15, 2019, to accommodate the trial schedule of the counsel for the Wyman Plaintiffs
27 and Hi-Tech and Roseberry. The Court granted the parties request on May 2, 2019 (ECF 76).
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1 On May 15, 2019, Defendants Hi-Tech and Roseberry filed an Emergent Motion to Stay
2 Deadline for Filing Joint Pretrial Order (ECF 79), which is still pending.

3 The parties request an additional two-day continuance to allow the parties to further reconcile
4 their factual admissions and resolve as many of their disputes as possible to reduce the number and
5 scope of issues that may need to be brought before this Court. Having made progress, the parties are
6 still attempting to resolve the language of the order and ask for an additional two-day continuance
7 until May 17, 2019.

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1 This Stipulation is submitted in good faith and is not interposed for purposes of delay. **This is**
2 **the eighth request to extend the deadline for filing the Joint Pretrial Order.**

3 Respectfully submitted,
4 Dated this 15th day of May, 2019,

5 BARRON & PRUITT, LLP

6
7 /s/ William H. Pruitt
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14 *Attorneys for Defendant*
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16 Dated this 15th day of May, 2019,

17 GREENMAN GOLDBERG RABY &
18 MARTINEZ
19 &
20 EGLET PRINCE

21 /s/ Kevin T. Strong
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Dated this 15th day of May, 2019,

HALL, JAFFE & CLAYTON, LLP

34 /s/ Walter F. Fick
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40 Las Vegas, Nevada 89128
41 *Attorneys for Defendants Hi-Tech*
42 *Security, Inc. and William Roseberry*

Dated this 15th day of May, 2019,

DUBOWSKY LAW OFFICE, CHTD.

43 /s/ Amanda Vogler-Heaton
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Wesco v. Smart Industries (2:16-cv-01206-JCM-CWH)
consolidated with:
Wyman et al. v. Smart Industries et al. (2:16-cv-02378-RFB-GWF)
SIPULATION AND [proposed] ORDER FOR EXTENSION
OF TIME FOR FILING JOINT PRETRIAL ORDER
(seventh request)

ORDER

IT IS SO ORDERED.

DATED this 17th day of May, 2019.


UNITED STATES MAGISTRATE JUDGE

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