

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

Aiken Hospitality Group, LLC,)	
)	
Plaintiff,)	Case No. 1:16-03093-JMC
)	
v.)	
)	
HD Supply Facilities Maintenance)	
)	
)	
Defendant and Third Party)	
Plaintiff,)	
)	
v.)	
)	
N3A Manufacturing, Inc., d/b/a)	
Hotelure, Inc.,)	
)	
Third Party Defendant)	

JOINT STIPULATION AND ORDER OF PLAINTIFF AND DEFENDANT HD SUPPLY

In order to reduce deposition costs and expedite trial herein, Plaintiff and Defendant HD Supply Facilities Maintenance, Inc. (“HD Supply”) do hereby stipulate as follows:

1. Except as specified below, HD Supply will not present as witnesses herein, either as to its defense against Plaintiff’s claims, or as part of its case against Third Party Defendant N3A Manufacturing, Inc., any of the following persons:

Adam Bowman

John Kluzek

Steve Rung

Jill Bowden.

2. The above four persons are employees of HD Supply. HD Supply will not in any manner facilitate their appearing as witnesses for any party herein.

3. In the event that Billy Wiley, Joseph Brothers or Jennifer Swisher, employees of HD Supply, becomes unavailable to testify at trial on behalf of HD Supply, either because of death or because of medical condition, then HD Supply may present one or more of the four persons listed in paragraph (1) above, as witnesses herein in substitution for Mr. Wiley, Mr. Brothers or Mrs. Swisher, provided the following conditions have been fulfilled:

a. satisfactory evidence of death or medical condition of Mr. Wiley, Mr. Brothers or Mrs. Swisher has been provided to Plaintiff's counsel;

b. notice as to who will be presented in place of either Mr. Wiley, Mr. Brothers or Mrs. Swisher is furnished to Plaintiff's counsel within five days notice to counsel of HD Supply of the occurrence of death or the medical condition which prevents Mr. Wiley, Mr. Brothers or Mrs. Swisher from testifying; and

c. Plaintiff is provided a sufficient opportunity to depose the substitute witness or witnesses in advance of trial herein.

4. Should HD Supply wish to substitute a witness as provided in paragraph (3) above, but the deposition of that witness cannot be arranged sufficiently in advance of trial, neither Plaintiff nor HD Supply will oppose a reasonable request by the other for postponement of trial.

Plaintiff and HD Supply move that the Court approve this stipulation so as to provide the parties with assurance that it will be enforceable.

This Joint Stipulation and Order is hereby approved as an Order of this Court.

IT IS SO ORDERED.

This 30th day of November, 2017.

s/J. Michelle Childs
J. Michelle Childs
United States District Court