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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

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Billy Taylor,

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No. CV-07-1984-PHX-DGC

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Plaintiff,

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**ORDER**

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vs.

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Horizon Distributors, Inc.,

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Defendant.

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Defendant has filed a motion for summary judgment. Dkt. #35. In response, Plaintiff has filed a motion for continuance pursuant to Rule 56(f) of the Federal Rules of Civil Procedure. Dkt. #39. That rule grants the Court discretion to order a continuance to enable “discovery to be undertaken” by the party opposing summary judgment. Fed. R. Civ. P. 56(f).

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Plaintiff states in his motion that he needs to conduct additional discovery in order to fully respond to Defendant’s summary judgment motion. Dkt. #39. Plaintiff has described the anticipated discovery in some detail and has explained why the facts sought may be material to issues raised on summary judgment. *Id.* Given that the discovery deadline is October 31, 2008 (*see* Dkt. #17 ¶ 4), the Court will exercise its discretion and grant Plaintiff’s motion. Plaintiff is advised that he needs to diligently pursue the discovery he seeks and that the Court will not extend the discovery deadline absent truly extraordinary circumstances.

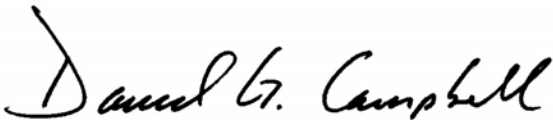
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**IT IS ORDERED:**

1. Plaintiff's Rule 56(f) motion (Dkt. #39) is **granted**.
2. Defendant's motion for summary judgment (Dkt. #35) is **denied** without prejudice. Defendant may re-file its motion after the close of discovery on **October 31, 2008**.
3. The Court will not extend the discovery deadline absent truly extraordinary circumstances.

DATED this 9th day of September, 2008.



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David G. Campbell  
United States District Judge