

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEILANI JIMENEZ, individually, and as
successor-in-interest for Decedent DENNIS
JIMENEZ; J.J., a minor, by and through his
guardian ad litem Leilani Jimenez; D.J., a minor,
by and through her guardian ad litem Leilani
Jimenez, and DENNIS JIMENEZ, Jr. an
individual; DENISE GAINES, an individual; and
ANITA JIMENEZ, an individual,

No. C 13-04620 CRB

**ORDER RE: MOTION FOR PARTIAL
SUMMARY JUDGMENT AND REQUEST
FOR TIME TO COMPLETE
ADDITIONAL DISCOVERY**

Plaintiff,

v.

COUNTY OF ALAMEDA, et al.,

Defendant.

_____ /
Defendant has moved for partial summary judgment. See Motion (dkt. 35). Plaintiff's
response notes that discovery in this matter has not been closed and that Plaintiff wishes to
depose at least one additional witness. See Response (dkt. 38) at 9. Rule 56(d) provides that
“[i]f a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot
present facts essential to justify its opposition, the court may: (1) defer considering the
motion or deny it; (2) allow time to obtain affidavits or declarations or to take discovery; or
(3) issue any appropriate order.” Fed. R. Civ. P. 56(d). Plaintiff did not include an affidavit
or declaration with its response as required by Rule 56(d), see Response (dkt. 38), and

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Plaintiff is ordered to submit such an affidavit no later than Monday, September 21, 2015.

IT IS SO ORDERED.

Dated: September 16, 2015



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE