


1 Rule 56(f) states that when "a party opposing the motion shows by affidavit that, for
2 specified reasons, it cannot present facts essential to justify its opposition, the court may . . . order a
3 continuance to enable affidavits to be obtained, depositions to be taken, or other discovery to be
4 undertaken." Fed. R. Civ. P. 56(f). To justify such a continuance, a party must "identify by affidavit
5 the specific facts that further discovery would reveal, and explain why those facts would preclude
6 summary judgment." *Tatum v. City and County of San Francisco*, 441 F.3d 1090, 1100 (9th Cir.
7 2006).

8 Sanbrook here fails to meet that standard. The affidavit supporting Sanbrook's motion states
9 that further discovery will likely produce the following "relevant information" regarding Office
10 Depot's training procedures, capability to service computers at its retail stores, and authority to
11 repair computers under a manufacturer's warranty. Decl. of Barbara Quinn Smith 2. This
12 information may be relevant to Sanbrook's class claims, but it does not appear relevant to her
13 individual claim, which is all that Office Depot's summary judgment motion contests. Moreover, the
14 declaration does not explain how these facts, when discovered, would preclude summary judgment.
15 The court will not delay adjudication of Sanbrook's individual claim because class-related discovery
16 is incomplete.

17 Therefore, Sanbrook's motion for a continuance of time to respond to Office Depot's motion
18 for summary judgment is denied. Because of the instant motion, however, plaintiff may file her
19 opposition by December 5, 2008. Defendant shall file a reply by December 12, 2008. The hearing
20 will take place, as scheduled, on December 19, 2008.

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DATED: 11/26/08


RONALD M. WHYTE
United States District Judge

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18 **Dated:** 11/26/08

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JAS
Chambers of Judge Whyte