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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,  
Plaintiff,  
v.  
TWIN PALMS APARTMENTS LLC,  
Defendant.

Case No. [21-cv-00594-SVK](#)

**ORDER FOR LIMITED RULE 56(D)  
DISCOVERY; VACATING HEARING  
ON MOTION FOR SUMMARY  
JUDGMENT**

Re: Dkt. Nos. 23, 25

Before the Court is Plaintiff’s request to continue the hearing on Defendant’s motion for summary judgment and to allow Plaintiff to conduct discovery pursuant to Fed. R. Civ. P. 56(d). In its motion for summary judgment, Defendant sets forth compelling evidence of its efforts to inform Plaintiff that the subject properties are not places of “public accommodation” within the meaning of the relevant code sections and that Plaintiff ignored those efforts. Failure to engage in addressing such a foundational issue only serves to increase costs of litigation and waste judicial resources. It is therefore a very close call as to whether Plaintiff has exercised the requisite diligence to be entitled to relief under Rule 56(d). Accordingly, the Court will allow two one-hour depositions pursuant to Rule 30(b)(b), one deposition for each subject tenant, on the sole topic of whether the subject properties are “places of public accommodation.” The depositions are to be set at Defendant’s convenience in the next 45 days. Parties are to notify the Court upon completion of the final deposition.

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Plaintiff's opposition to the motion for summary judgment will be due within 10 days of completion of the final deposition. Defendant's reply will be due 7 days thereafter. The Court will set a hearing if it deems it necessary.

**SO ORDERED.**

Dated: July 16, 2021

  
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SUSAN VAN KEULEN  
United States Magistrate Judge