UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BATEY LARGO,

Plaintiff,

vs.

CITY OF NATIONAL CITY, et al.,

Defendants.

CASE NO. 09cv1639 BEN (WVG)

ORDER GRANTING RULE 56(f) CONTINUANCE

Plaintiff's Ex Parte Application for Continuance of Defendants' Motion for Summary Judgment is before the Court. (Dkt. No. 49.) Plaintiff requested the continuance pursuant to Federal Rule of Civil Procedure 56(f) to conduct necessary discovery regarding Defendants Lineberry's and Stinnett's personnel files. As of the date Plaintiff filed the present motion, Plaintiff had been unable to obtain Defendants' personnel files, however, a protective order was filed on November 23, 2010 addressing the disputed discovery. Defendants oppose Plaintiffs' request for a continuance. (Dkt. No. 53.)

Under Rule 56(f), the Court must deny or continue a motion for summary judgment if an opposing party can show that "for specified reasons, it cannot present facts essential to justify its opposition." *See also Metabolife Int'l, Inc. v. Wornick*, 264 F.3d 832, 846 (9th Cir. 2001) (the Rule "requir[es], rather than merely permit[s], discovery where the nonmoving party has not had the opportunity to discover information that is essential to its opposition."). The opposing party "must identify the specific facts that further discovery would reveal and explain why those facts would preclude summary judgment." *Tatum v. San Francisco*, 441 F.3d 1090, 1100 (9th Cir. 2006).

Plaintiff has identified specific information that satisfies his Rule 56(f) burden, justifying a brief continuance. Accordingly, the pending motion for summary judgment is continued to **January 24, 2011 at 10:30 a.m.** Briefing shall comply with Civil Local Rule 7.1(e).

IT IS SO ORDERED.

DATED: November 30, 2010

Hon. Roger T. Benitez
United States District Court Judge