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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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BY: DEPUTY

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

SANDI RUSH,  
  
Plaintiff,  
  
vs.  
  
HIGHGROVE RESTAURANT, INC., et al.,  
  
Defendants.

CASE NO. 10cv877 BEN (WMC)  
**ORDER GRANTING RULE 56(f)  
CONTINUANCE**

The parties' motions for summary judgment are currently before the Court and set for hearing on November 15, 2010. Plaintiff has requested a continuance pursuant to Federal Rule of Civil Procedure 56(f) to conduct necessary discovery regarding Defendant's parking space layout and strike-side clearance. (Dkt. No. 19.)

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).

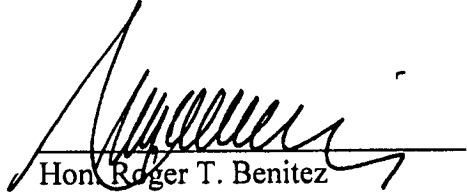
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Minimal discovery has been conducted in this case and the discovery cut-off is months away. Plaintiff has identified specific information that satisfies her Rule 56(f) burden for continuing the hearing. Accordingly, the pending motions for summary judgment are continued to **January 10, 2011 at 10:30 a.m.** Briefing or supplemental briefing shall comply with Civil Local Rule 7.1(e).

**IT IS SO ORDERED.**

DATED: 10/19/2010

  
Hon. Roger T. Benitez  
United States District Court Judge