

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-01989-RPM

STANDARD BANK, PLC,

Plaintiff,

v.

RUNGE, INC., f/k/a RUNGE MINING, INC., and d/b/a PINCOCK, ALLEN & HOLT

Defendant.

ORDER DENYING DEFENDANT'S MOTION FOR ADDITIONAL DISCOVERY
PURSUANT TO F.R.CIV.P. 56(f).

On October 14, 2009, defendant Runge, Inc., d/b/a Pincock, Allen & Holt ("PAH") filed a motion for additional discovery pursuant to Fed.R.Civ.P. 56(f) in response to the plaintiff's motion for partial summary judgment, filed on September 4, 2009. PAH also filed a merits response to that motion and its own motion for summary judgment. Rule 56(f) provides that upon a showing by a party that it cannot present facts essential to justify opposition to a motion for summary judgment the Court may deny the motion or order a continuance of the hearing contemplated by Rule 56(c).

After review of the papers filed by the parties on the cross motions for summary judgment, the issues raised may appropriately be determined at a hearing without the need for additional discovery. The need for any discovery after the Court's ruling on these motions will be addressed after a ruling on the motions.

The filings on the plaintiff's motion for leave to file a surreply [Docs. 159 & 160] are stricken because of the acrimonious exchange of allegations of misconduct.

Plaintiff's counsel is again cautioned not to attach copies of correspondence with opposing counsel to pleadings that are in the public record. It is

ORDERED that the defendant's Motion for Additional Discovery Pursuant to F.R.Civ.P. 56(f) [Doc. 144] is denied, and it is

FURTHER ORDERED that plaintiff's motion for leave to file a surreply [Doc. 159] and defendant's opposition to the motion for leave to file a surreply [Doc. 160] are stricken pursuant to Fed.R.Civ.P. 12(f)(1).

DATED: December 16th, 2009

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge