

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Action No. 09-cv-02977-REB-KLM

IOWA PACIFIC HOLDINGS, LLC,

Plaintiff,

v.

NATIONAL RAILROAD PASSENGER CORPORATION,

Defendant.

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**ORDER DENYING WITHOUT PREJUDICE DEFENDANT'S  
MOTION FOR PARTIAL SUMMARY JUDGMENT  
ON PLAINTIFF'S CLAIM FOR BREACH OF ORAL CONTRACT**

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**Blackburn, J.**

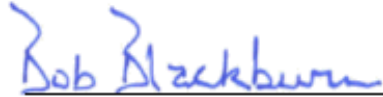
The matter before me is **Defendant's Motion for Partial Summary Judgment on Plaintiff's Claim for Breach of Oral Contract** [#37], filed April 29, 2010. In response to the motion, plaintiff argues that it requires more time pursuant to Fed.R.Civ.P. 56(f) to conduct additional discovery. Although defendant disputes that the purported discovery is necessary to resolution of the issues raised in the motion, I note since the conclusion of the briefing on this motion, the magistrate judge has granted three additional extensions of the discovery deadline, which currently is March 11, 2011. The dispositive motions deadline likewise as been extended to April 25, 2011. (**See Minute Order** [#79], filed December 16, 2010.)

In light of these new deadlines, I find that it would be more prudent and efficacious to deny defendant's motion without prejudice to refile on a more complete record.

**THEREFORE, IT IS ORDERED** that **Defendant's Motion for Partial Summary Judgment on Plaintiff's Claim for Breach of Oral Contract** [#37], filed April 29, 2010, is **DENIED WITHOUT PREJUDICE**.

Dated January 14, 2011, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge