

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 10-cv-02754-PAB-MEH

GAYLE DUNN,

Plaintiff,

v.

ERIC K. SHINSEKI, Secretary, United States Department of Veteran Affairs,

Defendant.

ORDER

This matter is before the Court on the Motion to Stay Deadline to File Response to Defendant's Motion for Summary Judgment Pending Resolution of Discovery Issues [Docket No. 33] filed by plaintiff Gayle Dunn on December 13, 2011. Plaintiff contends that, if her pending Motion to Compel Production of Documents and Motion to Re-Open Discovery for the Limited Purpose of Depositions [Docket No. 29] is granted, she will require additional time to have a "full and fair opportunity to gather information to respond to Defendant's Motion for Summary Judgment." The Court construes plaintiff's motion to stay as a request for the Court to "defer considering the motion [for summary judgment]." Fed. R. Civ. P. 56(d). But, as defendant points out, plaintiff has not "show[n] by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition." *Id.* Plaintiff has done neither. Therefore, it is

ORDERED that plaintiff's Motion to Stay Deadline to File Response to Defendant's Motion for Summary Judgment Pending Resolution of Discovery Issues

[Docket No. 33] is DENIED.

DATED December 20, 2011.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge