

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00079-PAB-KMT

NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA,

Plaintiff,

v.

INTRAWEST ULC f/k/a Inrawest Corporation,
FEDERAL INSURANCE COMPANY,
NATIONAL FIRE INSURANCE COMPANY OF HARTFORD, and
CONTINENTAL CASUALTY COMPANY,

Defendants,

INTRAWEST ULC f/k/a INTRAWEST CORPORATION,

Third Party Plaintiff,

v.

WILLIS NORTH AMERICA, INC. f/k/a WILLIS CORROON CORPORATION,
WILLIS OF NEW YORK, INC.,
WILLIS INSURANCE BROKERAGE OF UTAH, INC.,
WILLIS OF NEW JERSEY, INC.,
WILLIS CONSTRUCTION SERVICES CORPORATION OF NEW JERSEY f/k/a Willis
Corroon Construction Services Corporation of New Jersey,
WILLIS CORROON CONSTRUCTION SERVICES CORPORATION OF
CONNECTICUT,
WILLIS CORROON CONSTRUCTION SERVICES CORPORATION,
WILLIS OF NEW HAMPSHIRE, INC. f/k/a Willis Corroon Corporation of New
Hampshire,
WILLIS OF MASSACHUSETTS, INC., and
JOHN DOE WILLIS ENTITY,

Third Party Defendants.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on the Motion for Summary Judgment and Memorandum of Law in Support [Docket No. 84] filed by plaintiff National Union Fire Insurance Company of Pittsburgh, Pa. Federal Rule of Civil Procedure 56(d) allows a court to stay or deny a summary judgment motion in order to permit further discovery if the nonmovant states by affidavit that it lacks facts necessary to oppose the motion. *Price ex rel. Price v. W. Res., Inc.*, 232 F.3d 779, 783 (10th Cir. 2000). On March 12, 2014, the magistrate judge granted Intrawest, ULC's Motion for Continuance of National Union's Motion for Summary Judgment Pending Discovery [Docket No. 112] and extended the deadline for fact discovery until December 31, 2014. Docket No. 224 at 1-2. Plaintiff did not file an objection to the magistrate judge's ruling. Pursuant to the magistrate judge's ruling, the Court finds that denial of plaintiff's motion for summary judgment is appropriate under Fed. R. Civ. P. 56(d). See *Hackworth v. Progressive Cas. Ins. Co.*, 468 F.3d 722, 732 (explaining that Rule 56(d) grants trial court discretion to deny summary judgment when the nonmovant establishes that it possesses insufficient facts to oppose a summary judgment motion). It is, therefore,

ORDERED that plaintiff's Motion for Summary Judgment and Memorandum of Law in Support [Docket No. 84] is **DENIED** without prejudice. It is further

ORDERED that Defendant Federal's Opposed Renewed Motion Pursuant to Rule 56(d) [Docket No. 144] is **DENIED** as moot. It is further

ORDERED that National Union's Motion to Strike Federal's Renewed Rule 56(d) Motion [Docket No. 154] is **DENIED** as moot.

Dated August 25, 2014.