

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

KENT RICHARD ELLIS,

Plaintiff,

v.

CORIZON, INC., et al,

Defendant.

Case No. 1:15-cv-00304-BLW

MEMORANDUM DECISION AND
ORDER

Pending before the Court is Plaintiff's Motion to Stay the Corizon Defendants' Motion for Summary Judgment pursuant to Rule 56(d) (Dkt. 79). Having reviewed Plaintiff's Motion and the accompanying Declaration by Plaintiff's Counsel (Dkt. 79-1), the Court finds that there is good cause to grant the Motion.

Rule 56(d) allows a Court to defer consideration of a motion for summary judgment upon a showing by the nonmoving party that it cannot present facts essential to justify its opposition. Fed. R. Civ. P. 56(d). Here, Plaintiff has indicated that he has not yet completed three scheduled depositions of individual Corizon Defendants and that his 30(b)(6) deposition of Corizon is as yet unscheduled.¹ Thus, Plaintiff seeks leave to stay briefing on the Corizon Defendants' Motion to allow him depose the Corizon Defendants and obtain facts necessary to his opposition. The Court finds that Plaintiff has made the requisite showing under Rule 56(d) and will therefore grant the motion. Accordingly,

¹ The discovery cut-off in this case is May 31, 2018.

ORDER

IT IS ORDERED:

1. Plaintiff's Motion to Stay the Corizon Defendants' Motion for Summary Judgment Pursuant to Fed. R. Civ. P. 56(d) (Dkt. 79) is **GRANTED**.
2. The Corizon Defendants' Motion for Summary Judgment (Dkt. 77) is **STAYED** and briefing deadlines are hereby **VACATED**.
3. Plaintiff shall file a notice with the Court within twenty-four hours of completing his noticed depositions of the Corizon Defendants.
4. The Court shall reset the briefing schedule for the Corizon Defendants' Motion (Dkt. 77) by further notice.



DATED: April 18, 2018

B. Lynn Winmill

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Chief U.S. District Court Judge