

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

LORI SAWYER

CIVIL ACTION

VERSUS

NO. 11-53

HOSPITALITY PROPERTIES TRUST and  
MARRIOTT INTERNATIONAL, INC. and/or  
RESIDENCE INN BY MARRIOTT, L.L.C.

SECTION "B" (4)

ORDER AND REASONS

Defendants' opposed Motion for Summary Judgment is **DENIED** without prejudice. (Rec. Doc. Nos. 11 & 12).

Plaintiff has filed a declaration stating that she has not had the opportunity to conduct depositions of defendants and their representatives and that she therefore cannot present facts essential to justify her opposition to the Motion for Summary Judgment. (Rec. Doc. No. 12-2). The discovery cut-off in this case is December 13, 2011, nearly two months away. It would be unfair to dismiss this case on summary judgment without allowing the Plaintiff the opportunity to fully develop the facts that would be essential to her prosecution of the case. Fed. R. Civ. P. 56(d). Summary judgment at this point would thus be premature.

We are, however, troubled by Plaintiff's assertions of defects in her complaint which now, according to her own deposition, were unknown when the complaint was filed. We reserve the opportunity to

consider the sanctionable consequences for knowingly pursuing unsupported factual or legal claims.

New Orleans, Louisiana, this 21<sup>st</sup> day of October, 2011.

A handwritten signature in black ink, appearing to read "W. J. ...", written over a horizontal line.

UNITED STATES DISTRICT JUDGE