

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION**

Jerry L. Kemp, as Trustee of the JERRY L. KEMP FAMILY TRUST (the successor in interest to any real property Owned by R.L. Kemp, Jr.); Carol Lynn Kemp Simpson, as Trustee of the KAILEY LAUREN KEMP TRUST, CHELSEA EMERALD KEMP TRUST, ROBERT LOGAN KEMP TRUST, and KEVIN LEE KEMP, JR. TRUST; and The Trustees of the KEMP TRUST, being a Trust created U/A dated January 15, 1990

PLAINTIFFS

V. CIVIL ACTION NO. 2:11-cv-10-DCB-JMR

THE LAMAR COMPANY, LLC;  
TLC PROPERTIES, INC;  
& JOHN DOES 1, 2 and 3

DEFENDANTS

**ORDER**

Before the Court are Defendants' Renewed Motion for Summary Judgment [**docket entry no. 42**] and Plaintiffs' Motion for Rule 56(d) Relief or in the alternative Motion for Extension of Time [**docket entry no. 48**]. Having carefully considered the Motions, applicable statutory and case law, and being otherwise fully advised in the premises, the Court finds that Plaintiffs' Motion for Rule 56(d) Relief is well-taken and should be granted.

"[I]f a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition [to summary judgment], the court may . . . allow time to obtain affidavits or declarations or to take discovery." Fed. R. Civ. P. 56(d). Rule 56(d) motions "are genuinely favored and should be liberally granted." King v. Freedom Life Ins. Co. of Am., 2011 WL 3876979, at \*3 (S.D. Miss. Aug. 31, 2011) (citation omitted).

Plaintiffs' attorney avers that additional time for discovery is necessary to uncover certain facts dispositive to the Defendants' Motion. Hicks Affidavit, docket entry no. 48-1. Having considered the reasons for his request, the Court agrees that the Plaintiff should be allowed to conduct additional discovery strictly related to whether the Defendants produced accurate monthly rental information before the expiration of the repurchase option. Accordingly, the Court grants the Plaintiffs until June 8, 2012, to conduct this discovery and respond to the Defendants' Renewed Motion for Summary Judgment. The Defendants will then have seven days to respond.

For the foregoing reasons,

**IT IS HEREBY ORDERED** that Plaintiffs' Motion for Rule 56(d) Relief or in the alternative Motion for Extension of Time [docket entry no. 48] is **GRANTED**. Plaintiffs have until June 8, 2012, to conduct discovery and respond to the Defendants' Renewed Motion for Summary Judgment.

**SO ORDERED** this the 21st day of May, 2012.

          /s/ David Bramlette            
**UNITED STATES DISTRICT JUDGE**