

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**ANAKA HUNTER,** )

**Plaintiff,** )

**vs.** )

**Case No: 4:12-CV-0004-ERW**

**CITY OF SALEM, MISSOURI,** )

**BOARD OF TRUSTEES, Salem Public** )

**Library, and GLENDA WOFFORD,** )

**Individually, and in her official capacity** )

**As Director of the Salem Public Library,** )

**Defendants.** )

**AFFIDAVIT IN SUPPORT OF MOTION FOR EXTENSION TO RESPOND TO  
PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT**

Comes Now, Matt Cologna, attorney of record for City of Salem, Missouri, Board of Trustees of the Salem Public Library, and Glenda Wofford , being first duly sworn, does hereby state and aver to the Court as follows:

1. Pursuant to Rule 56(d), Defendants have filed a motion for extension of time in which to respond to Plaintiff’s Motion for Summary Judgment.
2. Rule 56(d) requires an affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition.
3. Despite repeated requests for deposition dates and discovery responses, and communication reflecting the parties’ intent to mediate the claim, Plaintiff has failed to provide deposition dates and discovery responses, as evidenced by the exhibits and quotations contained in the Rule 56(d) motion above.

4. Without deposition testimony or discovery responses, Defendants cannot support factual allegations as required by Rule 56(c) in response to Plaintiff's motion for summary judgment.
5. In addition, Defendants do not have admissions, interrogatory answers, or other materials on which to allege additional facts as required by Rule 56(c).
6. The communications between the parties, attached as Exhibits A-G, demonstrate that both parties were aware of genuine issues of material fact, which were the reason Defendants repeatedly requested Plaintiff's deposition and discovery responses in advance of mediation.
7. The averments in this affidavit and the motion for extension are true and correct.

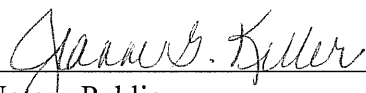
FURTHER, AFFIANT SAYETH NOT.

  
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 Matt Cologna

STATE OF MISSOURI     )  
   ) ss.  
 COUNTY OF GREENE     )

On this 20<sup>th</sup> day of February, 2013, before me personally appeared Matt Cologna and stated that the facts and information contained in the foregoing Affidavit are true according to his/her best information, knowledge and belief.

Subscribed and sworn to before me this 20<sup>th</sup> day of February, 2013.

  
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 Notary Public

My Commission Expires:

April 6, 2014

