

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GP INDUSTRIES, LLC,)
 a Nebraska Limited Liability Company,)
)
 Plaintiff and Counter Defendant,)
)
 vs.)
)
 JAMES E. BACHMAN,)
)
 Defendant,)
)
 ERAN INDUSTRIES, INC.,)
 a Nebraska Corporation,)
)
 Defendant, Counter Claimant)
 and Third-Party Plaintiff,)
)
 vs.)
)
 LANCE D. BAILEY, et al.,)
)
 Third-Party Defendants.)

CASE NO. 8:06CV50

ORDER

ERAN INDUSTRIES, INC.,)
 a Nebraska Corporation,)
)
 Plaintiff,)
)
 vs.)
)
 GP INDUSTRIES, LLC,)
 a Nebraska Limited Liability Company,)
 et al.,)
)
 Defendants.)

CASE NO. 8:06CV51

ORDER

This matter is before the Court on GP Industries' Rule 56(f) Motion ("Motion") filed in response to Eran Industries' Motion for Partial Summary Judgment. After reviewing the Motion, the index of evidence filed in support of the Motion, and the Response filed in

opposition, the Court finds that the Motion should be denied. Federal Rule of Civil Procedure 56(f) states that a court may deny a motion for summary judgment or order a continuance in the event that the “party opposing the motion shows by affidavit that, for specified reasons, it cannot present facts essential to justify its opposition.” Fed. R. Civ. Pro. 56(f). In the present case, GP Industries has not shown any facts by affidavit to support its Rule 56(f) Motion. Consequently, the Motion is denied. Accordingly,

IT IS ORDERED:

1. GP Industries’ Rule 56(f) Motion is denied (Filing No. 327); and
2. GP Industries shall respond to Eran Industries’ Motion for Partial Summary Judgment on or before September 26, 2008.

Dated this 11th day of September, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge