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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Roberto Bernal-Zepeda and Elvira Campos,  
Plaintiffs  
vs.  
Manual Roblero *et al.*,  
Defendants

2:14-cv-01703-JAD-GWF

**Order Denying Motion for Partial  
Summary Judgment Without Prejudice  
[#23]**

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In this removed negligence action arising from a 2012 car accident, plaintiff Roberto Bernal-Zepeda moves for summary judgment on eight of defendant Manuel Roblero's affirmative defenses and five of defendant Kehe Distributors, Inc.'s affirmative defenses, arguing they are unsupported by evidence.<sup>1</sup> Defendants Roblero and Kehe oppose the motion as premature under FRCP 56(d) because discovery is ongoing.<sup>2</sup> They supply a proper affidavit that demonstrates specific reasons that they cannot presently present the facts essential to justify their opposition.<sup>3</sup> With competing motions to compel pending before the magistrate judge, it is clear that discovery is still ongoing.<sup>4</sup> Good cause thus appears to deny the motion for summary judgment as premature under FRCP 56(d)(1) and without prejudice to its refiling after discovery is complete.

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Accordingly, IT IS HEREBY ORDERED that the Motion for Partial Summary Judgment [Doc. 23] is DENIED without prejudice under FRCP 56(d)(1).

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Dated this 1st day of July, 2015.

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Jennifer A. Dorsey  
United States District Judge

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<sup>1</sup> Doc. 23.

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<sup>2</sup> Doc. 24.

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<sup>3</sup> Doc. 24-2.

<sup>4</sup> Docs. 34, 39.