

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

BRENDA C. COLOSI,	)	Case No. 1: 13 CV 505
	)	
Plaintiff,	)	JUDGE DONALD C. NUGENT
vs.	)	
	)	MEMORANDUM OPINION
JONES LANG LaSALLE AMERICANS,	)	AND ORDER
INC.,	)	
	)	
Defendant.	)	

This matter is before the Court on the parties' cross motions for summary judgment. (ECF #69 and #70). In addition, in her opposition to Defendant's motion for summary judgment, Plaintiff has made a Rule 56(d) motion to defer ruling on Defendant's motion until Plaintiff has been permitted to obtain discovery to support her claims. While the Court recognizes Defendant's assertion that a Rule 56(d) motion may be denied where the moving party has already filed for summary judgment, the circumstances here require a different result. Review of both motions for summary judgment reveal that factual disputes exist that cannot be fairly resolved until Plaintiff is allowed basic discovery. As such, both motions for summary judgment are denied.

Plaintiff filed an Emergency Motion to Compel Discovery before the dispositive motion deadline which the Court has not addressed. After reviewing the of the materials submitted by the parties relative to Plaintiff's motion to compel (ECF #58) as well as Mr. Shannon's affidavit relative to Plaintiff's Rule 56(d) motion, the Defendant is ordered to provide the personnel documents requested by Plaintiff in her Notice of Records Deposition and as detailed in Mr. Shannon's affidavit by January 28, 2014. Further, If Plaintiff still wants to depose Ms. Abraham

and Mr. Roe, Defendant will make them available for deposition during the time frame of January 30-February 7, 2014.

Trial in this matter is continued to Wednesday February 5, 2014 at 8:30 a.m. The parties trial briefs and other materials are due on Tuesday, February 4, 2014.

IT IS SO ORDERED.

/s/Donald C. Nugent  
Donald C. Nugent  
UNITED STATES DISTRICT JUDGE

DATED: January 22, 2014