

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CAROL A. WILSON, et al.,

Plaintiffs,

v.

Civil Action 2:16-cv-1084

CHIEF JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Kimberly A. Jolson

**CHAGRIN VALLEY
STEEL ERECTORS, et al.,**

Defendants.

OPINION AND ORDER

This matter is before the Court for consideration of Chagrin Valley Steel Erector's 56(d) Motion, which is hereby **GRANTED**. (ECF No. 37.) Plaintiffs move under Rule 56(d) of the Federal Rules of Civil Procedure, which provides:

(d) When Facts Are Unavailable to the Nonmovant. If a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may:


- (1) defer considering the motion or deny it;
- (2) allow time to obtain affidavits or declarations or to take discovery; or
- (3) issue any other appropriate order.

The party moving under Rule 56(d) must state with “ ‘some precision the materials he hopes to obtain with further discovery, and exactly how he expects those materials would help him in opposing summary judgment.’ ” *Lester v. Wow Car Co., Ltd.*, 2:11-CV-850, 2014 WL 1367181, at *1 (S.D. Ohio Apr. 7, 2014) (citing *Summers v. Leis*, 368 F.3d 881, 887 (6th Cir. 2004)).

Chagrin Valley has sufficiently demonstrated how the materials it hopes to obtain with further discovery would help it oppose summary judgment. However, discovery in this case closed nearly one month prior to Plaintiffs and Third-Party Defendant Justin Helmick filing their Motion for Summary Judgment. It is, therefore, unclear to the Court whether Chagrin Valley is actually entitled to the discovery it seeks, or whether it is appropriately discoverable information. Whether Chagrin Valley's discovery request is meritorious will be determined by Magistrate Judge Kimberly A. Jolson. Until she makes her decision, the Court **HOLDS IN ABEYANCE** the Motion for Summary Judgment of Plaintiffs and Third-Party Defendant Justin Helmick.

IT IS SO ORDERED.

10-10-2017
DATE



EDMUND A. SARGUS, JR.
CHIEF UNITED STATES DISTRICT JUDGE