IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

M.S., a minor, by and through her parent, J.S., Plaintiff, v. UTAH SCHOOL FOR THE DEAF AND THE BLIND, Defendant.	MEMORANDUM DECISION AND ORDER GRANTING DEFENDANT'S MOTION TO END FURTHER RULE 56(d) DISCOVERY Case No. 2:13-CV-420 TS District Judge Ted Stewart

This matter is before the Court on Defendant's Motion to End Further Rule 56(d) Discovery. For the reasons set forth below, the Court will grant the Motion.

On October 7, 2016, Defendant filed a Motion for Summary Judgment in this case. On November 11, 2016, Plaintiff filed a Rule 56(d) Motion alleging she had not yet obtained the necessary discovery to adequately respond to Defendant's Summary Judgment Motion and requesting additional time to respond. The Court granted Plaintiff's Rule 56(d) Motion on March 9, 2016, allowing Plaintiff time for additional discovery and allowing Plaintiff twenty-eight days after the parties completed discovery to respond to Defendant's Motion.[1]

On June 1, 2017, Defendant filed this Motion to end Plaintiff's Rule 56(d) discovery and start the twenty-eight-day clock on Plaintiff's time to respond. Defendant alleges that it has provided Plaintiff with the documents Plaintiff requested, but that Plaintiff has not taken the necessary action to complete the remaining discovery requested in Plaintiff's Rule 56(d) Motion. Specifically, Plaintiff did not attempt to schedule a day on which a videographer and an expert

[1] *See* Docket No. 114.

would attend M.S.'s school to film/observe M.S. in her school setting. The school year has now ended. Defendant argues that allowing Plaintiff to extend discovery until the beginning of the next school year will prejudice Defendant.

Pursuant to DUCivR 7-1(b)(3)(B), Plaintiff had fourteen days to respond to Defendant's Motion. The fourteen-day deadline expired on June 15, 2017. To date, Plaintiff has not filed a response.

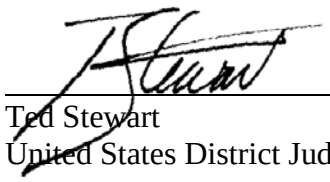
DUCivR 7-1(d) provides that "[f]ailure to respond timely to a motion may result in the court's granting the motion without further notice." Due to Plaintiff's failure to respond and offer argument as to why discovery should not be concluded, the Court will grant Defendant's Motion. Rule 56(d) discovery is therefore concluded and, pursuant to the Court's previous Order granting Plaintiff's Rule 56(d) Motion, Plaintiff has twenty-eight days from the date of this Order to file a memorandum in response to Defendant's Motion for Summary Judgment. Failure to respond may result in dismissal for failure to prosecute.

It is therefore

ORDERED that Defendant's Motion to End Further Discovery (Docket No. 123) is GRANTED. Plaintiff will be allowed to file a response to Defendant's Motion for Summary Judgment within twenty-eight (28) days of this Order. Defendant may then file a reply memorandum within fourteen (14) days pursuant to DUCivR7-1(b)(3).

DATED this 19th day of June, 2017.

BY THE COURT:



Ted Stewart
United States District Judge