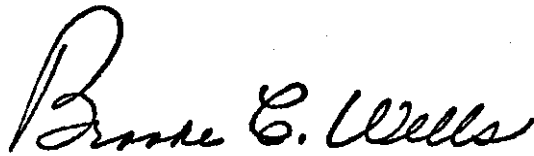


Federal Rule 56(d) provides that “[i]f a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may: (1) defer considering the motion or deny it; (2) allow time to obtain affidavits or declarations or to take discovery; or (3) issue any other appropriate order.”⁵ Nowhere in the plain language of Rule 56(d) does it provide that it relates to motions brought under Rule 12. Thus the court finds Plaintiffs’ motion lacking in merit and inapplicable to the instant motions filed by Defendants.

Accordingly, Plaintiffs’ Rule 56(d) Motion is DENIED. Plaintiffs are FURTHER ORDERED to file an opposition to the pending motions within twenty (20) days from the date of this order.

IT IS SO ORDERED.

DATED this 11 September 2015.

A handwritten signature in black ink that reads "Brooke C. Wells". The signature is written in a cursive style with a large initial "B".

Brooke C. Wells
United States Magistrate Judge

⁵ Fed. R. Civ. P. 56(d).