

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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TROY K. SCHEFFLER,

Plaintiff,

v.

DAVID PELLETT,

Defendant.

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ORDER

12-cv-78-bbc

Plaintiff Troy Scheffler has filed a “motion for continuance to answer” defendant David Pellett’s motion for summary judgment. Dkt. #23. Although plaintiff cites Fed. R. Civ. P. 56(f), I assume he is bringing his motion under Rule 56(d), which allows a court to grant additional time to a party responding to summary judgment “[i]f a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition.”

I am denying the motion. In his motion, plaintiff states only that defendant has “fail[ed] to answer timely and completely plaintiff’s first set of interrogatories, first request for production of documents, and first request for admissions . . . .” Dkt. #23 at 1. Plaintiff does not provide any detail about how defendant’s discovery responses were deficient, why defendant’s allegedly deficient discovery responses prevent him from responding to defendant’s summary judgment motion or even what specific information plaintiff needs to

respond to the summary judgment motion. The affidavit from plaintiff's counsel does not help either, with counsel stating only that "[p]laintiff needs the withheld discovery to defeat defendant's Rule 56(c) motion . . . ." Dkt. #24, ¶ 5. Such vague statements do not meet the requirements of Rule 56(d).

#### ORDER

IT IS ORDERED that plaintiff Troy Scheffler's motion for a continuance, dkt. #23, that is, an extension of his time for briefing, is DENIED.

Entered this 19th day of July, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge