

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

THE SOUTHERN NEW ENGLAND	:	
TELEPHONE COMPANY,	:	
Plaintiff,	:	CIVIL ACTION NO.
v.	:	3:04-cv-2075 (JCH)
	:	
GLOBAL NAPS, INC. et al,	:	
Defendants.	:	NOVEMBER 13, 2007

RULING RE: DEFENDANTS' MOTION TO SEAL (DOC. NO. 571), MOTION FOR EXTENSION OF TIME (Doc. No. 609) AND MOTION TO COMPEL (DOC. NO. 610)

Defendants' Global Naps, Inc. et al ("Global Naps") Motion to Compel (Doc. No. 610) is DENIED. Global Naps failed to file an Affidavit "explaining the need for additional discovery, as required by Rule 56(f)." Williams v. R.H. Donnelley, Corp., 368 F.3d 123, 126 (2d Cir. 2004). Mere mention of the need for additional discovery in a memorandum of law in opposition to a motion for summary judgment is "not an adequate substitute for a Rule 56(f) Affidavit." Paddington Partners v. Bouchard, 34 F.3d 1132, 1137 (2d Cir. 1994)(internal quotations omitted). Failure to file such an Affidavit "is itself sufficient grounds to reject a claim that the opportunity for discovery was inadequate." Id. Furthermore, the reasoning Global Naps provides in its memorandum of law is insufficient to satisfy this Circuit's test under Rule 56(f) which requires the movant to include "the nature of the uncompleted discovery; how the facts sought are reasonably expected to create a genuine issue of material fact; what efforts the affiant has made to obtain those facts; and why those efforts were unsuccessful." Id. at 1138.

Having denied Global Naps Motion to Compel, the court DENIES the Motion for

Extension of Time (Doc. No. 609) as moot. Global Naps is hereby ordered to file its Supplemental 56(a)(2) Statement by the 16th of November, 2007.

Finally, Global Naps Motion to Seal (Doc. No. 571) was docketed in error and is TERMINATED as moot.

SO ORDERED.

Dated at Bridgeport, Connecticut this 13th day of November, 2007.

/s/ Janet C. Hall
Janet C. Hall
United States District Judge