

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

**Zach Porter Investments, LLC, an Idaho limited liability company;
Zachery Porter, an individual; and Jungle Hooks, LLC, an Idaho
limited liability company v. Reiss Technology Corp., a New Jersey
corporation; Paul Reiss, an individual; and Joseph Fanelli, an
individual; Dave Roth, an individual; and Rosenberg Rich Baker
Berman, P.A., a New Jersey professional corporation**

Zach Porter Investments · No. 1:23-cv-00249-DCN · Decided May 4, 2026

SUMMARY

The United States District Court for the District of Idaho deferred ruling on Plaintiffs’ motion for summary judgment under Federal Rule of Civil Procedure 56(d). The court found that Defendants had identified essential information likely to be obtained through ongoing discovery and had demonstrated that discovery was still at an early stage. The motion was held in abeyance, and Defendants’ request for Rule 56(d) relief was granted.

CASE DETAILS

COURT	United States District Court for the District of Idaho
WRITING FOR THE COURT	David C. Nye
JURISDICTION	United States District Court for the District of Idaho
DECIDED	May 4, 2026
DOCKET	1:23-cv-00249-DCN
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs/Counter-Defendants moved for summary judgment. Defendants/Counter-Claimants sought relief under Federal Rule of Civil Procedure 56(d), asking the court to defer ruling until discovery was completed.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 56(d), the party seeking additional discovery must show that the information sought would prevent summary judgment and that the information exists; the request must identify the specific facts further discovery would reveal and explain why those facts would preclude summary judgment.

PRECEDENTIAL VALUE	Unknown
PARTIES	Zach Porter Investments, LLC, Zachery Porter, Jungle Hooks, LLC v. Reiss Technology Corp., Paul Reiss, Joseph Fanelli, Dave Roth, Rosenberg Rich Baker Berman, P.A.

TOPICS

summary judgment discovery dispute civil procedure breach of contract commercial litigation

PRACTICE AREAS

civil procedure commercial litigation contracts

QUESTIONS PRESENTED

1. Whether defendants satisfied the requirements of Federal Rule of Civil Procedure 56(d) for deferral of a summary-judgment motion because they lacked essential facts and needed additional discovery.
2. Whether the court should hold plaintiffs' summary-judgment motion in abeyance until discovery was complete.

HOLDINGS

1. Defendants satisfied the requirements for Rule 56(d) relief by identifying the information needed to respond to the summary-judgment motion, explaining why existing information was insufficient, and showing that the information existed and was likely within plaintiffs' custody or control.
2. The court deferred ruling on plaintiffs' summary-judgment motion and held it in abeyance until discovery was complete.

KEY QUOTATIONS

"In sum, the Court finds the interests of justice are best served by deferring ruling on Porter's Motion for Summary Judgment."

"Once discovery is complete, the parties can supplement their existing filings or file wholly new motions."

FACTUAL BACKGROUND

The action involves breach-of-contract and securities-fraud claims, along with multiple claims, counterclaims, and defenses among interrelated parties. The parties had agreed to extend the schedule to complete discovery, including international discovery, but plaintiffs filed for summary judgment before any depositions or third-party discovery had occurred. Defendants asserted that material information likely within plaintiffs' custody or control was necessary to test the evidence supporting the motion.

PROCEDURAL HISTORY

The parties amended the scheduling order to allow additional discovery, including international discovery, and to evaluate whether dispositive motions were appropriate. Plaintiffs filed a summary-judgment motion the following day, before depositions or third-party discovery had occurred. The court granted defendants' Rule 56(d) request, held the summary-judgment motion in abeyance, and deferred ruling until discovery was complete.

DISPOSITION

other

CASES CITED

- Blough v. Holland Realty, Inc., 574 F.3d 1084, 1091 n.5 (9th Cir. 2009)
- Maple v. Rainbow's End Recovery Ctr., 2018 WL 443440 (D. Idaho Jan. 16, 2018)
- Tatum v. City & County of San Francisco, 441 F.3d 1090, 1100 (9th Cir. 2006)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-district-of-idaho-united-states-district-court-for-the-district/2026/zach-porter-investments-llc-an-idaho-limited-liability-klr4wi9w>