

September 12, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-20855

VIRGINIA FISHER,

Plaintiff-Appellant,,

versus

GREATER HOUSTON CONVENTION & VISITORS BUREAU, ET AL,

Defendants,

GREATER HOUSTON CONVENTION & VISITORS BUREAU,

Defendant-Appellee.

Appeal from the United States District Court for the
Southern District of Texas

Before KING, GARWOOD and JOLLY, Circuit Judges.

PER CURIAM:*

On consideration of the record, briefs, and argument of counsel, this court concludes that under all the circumstances, the district court abused its discretion in entirely denying the Rule

*Pursuant to 5TH CIR. R. 47.5 the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

56(f) motion of plaintiff-appellant, who had not been allowed (despite appropriate request) to take any deposition, and accordingly the district court's grant of summary judgment for defendant-appellee is vacated, and the cause is remanded for further proceedings not inconsistent herewith.

VACATED and REMANDED