

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

JUL 03 2002 *JS*

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO

INTERACTIVE DIGITAL SOFTWARE)
ASSOCIATION, et al.,)

Plaintiffs,)

vs.)

ST. LOUIS COUNTY, MISSOURI, et al.,)

Defendants.)

Case No. 4:00CV2030 SNL

ORDER

This matter is before the Court on plaintiffs' motion to alter or amend judgment (#40) filed June 28, 2002. Plaintiffs bring the motion pursuant to Federal Rules of Civil Procedure 59(e) and 60(b); however, plaintiffs do not state the grounds in Rule 60(b) upon which they make their motion. Their first argument is that they disagree with the Court's April 19, 2002 order. That does not qualify as a reason to alter or amend the judgment. They then suggest that they were denied notice and an opportunity to respond to a motion for summary judgment or a motion to dismiss on the pleadings.

Plaintiffs were allowed to present any evidence they wished to the Court and they were given the opportunity to fully brief their position in their motion for summary judgment. As the Court stated in its June 14, 2002 order, there is nothing left in the Complaint on which plaintiffs can proceed. Plaintiffs now want the Court to review additional evidence. There is nothing in the record that indicates this evidence was not available to plaintiffs at the time they filed their motion for summary judgment.

If the Court had not dismissed this action, and defendants filed a motion for summary judgment, the Court would be asked to decide the *identical* issues that the Court already decided

in the April 19, 2002 order. The issues were thoroughly briefed and the Court made a ruling which was dispositive of all the issues in the case. Plaintiffs claim they have additional evidence with which to challenge a summary judgment motion made by the County. However, if the Court allows the parties to continue submitting new evidence and continue briefing the *identical* issues, there will be no end to the case. Plaintiffs' Complaint alleges a purely legal question of whether the Ordinance at issue is unconstitutional. Plaintiffs had an opportunity to present all their evidence on the issue, and they thoroughly briefed the issue, and the Court found against them on the issue. There is nothing left of the Complaint for the Court to decide.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motion to alter or amend judgment (#40) is **DENIED**.

Dated this 3rd day of July, 2002.



SENIOR UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT -- EASTERN MISSOURI
INTERNAL RECORD KEEPING

AN ORDER, JUDGMENT OR ENDORSEMENT WAS SCANNED, FAXED AND/OR MAILED TO THE
FOLLOWING INDIVIDUALS ON 07/03/02 by kspurgeo
4:00cv2030 Interactive Digital vs St. Louis County, M

42:1983 Civil Rights Act

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SCANNED & FAXED BY:

JUL - 3 2002

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