

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

JUN 14 2002
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 *sua sponte*. On April 19, 2002, the Court denied plaintiffs' motion for summary judgment, finding the ordinance at issue in this case to be constitutional. The same day, the Court ordered a Rule 16 Scheduling Conference for May 20, 2002. The conference was held by telephone and the Court indicated that the constitutionality of the county ordinance was the principal issue involved in this action, and suggested that the Court would allow plaintiff to appeal on an interlocutory basis. Plaintiffs' counsel indicated that they preferred not to appeal the order immediately, but rather wanted to expand the record on a dispositive motion filed by defendants. The joint proposed scheduling plan indicates that defendants intend to file a notice for summary judgment by July 1, 2002 based on the Court's ruling denying plaintiffs' summary judgment motion.

The Court has again reviewed this file and in particular, the Amended Complaint and the Court's April 19, 2002 order denying plaintiffs' summary judgment motion. The Court finds that the order essentially addresses all the legal issues presented in this case, and nothing remains for plaintiffs to proceed on in their Complaint. Count VI involves constitutional claims under the

Missouri Constitution, but everything the Court ruled on in its April 19, 2002 order would be equally applicable to the Missouri Constitution.

Therefore, the Court, upon its own motion, is dismissing this cause of action because as a result of the April 19, 2002 order, there is nothing left in the Complaint on which plaintiffs can proceed.

Accordingly,

IT IS HEREBY ORDERED that this cause of action is dismissed.

Dated this 14th day of June, 2002.



SENIOR UNITED STATES DISTRICT JUDGE