

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 00-3194

Oren Goble,	*	
	*	
Appellant,	*	Appeal from the United States
	*	District Court for the Western
v.	*	District of Missouri.
	*	
Continental Casualty Company,	*	[UNPUBLISHED]
	*	
Appellee.	*	

Submitted: March 28, 2001

Filed: April 3, 2001

Before RICHARD S. ARNOLD, FAGG, and BOWMAN, Circuit Judges.

PER CURIAM.

Oren Goble was the chief executive officer of Win Vent, Inc., which maintained a group long-term disability policy issued by Continental Casualty Company. In April 1993, Goble suffered a stroke, and in June 1993, Win Vent, Inc. closed. Goble sought long-term disability benefits in February 1998, and Continental Casualty denied the claim as untimely. Goble filed a lawsuit seeking disability benefits, and the district court granted summary judgment to Continental Casualty, concluding Goble's claim was untimely and the delay prejudiced Continental Casualty. Goble appeals arguing the district court committed error in finding prejudice. We disagree. The district court

correctly found on undisputed facts that the delay prejudiced Continental Casualty. Besides, the lawsuit was filed too late under the policy provision stating, "No action can be brought after 3 years from the date written proof is required." We thus affirm the district court.*

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

*The Honorable Ortrie D. Smith, United States District Judge for the Western District of Missouri.