

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 11-1290

The Hunte Corporation,

Appellee,

v.

Jodell Martinelli; Stephanie Booth;
Melia Perry; Abbigail King; Nicole
Kersanty; Ruth Ross; Elliot Moskow;
Karen Galatis,

Appellants.

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* Appeal from the United States
* District Court for the
* Western District of Missouri.
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* [UNPUBLISHED]
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Submitted: September 19, 2011

Filed: December 29, 2011

Before RILEY, Chief Judge, COLLOTON and GRUENDER, Circuit Judges.

PER CURIAM.

Elliot Moskow and Karen Galatis (collectively, “appellants”) served a subpoena on The Hunte Corporation (“Hunte”) to obtain discovery to aid them in certain litigation before the United States District Court for the District of Arizona. Hunte, as a non-party to the litigation in Arizona, sought a protective order, and the

district court¹ found “it appropriate to shift all reasonable and necessary costs Hunte incurs in complying with the subpoena” to appellants. Appellants filed a motion for partial reconsideration and suggested three factors for the district court to consider in determining whether appellants should bear the costs of discovery. The district court analyzed the issue using the three factors appellants suggested, but maintained its initial position that appellants must bear the costs of discovery. Appellants now appeal.

We review discovery rulings for “gross abuse of discretion resulting in fundamental unfairness.” *Sallis v. Univ. of Minn.*, 408 F.3d 470, 477 (8th Cir. 2005) (quoting *Roberts v. Shawnee Mission Ford, Inc.*, 352 F.3d 358, 360 (8th Cir. 2003)). Having carefully reviewed the record and the arguments of the parties, we find no abuse of discretion. Therefore, we affirm, *see* 8th Cir. R. 47B, and deny Hunte’s motions to take judicial notice and enlarge the record on appeal.

¹The Honorable Richard E. Dorr, United States District Judge for the Western District of Missouri.