

United States Court of Appeals
For the Eighth Circuit

No. 12-2585

St. Louis Heart Center, Inc., individually and as the representative of a class of
similarly-situated persons

Plaintiff - Appellee

v.

Jackson & Coker Locumtenens, LLC

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: February 15, 2013
Filed: February 28, 2013
[Unpublished]

Before WOLLMAN, BOWMAN, and GRUENDER, Circuit Judges.

PER CURIAM.

St. Louis Heart Center, Inc. (Heart Center) brought this suit against Jackson & Coker Locumtenens, LLC (Jackson), alleging violations of the Telephone Communications Protection Act. Jackson moved to dismiss, arguing that it had made a full settlement offer to Heart Center, and therefore, although the offer had been

rejected, the case was moot. The district court¹ denied the motion to dismiss, as well as Jackson's ensuing motions for reconsideration and to certify the question for interlocutory appeal pursuant to 28 U.S.C. § 1292(b). This appeal followed, in which Jackson argues that appellate jurisdiction exists under the collateral-order doctrine.²

Having carefully reviewed the parties' appellate submissions, we conclude that the denial of Jackson's motion to dismiss the case as moot, due to a settlement offer, is not a collateral order. *See Digital Equip. Corp. v. Desktop Direct, Inc.*, 511 U.S. 863, 867-69 (1994) (collateral-order doctrine comprises only district court decisions that are conclusive, resolve important questions completely separate from merits, and would render such important questions effectively unreviewable on appeal from final judgment; conditions for collateral-order are "stringent" and exception is "narrow"; holding that "right to avoid trial" negotiated in private settlement agreement could be adequately vindicated on appeal from final judgment). As a result, this court lacks jurisdiction over the appeal. *See* 28 U.S.C. § 1291.

Accordingly, we dismiss this appeal for lack of jurisdiction.

¹The Honorable Henry E. Autrey, United States District Judge for the Eastern District of Missouri.

²Jackson also moves to stay the appeal pending a decision by the United States Supreme Court in another case. Given our disposition of this appeal, we do not reach Jackson's motion.