

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-1706

Wayne Tracy, *
*
Appellant, *
*
Appeal from the United States *
v. *
District Court for the *
Western District of Missouri. *
Cerner Corporation, *
*
[UNPUBLISHED] *
Appellee. *

Submitted: September 29,
1997
Filed: October 10,
1997

Before WOLLMAN, LOKEN, and HANSEN, Circuit Judges.

PER CURIAM.

After a jury rejected his disability discrimination claim against Cerner Corporation, terminated employee Wayne Tracy appeals the district court's¹ pretrial order

¹The HONORABLE SCOTT O. WRIGHT, United States District Judge for the Western District of Missouri.

denying his motion for leave to file a fourth amended complaint adding a claim under the Age Discrimination in Employment Act, 29 U.S.C. §§ 621 et seq. The motion was made nearly four months after the district court's scheduling order deadline

for amending the pleadings, two business days before the scheduled completion of discovery, and eighteen days before dispositive motions were due. It was based upon the previous day's deposition testimony of a Cerner vice-president who did not make the decision to terminate Tracy. After careful review of the record, we conclude that the district court did not abuse its discretion in denying the motion to add this claim as untimely. See National Liberty Corp. v. Wal-Mart Stores, Inc., No. 96-1794, 1997 WL 458996, at *4 (8th Cir. Aug. 13, 1997). Accordingly, we affirm.

A true copy.

Attest:

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