

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-2470

Joseph W. Marti, Jr.; Mike Alsop; *
Greg McDonald; Ray Powers; James E. *
Swift; Steve Nelson; Milton Jones; *
Eric Cole, Jr.; Robert Edmound; Fred *
Hodges, Jr.; Mike Jablonowski; David *
First; Martin Hooper; *

Plaintiffs - Appellants, *

George Petsoff; *

Plaintiff, *

Mike Abernathy; Rick A. Atchley; *
John J. Caswell, Jr.; Maury Weiner; *
Paul Diecker; Joe Gaeta; Chris Cannon; *
Henry Meyers; Barry McClintock; *
Jerry Holloway; Nick Millick; Patrick *
Dougherty; Chris Schenk; *

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

[UNPUBLISHED]

Plaintiffs - Appellants, *

Keith Lombardo; *

Plaintiff, *

Dan Hensley; Joe Insalaco; *

Plaintiffs - Appellants, *

John Doe, I through XX; Salvatore *

Orlando; Byron Carson;	*
	*
Plaintiffs,	*
	*
Keith Moorehead; Daniel Murphy;	*
Chris Cannon; Henry Meyers; Raymond	*
Marti, III; John W. Turner; Clarence	*
Aulbach, Jr.;	*
	*
Plaintiffs - Appellants,	*
	*
v.	*
	*
Grey Eagle Distributors, Inc.;	*
	*
Defendant - Appellee.	*

Submitted: January 16, 1998
 Filed: February 2, 1998

Before BOWMAN, WOLLMAN, and HANSEN, Circuit Judges.

PER CURIAM.

The plaintiffs in this lawsuit alleged violations of the Fair Labor Standards Act and asserted other claims against their employer, Grey Eagle Distributors, Inc. The District Court,¹ having granted Grey Eagle's motion to reconsider a previously granted motion by the plaintiffs to amend the complaint by interlineation to add approximately thirty new plaintiffs, then granted summary judgment for Grey Eagle on statute-of-

¹The Honorable Stephen N. Limbaugh, United States District Judge for the Eastern District of Missouri.

limitations grounds. In granting Grey Eagle's motion for reconsideration, the court found that the addition of the approximately thirty new plaintiffs would be in direct contravention of the court's order establishing a cut-off date for adding plaintiffs.

In this appeal, the plaintiffs contend the District Court abused its discretion by granting Grey Eagle's motion for reconsideration. Having reviewed the case, we find no abuse of discretion. We further find that the issues do not warrant extended discussion. See 8th Cir. R. 47B.

Grey Eagle characterizes the appeal as frivolous and requests an award of attorney fees incurred in its defense of the appeal. The plaintiffs' arguments are convoluted and confusing, and some of them, we agree, are plainly frivolous. But even though we discern no merit in any of the plaintiffs' arguments, we are not prepared to say that the appeal as a whole is entirely frivolous. Accordingly, the request for attorney fees is denied. Grey Eagle is, of course, entitled to recover its costs. See Fed. R. App. P. 39; 8th Cir. R. 39A.

The decision of the District Court is affirmed.

A true copy.

Attest:

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