

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 11-1176

Bernard Gerstner, Jr.; Dale Sprague;
Ronald Cornelius,

Appellants,

v.

Sebig, LLC; Arlo W. Erickson, in his
individual capacity only; Donald
Roberts, in his individual capacity only;
B. A. Schawinsky, in his individual
capacity only; Pat Stewart, in her
individual capacity only,

Appellees.

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

[UNPUBLISHED]

Submitted: June 28, 2011
Filed: July 5, 2011

Before LOKEN, BYE, and SHEPHERD, Circuit Judges.

PER CURIAM.

Bernard Gerstner, Dale Sprague, and Ronald Cornelius (collectively, appellants) previously appealed the dismissal of their civil complaint alleging securities violations. We affirmed the dismissal, except as to their claim based on the sale of unregistered securities under 15 U.S.C. § 77e(a). See Gerstner v. Sebig, LLC, 386 Fed. Appx. 573 (8th Cir. 2010) (unpublished per curiam). They now appeal the

district court's¹ dismissal of the unregistered-securities claim as untimely. After careful review, we agree with the district court that the claim was not timely filed, and conclude that appellants were not entitled to equitable tolling. See 15 U.S.C. § 77l(a)(1) (allowing private cause of action for violations of § 77e); 15 U.S.C. § 77m (providing limitations period for actions to enforce liability created under § 77l(a)(1)); Firstcom, Inc. v. Qwest Corp., 555 F.3d 669, 674-75 (8th Cir. 2009). We also conclude that the district court did not abuse its discretion in denying appellants' motion for reconsideration. See United States v. Metro. St. Louis Sewer Dist., 440 F.3d 930, 933-34 (8th Cir. 2006).

Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable Ortrie D. Smith, United States District Judge for the Western District of Missouri.