

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SIMMONS, et al.,)
)
Plaintiffs,)
)
vs.) Case No. 4:15 CV 341 RWS
)
SKECHERS USA, INC., et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before me on Defendants’ Joint Motion for Permission to Respond to Plaintiffs’ Motion for Leave to File Supplemental Legal Authority. Defendants would like to file a response in opposition to plaintiffs’ May 4, 2015 motion for leave to file supplemental legal authority in support of their motion to remand, which I granted on May 5, 2015. Because I have already ruled upon plaintiffs’ motion for leave to file supplemental authority, I will construe defendants’ instant motion as a motion for reconsideration of my May 5, 2015 ruling.¹

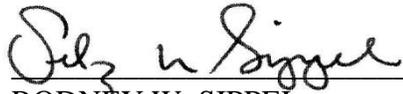
Federal Rule of Civil Procedure 60(b)(6) provides that, “[o]n motion and just terms, the court may relieve a party . . . from a[n] . . . order . . . for (6) any other reason that justifies relief.” A motion under Rule 60(b) “is not a vehicle for simple reargument on the merits.” Broadway v. Norris, 193 F.3d 987, 990 (8th Cir. 1999). Under Rule 60(b)(6), relief can be granted only where the “exceptional circumstances have denied the moving party a full and fair opportunity to litigate his claim and have prevented the moving party from receiving adequate redress.” Harley v. Zoesch, 413 F.3d 866, 871 (8th Cir. 2005).

¹ I note that, if I were not to construe defendants’ motion as one for reconsideration, defendants’ proposed response in opposition to plaintiffs’ motion would be untimely under the Local Rules for the United States District Court for the Eastern District of Missouri.

Defendants' motion does not raise any legal or factual issues that were not considered by me in my previous order. As a result, I do not find any reason justifying reconsideration of my previous decision to grant plaintiff's motion for leave to file supplemental authority.

Accordingly,

IT IS HEREBY ORDERED that Defendants' Motion for Permission to Respond to Plaintiffs' Motion for Leave to File Supplemental Legal Authority #[30] is **DENIED**.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 18th day of May, 2015.