

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

DENNIS LEE BUNGER,)	
CATHY LYNN BUNGER, and)	
BUNGER AUTO ELECTRIC,)	
)	
Plaintiffs,)	
)	
v.)	
)	
FEDERATED INSURANCE)	
COMPANY and JOHN C. DECKER,)	
)	
Defendants.)	

No. 06-0335-CV-W-DGK

ORDER

Pending before the Court is Defendants’ Motion for Reconsideration (Doc. #100). Defendants present no new arguments to support their Motion. The Court previously considered Defendants’ arguments in the Motions for Summary Judgment, which was denied.

Defendant also requests that the Court reopen discovery based on the new claims in Plaintiffs’ Amended Petition. Plaintiff was granted leave to file the Amended Complaint on September 4, 2007 (Doc. #67). At no time since then have Defendants sought an extension of time in which to complete discovery. Rather, Defendants waited until after the summary judgment order was issued and a trial date set – over a year from when the Amended Complaint was filed – to seek additional discovery. Based on this extremely lengthy delay, Defendants’ are not entitled to reopen discovery. *Robinson v. Potter*, 453 F.3d 990, 995 (8th Cir. 2006) (affirming district court’s denial of the plaintiff’s motion to reopen discovery as untimely) (citing *Firefighters’ Inst. for Racial Equal. v. City of St. Louis*, 220 F.3d 898, 903 (8th Cir. 2000) (finding no abuse of discretion in denying an untimely discovery request)). For all the foregoing reasons, Defendants’ Motion for Reconsideration is DENIED.

IT IS SO ORDERED.

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT

DATED: November 21, 2008