

United States Court of Appeals
For the Eighth Circuit

No. 14-3295

Michael A. Hoelscher; Theresa Hoelscher; C. M. Hoelscher, by Next Friend,
Theresa Hoelscher, a Minor

Plaintiffs - Appellants

v.

Miller's First Insurance Co.; Miller's Classified Insurance Co.; George S. Milnor, President and CEO, Individually and Corporate Capacity; John M. Huff, Division Director, Consumer Affairs, State of Missouri Department of Insurance, Financial Institution and Professional Registration, Consumer Affairs Division; Matt Barton, Director, Consumer Affairs, State of Missouri Department of Insurance, Financial Institution and Professional Registration, Consumer Affairs Division; Carol A. Harden, Consumer Service Coordinator, State of Missouri Department of Insurance, Financial Institution and Professional Registration, Consumer Affairs Division; Mike Haymart; G & C Adjusting Services LLC; Wayne Bernskoetter; Wayne Bernskoetter Constructions; Victor R. Sapp; Sapp Home Pro, Inc.; Jude Markway; Jude Markway Construction; Jeff Sapp

Defendants - Appellees

Appeal from United States District Court
for the Western District of Missouri - Jefferson City

Submitted: March 23, 2015

Filed: March 31, 2015

[Unpublished]

Before LOKEN, BOWMAN, and KELLY, Circuit Judges.

PER CURIAM.

Michael Hoelscher, Theresa Hoelscher, and C. M. Hoelscher, by Next Friend, Theresa Hoelscher (the Hoelschers) appeal the district court's¹ dismissal of their civil complaint. Upon careful de novo review, we conclude that the Hoelschers' claims were time-barred, and that dismissal was therefore proper. See Fullington v. Pfizer, Inc., 720 F.3d 739, 744, 747 (8th Cir. 2013) (standard of review; appellate court may affirm dismissal on any basis supported by record); cf. Gross v. United States, 676 F.2d 295, 300 (8th Cir. 1982) (statute of limitations for continuing tort generally runs from date of last tortious act). We further conclude that the district court did not abuse its discretion in denying the Hoelschers post-judgment relief. See Miller v. Baker Implement Co., 439 F.3d 407, 414 (8th Cir. 2006) (standard of review).

Accordingly, the judgment of the district court is affirmed. See 8th Cir. R. 47B.

¹The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.