

91 F.3d 385, *, 1996 U.S. App. LEXIS 19807, **;
35 Fed. R. Serv. 3d (Callaghan) 1352

Finally, the district court's order is not immediately appealable [HN5] under the "collateral order" exception to the final judgment rule set forth in *Cohen* [**11] v. *Beneficial Indus. Loan Corp.*, 337 U.S. 541, 546-47, 93 L. Ed. 1528, 69 S. Ct. 1221 (1949). Under *Cohen*, an interlocutory order is immediately appealable if, *inter alia*, the order would "be effectively unreviewable on appeal from a final judgment." *Coopers & Lybrand v. Livesay*, 437 U.S. 463, 468, 57 L. Ed. 2d 351, 98 S. Ct. 2454 (1978). In the present case, we would not be foreclosed from reviewing the district court's denial of the Plaintiffs' motion to amend their complaint on an appeal from a final judgment. See *Richardson* [*389] *Greenshields Sec., Inc. v. Lau*, 825 F.2d 647, 651 (2d Cir. 1987). Accordingly, the collateral order exception does not apply to this case. See *DeNubilo*, 343 F.2d at 456-57 (holding that the collateral order exception does not apply to an order denying a motion to amend a complaint).

CONCLUSION

In view of the foregoing, we dismiss the appeal for lack of jurisdiction.

**NATIONAL INDEPENDENT THEATRE EXHIBITORS, INC.,
Plaintiff, James T. Patterson, Sr., individually and d/b/a/ Screen
Advertising Film Fund, Plaintiff-Appellant, v. BUENA VISTA
DISTRIBUTION COMPANY, et al., Defendants-Appellees**

No. 83-8638

**UNITED STATES COURT OF APPEALS FOR THE ELEVENTH
CIRCUIT**

**748 F.2d 602; 1984 U.S. App. LEXIS 15990; 1984-2 Trade Cas.
(CCH) P66,311; 40 Fed. R. Serv. 2d (Callaghan) 954**

December 12, 1984

PRIOR HISTORY: [**1] Appeal from the United States District Court for the Northern District of Georgia.

Screen Advertising Film Fund Corp. v. Buena Vista Distribution Co., 100 F.R.D. 14, 1983 U.S. Dist. LEXIS 14570 (N.D. Ga., 1983)

CASE SUMMARY:

PROCEDURAL POSTURE: Plaintiffs, a corporation and its president, appealed the judgment of the United States District Court for the Northern District of Georgia, which granted summary judgment in favor of defendant distributors in plaintiffs' suit alleging

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