

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-1224

THOMAS J. DEPETERDY, d/b/a Depeterdy Tree Farms,

Plaintiff - Appellant,

versus

CABOT OIL & GAS CORPORATION,

Defendant - Appellee.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. John T. Copenhaver, Jr., District Judge. (CA-97-966-2)

Submitted: August 31, 2000

Decided: September 21, 2000

Before WIDENER, WILLIAMS, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Larry L. Skeen, SKEEN & SKEEN, Ripley, West Virginia, for Appellant. Timothy M. Miller, ROBINSON & MCELWEE, L.L.P., Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Thomas J. Depeterdy appeals from the district court's order partially granting summary judgment in favor of Cabot Oil and Gas Corporation and the jury's subsequent award of damages in his diversity action against Cabot. We have reviewed the record and the materials presented by the parties, including Depeterdy's specific allegations of error in the district court's determinations, and find no reversible error therein. Accordingly, we affirm those decisions on the reasoning of the district court. See Depeterdy v. Cabot Oil & Gas Corp., No. CA-97-966-2 (S.D.W. Va. Sep. 13, 1999 & Feb. 3, 2000).

Depeterdy has also raised a handful of claims not clearly presented to the court below. We find these claims to be both waived, and without merit. Accordingly, we find no reason to disturb the district court's order, and therefore affirm. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED