

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 03-1454

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WESTPORT INSURANCE CORPORATION,

Plaintiff - Appellee,

versus

BLUM, YUMKAS, MAILMAN, GUTMAN & DENICK, P.A.;  
IRVING F. COHN; ROBERTA BORENSTEIN; JEFFREY  
BORENSTEIN; RONALD SHAPIRO; KENNETH SHAPIRO;  
SUSAN SHAPIRO,

Defendants - Appellees,

versus

GERALD J. FALONI,

Party in Interest - Appellant.

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Appeal from the United States District Court for the District of  
Maryland, at Baltimore. Andre M. Davis, District Judge. (CA-01-  
141-AMD)

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Submitted: July 10, 2003

Decided: July 15, 2003

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Before WILKINSON, MOTZ, and TRAXLER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Gerard J. Faloni, Appellant Pro Se. Rostyslaw Jurij Smyk, Jeffrey A. Goldwater, Michelle M. Bracke, BOLLINGER, RUBERRY & GARVEY, Chicago, Illinois; Paul Cottrell, TIGHE, COTTRELL & LOGAN, P.A., Wilmington, Delaware; Andrew Jay Graham, Aron Uri Raskas, KRAMON & GRAHAM, Baltimore, Maryland; Andrew Radding, David Bryan Applefeld, ADELBERG, RUDOW, DORF & HENDLER, L.L.C., Baltimore, Maryland; Pamela Anne Bresnahan, VORYS, SATER, SEYMOUR & PEASE, Washington, D.C.; John Henry Lewin, Jr., VENABLE, BAETJER & HOWARD, Baltimore, Maryland; James E. Carbine, JAMES E. CARBINE, P.C., Baltimore, Maryland; Kevin Thomas Smith, MASTERMAN CULBERT & TULLY, L.L.P., Boston, Massachusetts, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Westport Insurance Company, Incorporated (Westport) brought a complaint to rescind malpractice insurance coverage to Blum, Yumkas, Mailman, Gutman & Denick, P.A. (Blum, Yumkas). Westport also sought a declaratory judgment that it is not obligated to defend or indemnify Blum, Yumkas in an action brought by the beneficiaries of trusts that alleged Blum, Yumkas mishandled those trusts. Gerard J. Faloni asserted in the district court that he was entitled to share in the settlement reached in the Westport action based on allegations of criminal acts by some of the lawyers associated with the case. The district court denied Faloni's claims to any portion of the settlement upon finding no legal or factual basis for his claims. Faloni was never joined as a party to the action. Faloni appealed the district court's order adopting the settlement agreement reached by the parties.

Because Faloni was not a party to the action, and could not properly be a party, we dismiss his appeal. See Marino v. Ortiz, 484 U.S. 301, 304 (1988); Kenny v. Quiqg, 820 F.2d 665, 667 (4th Cir. 1987). 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.

DISMISSED