

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-1868**

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BEREK GLUCKSBERG; ELSA GLUCKSBERG,

Plaintiffs - Appellees,

R. R. FREDEKING, II, as Co-Administrator,  
d.b.n. of the Estate of Lincoln M. Polan; KIM  
WOLFE, Sheriff, as Co-Administrator, d.b.n. of  
the Estate of Lincoln M. Polan,

versus

WILLIAM J.M. POLAN, Co-Executor of the Estate  
of Lincoln M. Polan, deceased,

Defendant - Appellant,

and

CHARLES E. POLAN, Co-Executor of the Estate of  
Lincoln M. Polan, deceased; LINCOLN M. POLAN,

Defendants,

versus

GEORGE M. SCOTT, Special Master; SCOTT W.  
ANDREWS; OFFUT, FISHER & NORD,

Parties in Interest.

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Appeal from the United States District Court for the Southern  
District of West Virginia, at Huntington. Joseph Robert Goodwin,  
District Judge. (CA-99-129-3)

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Submitted: June 30, 2004

Decided: August 26, 2004

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Before WIDENER and MICHAEL, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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William V. DePaulo, WILLIAM V. DEPAULO, L.C., Hurricane, West Virginia, for Appellant. Ronald S. Rossi, MARTIN & SEIBERT, L.C., Martinsburg, West Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

William J.M. Polan appeals from the district court's order imposing sanctions against him in the amount of \$10,000 plus one-third of certain costs. The sanction resulted from Polan's failure to properly notify the court, during a proceeding in which he and his father were the defendants, that his father had died and that he was not a co-executor of his father's estate, as the plaintiffs believed. As a result of these failures, a judgment previously entered in favor of the plaintiffs in the amount of \$208,637.50 had to be vacated.

We find that the district court acted within its discretion in imposing sanctions against Polan. See Chambers v. NASCO, Inc., 501 U.S. 32 (1991). Accordingly, we affirm for the reasons stated by the district court. See Glucksberg v. Polan, No. CA-99-129-3 (S.D.W. Va. June 12, 2003). We deny Polan's motion for 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