

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-1469

BELLAGIO INSURANCE, LTD,

Plaintiff - Appellee,

versus

DIGITAL BROADCAST CORPORATION,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Samuel G. Wilson, District Judge. (CA-03-557)

Argued: September 20, 2006

Decided: October 3, 2006

Before KING and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

John Weber, III, WEBER PEARSON, P.C., Roanoke, Virginia, for Appellant. Matthew Douglas Huebschman, SHENANDOAH LEGAL GROUP, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Digital Broadcast Corporation ("DBC") appeals from the district court's judgment awarding Bellagio Insurance, Ltd. ("Bellagio") principal plus interest on two short-term loan agreements as well as specific performance of DBC's agreement to issue shares of its stock to Bellagio monthly if DBC defaulted on the loans. Finding no error, we affirm.

Bellagio brought suit in district court seeking enforcement of the two loan agreements with DBC. DBC admitted taking on the loans but raised the affirmative defense of usury. After a bench trial, the district court entered judgment for Bellagio. The district court awarded Bellagio principal plus interest for both loans and ordered DBC to specifically perform its agreement to issue shares of its stock to Bellagio monthly during the period of default.

After reviewing the record and hearing arguments from counsel, we find no reversible error in any of the decisions of the district court below. Accordingly, we affirm for the reasons stated by the district court. See Bellagio Ins., Ltd. v. Digital Broad. Corp., No. 7:03-CV-557 (W.D. Va. Mar. 23, 2005).

AFFIRMED