

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-1812

STEVEN J. GARVIN; DIANE E. GARVIN; I.S.P.
COMPANY, a West Virginia corporation,

Plaintiffs - Appellants,

versus

SOUTHERN STATES INSURANCE EXCHANGE COMPANY;
ANN BORAAS; DAVID BURTON,

Defendants - Appellees.

Appeal from the United States District Court for the Northern
District of West Virginia, at Clarksburg. Irene M. Keeley, Chief
District Judge. (CA-04-73-1)

Submitted: January 11, 2006

Decided: January 23, 2006

Before NIEMEYER, WILLIAMS, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

William A. Kolibash, PHILLIPS, GARDILL, KAISER & ALTMAYER,
P.L.L.C., Wheeling, West Virginia; Philip G. Haddad, MACCORKLE,
LAVENDER, CASEY & SWEENEY, P.L.L.C., Morgantown, West Virginia;
Joseph G. Nogay, SELLITTI, NOGAY & McCUNE, P.L.L.C., Weirton, West
Virginia, for Appellants. Stephen R. Brooks, Carol Ann Marunich,
FLAHERTY, SENSABAUGH & BONASSO, P.L.L.C., Morgantown, West
Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Steven J. Garvin, Diane E. Garvin, and I.S.P. Company ("appellants") appeal from a grant of summary judgment in favor of Southern States Insurance Exchange Company, Ann Boraas, and David Burton as to appellants' claims against David Burton ("Burton"). The case arises from appellants' insurance claims based on damage to their horses from allegedly adulterated horse feed. Appellants brought a number of claims under the West Virginia Unfair Trade Practices Act and also alleged a claim for fraud against Burton. The district court concluded that the fraud claims against Burton as alleged by appellants were time-barred under the applicable West Virginia statute of limitations, and entered summary judgment against appellants on this claim. As part of the same order, the district court denied appellants' "renewed" motion to remand, and appellants challenge this decision on appeal as well. We have reviewed the record and conclude that appellants' arguments lack merit. Accordingly, we affirm on the reasoning of the district court. 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