

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1687

CLEARWATER TRUST, a trust for the benefit of Russell B. Lentz, Jr. and Mitzi L. Lentz with Donna Schuford as trustee; THE ELISABETH T. LENTZ TRUST, with Marydine Lentz Lamb as trustee; RUSSELL B. LENTZ, JR. and MITZI L. LENTZ, individually and as owners and beneficiaries of the Clearwater Trust and as beneficiaries of the Elisabeth T. Lentz Trust, the Russell B. Lentz Trust, a trust for the benefit of Elisabeth T. Lentz, and the estate of Elisabeth R. Lentz,

Plaintiffs - Appellants,

v.

WYCHE, BURGESS, FREEMAN & PARHAM, PA; MARSHALL WINN; WALLACE K. LIGHTSEY,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Greenville. G. Ross Anderson, Jr., District Judge. (6:06-cv-01854-GRA)

Submitted: August 8, 2008

Decided: September 22, 2008

Before NIEMEYER and KING, Circuit Judges, and WILKINS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

John B. Veach, III, FALLS & VEACH, Asheville, North Carolina, for Appellants. Thomas W. Traxler, S. Brook Fowler, CARTER, SMITH, MERRIAM, ROGERS & TRAXLER, P.A., Greenville, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Plaintiffs appeal the district court's order granting Defendants' motion for summary judgment in Plaintiffs' legal malpractice action. On appeal, Plaintiffs contend the district court misapplied the facts and the law in concluding they waited more than three years to commence this action after discovery; in not determining that a jury could reasonably conclude the lawsuit was timely filed; and in not finding that Defendants were estopped from asserting the statute of limitations. We affirm.

We review a district court's grant of summary judgment de novo, construing the facts in the light most favorable to the nonmoving party. Holland v. Washington Homes, Inc., 487 F.3d 208, 213 (4th Cir. 2007), cert. denied, 128 S. Ct. 955 (2008). Summary judgment "should be rendered if the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(c). "[T]here is no issue for trial unless there is sufficient evidence favoring the nonmoving party for a jury to return a verdict for that party. If the evidence is merely colorable, or is not significantly probative, summary judgment may be granted." Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 249-50 (1986).

With these standards in mind, we have reviewed the parties' briefs and the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See Clearwater Trust v. Wyche, Burgess, Freeman & Parham, PA, No. 6:06-cv-01854-GRA (D.S.C. June 20, 2007). 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