

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1867

NATIONAL ELECTRICAL BENEFIT FUND, by its trustees;
SALVATORE J. CHILIA, Trustee; D. R. BORDEN, JR., Trustee,

Plaintiffs - Appellees,

v.

MIRARCHI BROTHERS, INC.,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Deborah K. Chasanow, Chief District Judge. (8:11-cv-02621-DKC)

Submitted: January 31, 2014

Decided: February 12, 2014

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

Affirmed by unpublished per curiam opinion.

Matthew I. Sack, DAVIS BUCCO & ARDIZZI, Conshohocken, Pennsylvania; Jeffrey D. McMahan, Jr., MCGUIREWOODS LLP, Richmond, Virginia, for Appellant. Jennifer Bush Hawkins, POTTS-DUPRE, DIFEDE & HAWKINS, CHTD., Washington, D.C., for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mirarchi Brothers, Incorporated, appeals the district court's order granting summary judgment for National Electrical Benefit Fund ("NEBF") under the Employee Retirement Income Security Act of 1974 and awarding NEBF unpaid contributions, liquidated damages, interest, and audit fees related to an audit of Mirarchi's contribution records. On appeal, Mirarchi contends that summary judgment is improper because there is a genuine dispute over whether it owes NEBF unpaid contributions. Finding no error, we affirm.

We review de novo the district court's grant of summary judgment, "viewing the facts and the reasonable inferences drawn therefrom in the light most favorable to the nonmoving party." Emmett v. Johnson, 532 F.3d 291, 297 (4th Cir. 2008). Summary judgment is proper "if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). A court should grant summary judgment unless a reasonable jury could return a verdict for the nonmoving party on the evidence presented. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 249 (1986). We conclude that, in this case, there is no genuine dispute as to any material fact.

Accordingly, we affirm the district court's judgment. We dispense with oral argument because the facts and legal

contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED