

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 13-2048**

---

LYON SHIPYARD, INCORPORATED,

Plaintiff - Appellant,

v.

DANN MARINE TOWING, L.C.,

Defendant - Appellee.

---

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Arenda Wright Allen, District Judge. (2:11-cv-00650-AWA-LRL)

---

Submitted: May 23, 2014

Decided: June 2, 2014

---

Before WILKINSON and AGEE, Circuit Judges, and DAVIS, Senior Circuit Judge.

---

Affirmed by unpublished per curiam opinion.

---

Michael J. Gardner, Megan E. Burns, TROUTMAN SANDERS LLP, Virginia Beach, Virginia, for Appellant. David N. Ventker, Marissa M. Henderson, VENTKER & WARMAN, PLLC, Norfolk, Virginia; Robert Birthisel, HAMILTON, MILLER & BIRTHISEL, LLP, Tampa, Florida, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lyon Shipyard, Inc. ("Lyon"), appeals the district court's judgment in favor of Dann Marine Towing, L.C. ("Dann Marine"), following a one-day bench trial on contract and warranty claims arising from a dispute over Lyon's performance of a maritime painting contract. Lyon urges us to reverse the judgment below, challenging the district court's factual findings; arguing that the court erroneously determined that Lyon breached its contract with Dann Marine and its warranty of workmanlike performance; and further challenging the court's calculation of damages.

In a bench trial, we review the district court's factual findings for clear error and its legal conclusions de novo. Fed.R.Civ.P. 52; Helton v. AT & T, Inc., 709 F.3d 343, 351 (4th Cir. 2013). "In cases in which a district court's factual findings turn on assessments of witness credibility or the weighing of conflicting evidence during a bench trial, such findings are entitled to even greater deference." Helton, 709 F.3d at 351.

FTC v. Ross, 743 F.3d 886, 894 (4th Cir. 2014).

We have reviewed the record and the parties' briefs and find no reversible error. Accordingly, we affirm for the reasons set forth in the district court's thorough and well-reasoned orders. Lyon Shipyard, Inc. v. Dann Marine Towing, L.C., No. 2:11-cv-00650-AWA-LRL (E.D. Va. Aug. 2, 2013); Lyon Shipyard, Inc. v. Dann Marine Towing, L.C., No. 2:11-cv-00650-AWA-LRL (E.D. Va. Dec. 18, 2012). We dispense with oral argument because the facts and legal contentions are adequately presented in the

materials before this court and oral argument would not aid the decisional process.

AFFIRMED