

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-1575**

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ROBERT W. SAYMAN; MARY B. SAYMAN,

Plaintiffs - Appellants,

v.

LEHMAN BROTHERS, FSB; VOLKSWAGEN BANK USA; NATIONSTAR  
MORTGAGE, LLC; ROGERS TOWNSEND & THOMAS, PC,

Defendants - Appellees.

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Appeal from the United States District Court for the Western  
District of North Carolina, at Charlotte. Robert J. Conrad,  
Jr., District Judge. (3:13-cv-00288-RJC-DSC)

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Submitted: November 17, 2014

Decided: January 8, 2015

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Before DUNCAN, WYNN, and DIAZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Robert W. Sayman, Mary B. Sayman, Appellants Pro Se. Dennis  
Kyle Deak, TROUTMAN SANDERS, LLP, Raleigh, North Carolina;  
Timothy Patrick Lendino, SMITH MOORE LEATHERWOOD, LLP,  
Charlotte, North Carolina; Kim M. Watterson, REED SMITH, LLP,  
Pittsburgh, Pennsylvania, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert W. Sayman and Mary B. Sayman seek to appeal the district court's orders adopting the magistrate judge's recommendations to dismiss their claims against Lehman Brothers, FSB; Nationstar Mortgage, LLC; and Volkswagen Bank USA as barred by the applicable statutes of limitations. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2012), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2012); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 545-46 (1949).

The orders the Saymans seek to appeal are neither final orders nor appealable interlocutory or collateral orders. The Saymans named a fourth Defendant in their amended complaint—the law firm, Rogers Townsend & Thomas, PC. Although it is not clear from the record whether the firm was properly served with the amended complaint, we err on the side of caution and conclude that Rogers Townsend is a party to the litigation within the meaning of Rule 54(b). Cf. Insinga v. LaBella, 817 F.2d 1469, 1470 (11th Cir. 1987) (holding that “where an action is dismissed as to all defendants who have been served and only unserved defendants remain, the district court’s judgment may be considered a final appealable order”). Because the Saymans’ claims against Rogers Townsend remain pending in the district

court, the Saymans' appeal is interlocutory and we dismiss the appeal for lack of jurisdiction.

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.

DISMISSED