

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-1034**

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PROD-X DISTRIBUTORS, INCORPORATED; NASIR M.  
KHAN, a/k/a David Kahn,

Plaintiffs - Appellants,

versus

CAPITOL RESOURCE FUNDING, INCORPORATED,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Alexandria. T. S. Ellis, III, District  
Judge. (CA-03-1065-1)

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Submitted: April 25, 2005

Decided: May 10, 2005

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Before WILKINS, Chief Judge, WILLIAMS, Circuit Judge, and Glen E.  
CONRAD, United States District Judge for the Western District of  
Virginia, sitting by designation.

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Affirmed by unpublished per curiam opinion.

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Scott M. Behren, Shawn L. Michaelson, WALDMAN, FELUREN, HILDEBRANDT  
& TRIGOBOFF, PA, Weston, Florida, for Appellants. Stephen M.  
Seeger, Julie Quagliano, QUAGLIANO & SEEGER, Washington, D.C., for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Plaintiffs Prod-X Distributors, Inc. ("Prod-X") and Nasir M. Khan noted an appeal from the district court's order dismissing their breach of contract claim and entering judgment in favor of Defendant Capitol Resource Funding, Inc., on its counterclaim for breach of contract. While the appeal was pending, Prod-X filed a petition for relief in bankruptcy. We therefore stayed the appeal from the portion of the district court's order granting judgment in favor of Capitol Resource on its counterclaim against Prod-X, see 11 U.S.C. § 362(a) (2000), and affirmed the remainder of the case. See Prod-X Distribs., Inc. v. Capitol Res. Funding, Inc., No. 04-1034 (4th Cir. Oct. 20, 2004) (unpublished).

The bankruptcy court has now lifted the automatic stay imposed in Prod-X's bankruptcy case to allow this court to resolve the appeal as to the judgment entered on Capitol Resource's counterclaim against Prod-X. We have reviewed the record and find no reversible error by the district court in granting judgment in favor of Capitol Resource and against Prod-X on Capitol Resource's counterclaim. Accordingly, we affirm for the reasons stated by the district court. See Prod-X Distribs., Inc. v. Capitol Res. Funding, Inc., No. CA-03-1065-1 (E.D. Va. filed Nov. 26, 2003 & entered Dec. 4, 2003). We have previously granted Capitol Resource's motion to submit the case on the briefs and 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