

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-1541**

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CORSAIR SPECIAL SITUATIONS FUND, L.P.,

Plaintiff - Appellee,

v.

AJD CONSTRUCTION COMPANY, INCORPORATED,

Defendant - Appellant,

and

ENGINEERED FRAMING SYSTEMS, INCORPORATED; JOHN J. HILDRETH,  
P.E.; MARIE NOELLE HILDRETH; EFS STRUCTURES, INCORPORATED,

Defendants.

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Appeal from the United States District Court for the District of  
Maryland, at Baltimore. William D. Quarles, Jr., District  
Judge. (1:06-cv-02081-WDQ)

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Submitted: September 18, 2009

Decided: October 13, 2009

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Before WILKINSON, SHEDD, and DUNCAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Robert P. Ewing, EWING & KREISER, P.C., Conshohocken,  
Pennsylvania; Matthew T. Murnane, VENABLE, LLP, Baltimore,  
Maryland, for Appellant. Jessica A. duHoffmann, Robert S.  
Brennen, MILES & STOCKBRIDGE, PC, Baltimore, Maryland; Matthew

S. Sturtz, MILES & STOCKBRIDGE, PC, Towson, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

AJD Construction Company, Incorporated ("AJD"), appeals a district court order granting summary judgment to Corsair Special Situations Fund, L.P. ("Corsair"), denying AJD's motion for summary judgment, awarding damages to Corsair and an order denying the motion to alter or amend the judgment. AJD claims the court erred in finding the payments it made to an escrow account were payments made to Engineered Framing Systems, Incorporated ("EFS"). AJD also claims Corsair waived any claim it had against the payments and that it should be collaterally estopped from asserting a claim against AJD. Finding no error, we affirm.

This court reviews de novo a district court's order granting summary judgment and views the facts in the light most favorable to the nonmoving party. Bogart v. Chapell, 396 F.3d 548, 555 (4th Cir. 2005). Summary judgment is appropriate when no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. See Fed. R. Civ. P. 56(c); Bogart, 396 F.3d at 555. Summary judgment will be granted 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, 247-48 (1986).

We find AJD had notice of Corsair's right to EFS' accounts receivables, see N.J. Stat. Ann. § 12A:9-406(a), and

that AJD ignored the notice and continued to make payments to EFS by establishing an escrow account. The escrow account was nothing more than a method through which AJD could make payments to EFS without giving the appearance that it was making direct payments in violation of Corsair's right to the accounts receivables. We further find AJD's waiver and collateral estoppel arguments are without merit.\*

Accordingly, we affirm the district court's orders. 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

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\* We note AJD has abandoned any challenge to the district court's order denying the motion to alter or amend the judgment. Edwards v. City of Goldsboro, 178 F.3d 231, 241 n.6 (4th Cir. 1999) (holding that failure to raise a specific issue in the opening brief constitutes abandonment of the issue under Fed. R. App. P. 28(a)(9)(A), requiring that the argument section of the opening brief contain contentions, reasoning, and authority).