

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-1947

INTERNATIONAL ASSOCIATION OF ENTREPRENEURS OF
AMERICAN BENEFIT TRUST, a Wisconsin non-profit
trust; ROSS N. FULLER, Trustee of International
Association of Entrepreneurs of America
Benefit Trust,

Plaintiffs - Appellants,

versus

STEVEN T. FOSTER, Commissioner of Insurance,
State Corporation Commission of the Common-
wealth of Virginia,

Defendant - Appellee.

SECRETARY OF LABOR,

Amicus Curiae.

Appeal from the United States District Court for the Eastern Dis-
trict of Virginia, at Richmond. Robert E. Payne, District Judge.
(CA-94-454-3)

Argued: February 1, 1996

Decided: April 12, 1996

Before HALL and ERVIN, Circuit Judges, and BLAKE, United States
District Judge for the District of Maryland, sitting by
designation.

Affirmed by unpublished per curiam opinion.

ARGUED: David Frankman Peters, HUNTON & WILLIAMS, Richmond, Virginia, for Appellants. Michael Don Thomas, Associate General Counsel, Office of General Counsel, STATE CORPORATION COMMISSION, Richmond, Virginia, for Appellee. **ON BRIEF:** Mark S. Dray, HUNTON & WILLIAMS, Richmond, Virginia; B.H.B. Hubbard, III, HUBBARD, BREEDEN & TERRY, Irvington, Virginia, for Appellants. Anthony Gambardella, General Counsel, Peter B. Smith, Senior Counsel, Vishwa B. Bhargava, Office of General Counsel, STATE CORPORATION COMMISSION, Richmond, Virginia, for Appellee. Thomas S. Williamson, Jr., Solicitor of Labor, Marc I. Machiz, Associate Solicitor, Karen L. Handorf, Counsel for Special Litigation, Paul C. Adair, Trial Attorney, Office of the Solicitor, Plan Benefits Security Division, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C., for Amicus Curiae.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

The International Association of Entrepreneurs of America Benefit Trust and its Trustee, Ross N. Fuller, appeal the judgment of the district court entered in favor of Steven T. Foster, Virginia's Commissioner of Insurance, in the Trust's action for declaratory and injunctive relief from the state Bureau of Insurance's attempt to regulate a Multiple Employer Welfare Arrangement, see 29 U.S.C.A. § 1002(40)(A) (West Supp. 1996), operated by the Trust. Upon considering the briefs and arguments of the parties, along with the amicus brief submitted by the Secretary of Labor in support of the judgment below, we affirm that judgment for the reasons stated by the district court in its memorandum opinion. International Association of Entrepreneurs of America Benefit Trust, et al. v. Foster, 883 F. Supp. 1050 (E.D. Va. 1995).

AFFIRMED