

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 98-2729**

---

In Re: RICHARD E. WHITAKER,

Debtor.

---

DESIGN & PRODUCTION, INCORPORATED,

Plaintiff - Appellee,

versus

RICHARD E. WHITAKER,

Defendant - Appellant.

---

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (CA-98-1085-A, BK-94-14858-DOT, AP-95-1024)

---

Submitted: April 27, 1999

Decided: August 9, 1999

---

Before NIEMEYER and HAMILTON, Circuit Judges, and BUTZNER, Senior Circuit Judge.

---

Affirmed by unpublished per curiam opinion.

---

Michael H. Doherty, HOLMES & DOHERTY, P.C., Arlington, Virginia, for Appellant. Edward J. Tolchin, FETTMANN, TOLCHIN & MAJORS, P.C., Fairfax, Virginia, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Richard E. Whitaker, a debtor under Chapter 7 of the Bankruptcy Code, appeals a final order of the district court, affirming the judgment of the bankruptcy court, which held that \$77,041 of a judgment debt Whitaker owes to appellee Design & Production, Inc., is nondischargeable under 11 U.S.C.A. § 523(a)(4) (West 1993). We have examined the record and considered the arguments presented in the parties' briefs, and we now affirm the judgment of the district court for the reasons given by that court in its memorandum opinion. Whitaker v. Design & Production, Inc., Nos. 98-1085-A; BK-94-14858-DOT; AP-95-1024 (E.D. Va., Oct. 20, 1998).<sup>\*</sup> We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and oral argument would not aid the decisional process.

AFFIRMED

---

<sup>\*</sup> Although the district court's order is marked as "filed" on October 19, 1998, the district court's records show that it was entered on the docket sheet on October 20, 1998. Pursuant to Rules 58 and 79(a) of the Federal Rules of Civil Procedure, it is the date that the order was entered on the docket sheet that we take as the effective date of the district court's decision. Wilson v. Murray, 806 F.2d 1232, 1234-35 (4th Cir. 1986).