

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-1149

JOAN H. BRAITSCH,

Plaintiff - Appellee,

versus

EMC CORPORATION,

Defendant - Appellant,

and

THOMAS AARON; MICHAEL GRILLI; FRANK KEANEY,

Defendants.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Claude M. Hilton, Chief District Judge. (CA-94-1693-A)

Submitted: January 11, 2000

Decided: March 20, 2000

Before MICHAEL and TRAXLER, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Whitney Adams, McLean, Virginia, Theodore B. Olson, Thomas G. Hungar, GIBSON, DUNN & CRUTCHER, L.L.P., Washington, D.C., for Appellant. Richard L. Swick, SWICK & SHAPIRO, P.C., Washington, D.C., for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant EMC Corporation, the prevailing party in a civil rights action brought by Appellee Joan H. Braitsch, appeals the district court's refusal to award attorney's fees. This is the second time this issue has come before us. In EMC's previous appeal, we noted an ambiguity in the record concerning the district court's rationale for denying fees, and we therefore remanded for further proceedings. See Braitsch v. EMC Corp., No. 97-1467, 1997 WL 787125 (4th Cir. Dec. 24, 1997) (unpublished).

The district court has now clarified its reasons for denying fees. We have reviewed the court's opinion and find no abuse of discretion. See DeBauche v. Trani, 191 F.3d 499, 510 (4th Cir. 1999) (noting that whether to grant or deny fees is a matter for the district court's discretion). Accordingly, we affirm the district court's order declining to award attorney's fees. Furthermore, because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process, we grant Braitsch's motion for summary affirmance and deny EMC's request for oral argument.

AFFIRMED