

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 21-2038**

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RACHAEL L. COOK,

Plaintiff - Appellant,

v.

SCOTT MCQUATE,

Defendant - Appellee,

and

THE OHIO COMPANY; JOHN RICHARD BLAZER,

Defendants.

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Appeal from the United States District Court for the Western District of Virginia, at  
Roanoke. Michael F. Urbanski, Chief District Judge. (7:15-cv-00456-MFU-RSB)

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Submitted: April 27, 2023

Decided: September 6, 2023

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Before WYNN and RUSHING, Circuit Judges, and MOTZ, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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**ON BRIEF:** Henry W. McLaughlin, III, Esq., LAW OFFICE OF HENRY  
MCLAUGHLIN, P.C., Richmond, Virginia, for Appellant.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rachael L. Cook appeals from a civil judgment entered after a jury found she failed to prove her fraud and related claims against Scott McQuate, along with the district court's denial of her Fed. R. Civ. P. 59(e) motion. On appeal, Cook challenges the district court's construction of McQuate's late answer to a request for admissions as a motion under Fed. R. Civ. P. 36(b) to withdraw and the court's decision to grant that motion. We have reviewed the record and conclude that the district court did not abuse its discretion. Accordingly, we affirm. *Cook v. McQuate*, No. 7:15-cv-00456-MFU-RSB (W.D. Va. filed May 15, 2018 & entered May 16, 2018; July 23, 2018). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*AFFIRMED*