

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1600

CONTINENTAL CASUALTY COMPANY,

Plaintiff - Appellee,

v.

BATTERY WEALTH, INCORPORATED; WAYNE CASSADAY,

Defendants,

MALCOLM CROSLAND; MEGGETT B. LAVIN; THOMAS S. WHITE;
CAROLYN WHITE; MARILYN POWELL; KAREN PHAEHN; RON WISEMAN;
ANN WISEMAN; CHARLES SCHWAB & COMPANY, INCORPORATED,

Intervenors/Defendants,

DAVID T. PEARLMAN; JANET PEARLMAN,

Intervenors,

and

CAROL M. GRAF, Individually and as assignee of T Alexander
Beard; CHARLES W. WOOLEN; PAMELA WOOLEN,

Intervenors/Defendants - Appellants.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. William O. Bertelsman, Senior
District Judge, sitting by designation. (2:09-cv-00605-WOB)

Submitted: June 26, 2012

Decided: August 2, 2012

Before SHEDD, KEENAN, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Paul E. Tinkler, LAW OFFICE OF PAUL E. TINKLER, Charleston, South Carolina; T. Alexandrer Beard, BEARD LAW OFFICES, Mt. Pleasant, South Carolina, for Appellants. Richard A. Simpson, Kimberly A. Ashmore, WILEY REIN, LLP, Washington, D.C.,; Christopher R. Carroll, Heather E. Simpson, CARROLL, MCNULTY & KULL, LLC, Basking Ridge, New Jersey, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Carol M. Graf, Charles W. Woolen, and Pamela Woolen appeal the district court's order granting summary judgment for Continental on its complaint seeking a declaratory judgment that no coverage existed under two professional services liability insurance policies it issued to Battery Wealth, Inc., for claims made by the Appellants and others. We have thoroughly reviewed the district court's order and conclude that the court did not err in concluding that coverage was barred under the policies due to the prior knowledge condition precedent. See Bryan Bros. Inc. v. Cont'l Cas. Co., 660 F.3d 827 (4th Cir. 2011).^{*} Accordingly, we affirm the judgment of the district court. 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 in the decisional process.

AFFIRMED

^{*} We note that the Appellants in their opening brief erroneously stated that this case was an unpublished opinion of this court. Although the Appellee pointed to this error in its response brief, the Appellants failed to correct their misstatement in the reply brief or otherwise inform the court of this mistake.