

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-1421

NAUTILUS INSURANCE COMPANY,

Plaintiff - Appellee,

v.

KEAVE W. BAYES,

Defendant - Appellant,

and

CRAIG RUTLAND; KENNETH DARRELL ANDREWS,

Defendants.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Catherine C. Eagles, Chief District Judge. (1:22-cv-00064-CCE-JLW)

Submitted: March 18, 2024

Decided: June 21, 2024

Before GREGORY and BENJAMIN, Circuit Judges, and FLOYD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Sanford W. Thompson, IV, SANFORD THOMPSON PLLC; John Paul Godwin, Timothy M. Lyons, HARDISON & COCHRAN PLLC, Raleigh, North Carolina, for Appellant. Shelley S. Montague, GALLIVAN, WHITE & BOYD, P.A., Columbia,

South Carolina; James M. Dedman, IV, GALLIVAN, WHITE, & BOYD, P.A., Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Keave W. Bayes appeals the district court's order granting summary judgment to Nautilus Insurance Company in this insurance coverage dispute. We review the district court's order de novo, *see Ballengee v. CBS Broad., Inc.*, 968 F.3d 344, 349 (4th Cir. 2020), applying North Carolina law in this diversity case, *see Liberty Univ., Inc. v. Citizens Ins. Co. of Am.*, 792 F.3d 520, 528 (4th Cir. 2015). After reviewing the contract and the facts surrounding Bayes' injury, we agree with the district court that the L205 endorsement is unambiguous and applies to bar coverage in this case. *See Digh v. Nationwide Mut. Fire Ins. Co.*, 654 S.E.2d 37, 39 (N.C. Ct. App. 2007) (emphasizing, in the absence of ambiguity, courts should construe insurance policies "by the plain, ordinary and accepted meaning of the language used" (internal quotation marks omitted)). Therefore, we affirm the district court's order. *Nautilus Ins. Co. v. Bayes*, No. 1:22-cv-00064-CCE-JLW (M.D.N.C. Mar. 15, 2023; Mar. 23, 2023). 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