

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 11-11854
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT OCTOBER 17, 2011 JOHN LEY CLERK

D.C. Docket No. 1:10-cv-22409-AJ

THE WEITZ COMPANY, LLC,

Plaintiff-Appellant,

versus

TREMCO INCORPORATED OF OHIO,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida

(October 17, 2011)

Before TJOFLAT, WILSON and FAY, Circuit Judges.

PER CURIAM:

The sole issue in this appeal is whether the district court erred in dismissing under the doctrine of *res adjudicata* Weitz's claim that "Tremco's negligent

advice regarding the sufficiency of the subcontractor's installation of Tremco's product caused Weitz millions of dollars in damages because it had to replace the materials constructed over the improperly installed waterproofing material."

Appellant's Br. at 1. For the reasons the district court stated in its dispositive order of March 28, 2011, we agree that the doctrine barred Weitz's claim.

AFFIRMED.