

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1996

LIVIA PROPERTIES, II, LLC,

Plaintiff - Appellant,

v.

JONES LANG LASALLE AMERICAS, INC.; COMCAST OF
CALIFORNIA/MARYLAND/PENNSYLVANIA/VIRGINIA/WEST VIRGINIA,
LLC,

Defendants - Appellees.

Appeal from the United States District Court for the Western
District of Virginia, at Harrisonburg. David A. Faber, Senior
District Judge. (5:14-cv-00053-DAF)

Submitted: March 28, 2016

Decided: April 25, 2016

Before KEENAN, WYNN, and FLOYD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Mark D. Obenshain, Justin M. Wolcott, OBENSHAIN LAW GROUP,
Harrisonburg, Virginia, for Appellant. William H. Hurd, Stephen
C. Piepgrass, TROUTMAN SANDERS LLP, Richmond, Virginia; Harold
Johnson, WILLIAMS MULLEN, Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Livia Properties, II, LLC, ("Livia") appeals the district court's order dismissing its civil complaint for failure to state a claim. See Fed. R. Civ. P. 12(b)(6). We agree with the district court that Livia failed to allege that Jones Lang LaSalle Americas, Inc., was acting outside the scope of its agency relationship with Comcast, which deficiency is fatal to both of Livia's claims. See Charles E. Brauer Co. v. NationsBank of Va., N.A., 466 S.E.2d 382, 387 (Va. 1996); Fox v. Deese, 362 S.E.2d 699, 708 (Va. 1987). Accordingly, we affirm the district court's judgment. Livia Props., II, LLC v. Jones Lang LaSalle Ams., Inc., No. 5:14-cv-00053-DAF (W.D. Va. Aug. 7, 2015). 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