

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1504

AVALONBAY COMMUNITIES, INCORPORATED,

Plaintiff - Appellee,

v.

SAN JOSE WATER CONSERVATION CORPORATION; MICHAEL P. SCHROLL,

Defendants - Appellants.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Gerald Bruce Lee, District Judge. (1:07-cv-00306-GBL-TRJ)

Submitted: April 28, 2009

Decided: May 14, 2009

Before TRAXLER and AGEE, Circuit Judges, and Malcolm J. HOWARD, Senior United States District Judge for the Eastern District of North Carolina, sitting by designation.

Affirmed by unpublished per curiam opinion.

Peter D. Greenspun, Christie A. Leary, GREENSPUN, DAVIS & LEARY, P.C., Fairfax, Virginia, for Appellants. Cynthia E. Rodgers-Waire, WHITEFORD, TAYLOR & PRESTON, LLP, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

San Jose Water Conservation Corporation and Michael P. Schroll (collectively, "Appellants") appeal a judgment in favor of AvalonBay Communities, Inc., in AvalonBay's action arising out of a fraudulent scheme executed by Schroll and San Jose.

Appellants argue that the district court erred in denying their motion to stay the case during the criminal investigation of the case's underlying facts and in not joining alleged co-tortfeasor James Willden as a defendant. We disagree for the reasons stated by the district court. See AvalonBay Comtys., Inc. v. San Jose Water Conservation Corp., 2007 WL 2481291 (E.D. Va. 2007) (denial of motion to stay); J.A. 663-64 (denial of Schroll's motion for reconsideration). Appellants also argue that the district court erred in drawing adverse inferences from Schroll's invocation of his Fifth Amendment rights and in piercing San Jose's corporate veil. However, as the district court explained, it took neither of those actions.

We therefore affirm the district court's judgment. We dispense with oral argument because the facts and legal conclusions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED