

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-2238

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND,

Plaintiff - Appellee,

v.

PANDA-BRANDYWINE, L.P.,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Alexander Williams, Jr., District Judge. (8:08-cv-03369-AW)

Argued: October 28, 2010

Decided: November 17, 2010

Before SHEDD and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

ARGUED: William James Murphy, MURPHY & SHAFFER, LLC, Baltimore, Maryland, for Appellant. Kurt James Fischer, DLA PIPER US LLP, Baltimore, Maryland, for Appellee. **ON BRIEF:** Robert T. Shaffer, III, Daniel P. Moylan, MURPHY & SHAFFER, LLC, Baltimore, Maryland, for Appellant. Roger Lee Fink, County Attorney, COUNTY COMMISSIONERS OF CHARLES COUNTY, La Plata, Maryland; Melissa L. Mackiewicz, DLA PIPER US LLP, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

On November 10, 2008, the County Commissioners of Charles County, Maryland (the County) filed a petition for declaratory judgment in the Circuit Court for Charles County, Maryland. In its petition, the County sought a judicial declaration of the rights of Panda-Brandywine, L.P. (Panda Energy) under a "Treated Effluent Water Purchase Agreement" (the Agreement) entered into by the parties. Following removal to the district court, Panda Energy filed a motion to dismiss the petition for lack of subject-matter jurisdiction, which the district court denied.

On August 21, 2009, the parties filed cross-motions for summary judgment. Following a hearing, the district court granted the County's motion for summary judgment and denied Panda Energy's cross-motion for summary judgment. Panda Energy noted a timely appeal.

Having reviewed and considered the record, briefs, oral arguments, and applicable law, we are persuaded that the district court reached the correct result on both the jurisdictional issue and on the merits. Accordingly, we affirm the district court's judgment based substantially on the reasoning set forth in the district court's careful and thorough opinions. See County Comm'rs of Charles County v. Panda-Brandywine, L.P., No. 8:08-cv-03369-AW (D. Md. May 26, 2009);

County Comm'rs of Charles County, Md. v. Panda-Brandywine, L.P.,
663 F. Supp. 2d 424 (D. Md. 2009).

AFFIRMED