

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-1286

JOHN D. MANLEY; KAREN MANLEY,

Plaintiffs - Appellants,

v.

WENDY'S INTERNATIONAL, INC.; FIRST SUN MANAGEMENT
CORPORATION, d/b/a Wendys,

Defendants - Appellees,

JOHN DOE,

Defendant.

Appeal from the United States District Court for the Eastern
District of North Carolina, at Wilmington. James C. Dever III,
Chief District Judge. (7:10-cv-00154-D)

Submitted: August 24, 2012

Decided: October 12, 2012

Before KEENAN and THACKER, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

John M. Kirby, LAW OFFICES OF JOHN M. KIRBY, Raleigh, North
Carolina, for Appellants. Regan S. Touns, CRANFILL SUMNER &
HARTZOG, LLP, Wilmington, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John Manley appeals the district court's grant of summary judgment in favor of Wendy's International, Inc. and First Sun Management Corporation, d/b/a Wendy's, (collectively Defendants) with respect to his claims under North Carolina law for breach of implied warranty of merchantability and negligence. Karen Manley, wife of John Manley, appeals the district court's grant of summary judgment in favor of Defendants with respect to her claim under North Carolina law for loss of consortium. Having carefully reviewed the briefs, the record, and the relevant law, we affirm on the reasoning of the district court, as stated in its February 2, 2012 order. Manley v. Wendy's Int'l, Inc., 849 F. Supp. 2d 594 (E.D.N.C. 2012).

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED