

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-2150**

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RICHARD NEELY, individually; NEELY & CALLAGHAN, a West Virginia Partnership,

Plaintiffs - Appellants,

v.

MARK ZIMMER, individually and as Trustee of the Zimmer Survivor Trust; and as Executor of the Estate of Norma Zimmer; RONALD ZIMMER, individually; THE ZIMMER SURVIVOR TRUST, a California Trust,

Defendants - Appellees.

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Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. Joseph R. Goodwin, District Judge. (2:11-cv-00444)

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Submitted: September 5, 2013                      Decided: October 31, 2013

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

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Affirmed by unpublished per curiam opinion.

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Richard F. Neely, NEELY & CALLAGHAN, Charleston, West Virginia, for Appellants. Robert E. Adel, GREENBERG TRAUERIG, Irvine, California; Grant P. H. Shuman, SPILMAN, THOMAS & BATTLE, PLLC, Charleston, West Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In this case involving an attorney-fee dispute, Richard Neely and Neely and Callaghan, a West Virginia partnership, appeal from the district court's grant of summary judgment in favor of Mark Zimmer, individually, as trustee of the Zimmer Survivor Trust, and as executor of the estate of Norma Zimmer; Ronald Zimmer, individually; and the Zimmer Survivor Trust, a California trust. Richard Neely and the partnership of Neely and Callaghan also appeal from the district court's denial of their motion pursuant to Federal Rule of Civil Procedure 59(e) to alter or amend the judgment.

Having carefully reviewed the briefs, the record, and the relevant law, we affirm on the reasoning of the district court. Neely v. Zimmer, No. 2:11-cv-00444, (S.D.W.Va. Sept. 10, 2012) (denial of Rule 59(e) motion); Neely v. Zimmer, No. 2:11-cv-00444, 2012 WL 3198557 (S.D.W.Va. August 2, 2012) (grant of summary judgment).

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