

Filed: May 16, 2014

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-2059

(1:13-cv-00497-CMH-TCB)

CHRISTINE CALUYO,

Plaintiff - Appellant,

v.

DAVITA INC.; DAVITA RX LLC,

Defendants - Appellees.

O R D E R

The Court amends its opinion filed May 5, 2014, as follows:

On page 2, line 5 of text -- the word "statue" is corrected to read "statute."

For the Court - By Direction

/s/ Patricia S. Connor
Clerk

UNPUBLISHED

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No. 13-2059

CHRISTINE CALUYO,

Plaintiff - Appellant,

v.

DAVITA INC.; DAVITA RX LLC,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Claude M. Hilton, Senior District Judge. (1:13-cv-00497-CMH-TCB)

Submitted: April 17, 2014

Decided: May 5, 2014

Before KEENAN and FLOYD, Circuit Judges, and DAVIS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Jason W. Fernandez, GREENBERG & BEDERMAN, LLP, Silver Spring, Maryland, for Appellant. Andrew Butz, Heather S. Deane, BONNER KIERNAN TREBACH & CROCIATA, LLP, Washington, D.C., for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Christine Caluyo appeals the district court's order dismissing her civil complaint. We have reviewed parties' briefs and the record on appeal and find no reversible error. Although Caluyo contends that she should benefit from the continuing treatment rule to toll the statute of limitations, we reject this contention because her negligence claim does not relate to "a particular condition [that] was improperly treated and diagnosed." Grubbs v. Rawls, 369 S.E.2d 683, 686 (Va. 1988) (quoting Fenton v. Danaceau, 255 S.E.2d 349, 350 (Va. 1979)). Accordingly, we affirm for the reasons stated by the district court. Caluyo v. Davita Inc., No. 1:13-cv-00497-CMH-TCB (E.D. Va. July 25, 2013). 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