

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1128

SHAYNA PALMER,

Plaintiff - Appellant,

v.

BIG LOTS STORES, INC.,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, Senior District Judge. (3:14-cv-00276-JRS)

Submitted: October 30, 2015

Decided: November 5, 2015

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

Affirmed by unpublished per curiam opinion.

Kevin W. Mottley, MOTTLEY LAW FIRM PLC, Richmond, Virginia; David B. Holt, JOSEPH SMITH, LTD., Hampton, Virginia, for Appellant. J. Matthew Haynes, Jr., Michael H. Gladstone, Robert W. Partin, MCCANDLISH HOLTON, P.C., Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shayna Palmer appeals the district court's orders excluding her expert witness and granting summary judgment to Big Lots Stores, Inc. Assuming, without deciding, that the factual observations of Palmer's expert witness should have been admitted, and having reviewed the parties' briefs and the record on appeal, we find no reversible error in the grant of summary judgment because a jury would still have had to resort to "conjecture, guess, or random judgment" to find liability on the part of Big Lots. See Town of West Point v. Evans, 229 S.E. 2d 349, 351 (Va. 1983). Accordingly, we affirm. 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