

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 15-1262**

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GARY T. PHILLIPS,

Plaintiff - Appellant,

v.

NLYTE SOFTWARE AMERICAS LIMITED,

Defendant - Appellee.

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Appeal from the United States District Court for the District of Maryland, at Greenbelt. Deborah K. Chasanow, Senior District Judge. (8:13-cv-01965-DKC)

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Submitted: August 31, 2015

Decided: September 4, 2015

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Before GREGORY, AGEE, and FLOYD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Barton David Moorstein, BLANK, MOORSTEIN & LIPSHUTZ, LLP, Rockville, Maryland, for Appellant. Robert G. Young, BOWDITCH & DEWEY, LLP, Framingham, Massachusetts, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gary T. Phillips appeals the district court's order granting summary judgment to the Defendant in his civil action claiming breach of contract and violation of the Maryland Wage Payment and Collection Law. On appeal, he contends that the district court erred because his employment contract required the Defendant to pay him a mathematically calculated commission when a sale occurred in his geographic region; the terms of his compensation plan were ambiguous; and the Defendant withheld his commission "not as a result of a bona fide dispute." We affirm.

We review whether the district court erred in granting summary judgment de novo, applying the same legal standards as the district court and viewing the evidence in the light most favorable to the nonmoving party. Walker v. Mod-U-Kraf Homes, LLC, 775 F.3d 202, 207 (4th Cir. 2014). The district court must enter summary judgment "against a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at trial." Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986). "Where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no genuine issue for trial." Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986) (citation and internal quotation marks omitted).

We have reviewed the record and the parties' briefs, and we conclude that the district court did not err in granting summary judgment to the Defendant. Accordingly, we affirm for the reasons stated by the district court. See Phillips v. Nlyte Software Americas Ltd., No. 8:13-cv-01965-DKC (D. Md. Feb. 9, 2015). 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