

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1439

THOMAS H. FLUHARTY, Trustee of the Bankruptcy Estate of D.
Kevin Coleman and Diane M. Coleman; D. KEVIN COLEMAN; DIANE
M. COLEMAN,

Plaintiffs - Appellants,

v.

QUICKEN LOANS, INC.; TITLE SOURCE, INC.; M&T BANK, Successor
by Assignment and Sub-Servicing Agreement to Defendant Bank
of America, N.A.,

Defendants - Appellees,

and

BANK OF AMERICA, N.A.,

Defendant.

WEST VIRGINIA BANKERS ASSOCIATION, INC.; COMMUNITY BANKERS
OF WEST VIRGINIA, INC.,

Amici Supporting Appellees.

Appeal from the United States District Court for the Northern
District of West Virginia, at Wheeling. Frederick P. Stamp,
Jr., Senior District Judge. (5:13-cv-00068-FPS-JES)

Submitted: September 29, 2015

Decided: November 13, 2015

Before WILKINSON, DUNCAN, and HARRIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Martin P. Sheehan, SHEEHAN & NUGENT, PLLC, Wheeling, West Virginia, for Appellants. John C. Lynch, Jason Manning, TROUTMAN SANDERS, LLP, Virginia Beach, Virginia; Carrie Goodwin Fenwick, Joseph M. Ward, GOODWIN & GOODWIN, LLP, Charleston, West Virginia, for Appellees. Floyd E. Boone, Jr., Sandra M. Murphy, Stuart A. McMillan, James E. Scott, BOWLES RICE, LLP, Charleston, West Virginia, for Amici Supporting Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Thomas H. Fluharty, the trustee in an underlying bankruptcy proceeding, appeals from the district court's orders: (1) dismissing his claims brought pursuant to the West Virginia Residential Mortgage Lender, Broker and Servicer Act, (2) denying his motion to certify a question to the West Virginia Supreme Court, and (3) granting summary judgment in favor of the Defendants on his claim that the mortgage contracts at issue were unenforceable as unconscionable under West Virginia law. We have reviewed the record included on appeal, as well as the parties' briefs, and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Fluharty v. Quicken Loans, Inc., No. 5:13-cv-00068-FPS-JES (N.D. W. Va. Nov. 7, 2013; Feb. 19, 2014; Apr. 6, 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