UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-1997

SHARON R. CONNELLY,

Plaintiff - Appellee,

v.

MICHAEL J. BLOT,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Anthony John Trenga, District Judge. (1:16-cv-01282-AJT-JFA)

Submitted: January 31, 2018 Decided: February 20, 2018

Before GREGORY, Chief Judge, and KING and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Glenn H. Silver, Erik B. Lawson, SILVER & BROWN, Fairfax, Virginia, for Appellant. Timothy B. Hyland, David B. Deitch, Tyler Southwick, HARRIS, ST. LAURENT & CHAUDHRY LLP, Reston, Virginia, for Appellee.

PER CURIAM:

In this appeal regarding Appellee Sharon R. Connelly's breach of contract action under Virginia law, we are called on to determine whether the Defendant, Michael J. Blot, orally agreed to modification of a promissory note, the applicable burden of proof to establish that the note was modified, whether the Virginia Statute of Frauds required a modification of the note to be in writing, the applicable statute of limitations, and whether Blot is equitably estopped from raising the statute of limitations defense.

The district court held a bench trial and in its memorandum of decision addressed each of the issues asserted on appeal, with one exception: the applicable burden of proof in demonstrating that there was mutual assent to the modification of the contract. When reviewing a judgment resulting from a bench trial, we examine conclusions of law de novo and factual findings for clear error. *Tatum v. RJR Pension Inv. Comm.*, 761 F.3d 346, 357 (4th Cir. 2014). The court set down detailed reasoning in its memorandum of decision. We have reviewed the parties' briefs, the joint appendix, and the memorandum of decision and find no reversible error. Accordingly, we affirm on the reasons stated by the district court. *Connelly v. Blot*, No. 1:16-cv-01282-AJT-JFA (E.D. Va. Aug. 23, 2017).[*]

[*] We further conclude that the court did not err in using a preponderance of the evidence standard. *See RF & P Corp. v. Little*, 440 S.E.2d 908, 914 (Va. 1994).

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