United States Court of Appeals FOR THE EIGHTH CIRCUIT

State of Missouri for the Use and	*	
Benefit of MWE Services, Inc., doing	*	
business as Midwest Demolition	*	
Company,	*	
	*	
Plaintiff,	*	
	*	Appeal from the United States
John Zapata,	*	District Court for the
	*	Western District of Missouri.
Appellant,	*	
	*	[UNPUBLISHED]
V.	*	
	*	
Sircal-Kozeny-Wagner, a joint	*	
venture; Continental Casualty	*	
Company; Travelers Casualty and	*	
Surety Company of America,	*	
	*	
Appellees.	*	

No. 09-1607

Submitted: January 21, 2010 Filed: February 3, 2010

Before WOLLMAN, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

John Zapata appeals the district court's¹ adverse grant of summary judgment in this diversity suit. After careful de novo review, viewing the evidence and all fair inferences from it in a light most favorable to Zapata, <u>see Johnson v. Blaukat</u>, 453 F.3d 1108, 1112 (8th Cir. 2006), we conclude that summary judgment was proper, for the reasons stated by the district court. Accordingly, we affirm. <u>See</u> 8th Cir. R. 47B. We also deny appellees' motion to strike portions of Zapata's reply brief.

¹The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.