

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-1421

NATIONAL COATINGS & SUPPLIES, INC.; SINGLE SOURCE, INC.,

Plaintiffs - Appellants,

v.

VALLEY FORGE INSURANCE COMPANY,

Defendant – Appellee.

AMERICAN PROPERTY CASUALTY INSURANCE ASSOCIATION;
NATIONAL ASSOCIATION OF MUTUAL INSURANCE COMPANIES,

Amici Supporting Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at
Raleigh. Richard E. Myers, II, Chief District Judge. (5:20-cv-00275-M)

Submitted: May 31, 2022

Decided: June 7, 2022

Before THACKER and HEYTENS, Circuit Judges, and KEENAN, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Gregg E. McDougal, Lawrence R. Duke, William R. Hartzell, THE
MCDUGAL LAW FIRM, PLLC, Raleigh, North Carolina, for Appellants. Jennifer A.

Welch, Theodore B. Smyth, Steven A. Bader, CRANFILL SUMNER LLP, Raleigh, North Carolina; Kannon K. Shanmugam, Brian M. Lipshutz, Washington, D.C., H. Christopher Boehning, PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP, New York, New York, for Appellee. Wystan M. Ackerman, ROBINSON & COLE LLP, Hartford, Connecticut; George E. Reede, Jr., ZELLE LLP, Washington, D.C.; Laura A. Foggan, CROWELL & MORING LLP, Washington, D.C., for Amici American Property Casualty Insurance Association and National Association of Mutual Insurance Companies.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Plaintiffs, National Coatings & Supplies, Inc. and Single Source, Inc., appeal the district court's order granting Valley Forge Insurance Co. ("Valley Forge") summary judgment on Plaintiffs' claims for declaratory judgment, breach of contract, and breach of the covenant of good faith and fair dealing. Plaintiffs' claims stemmed from Valley Forge's denial of insurance benefits Plaintiffs asserts Valley Forge owed them to cover business loss they sustained during the COVID-19 pandemic. We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's order. *See Nat'l Coatings & Supplies, Inc. v. Valley Forge Ins. Co.*, No. 5:20-cv-00275-M (E.D.N.C. March 16, 2021); *see also Uncork & Create LLC v. Cincinnati Ins. Co.*, 27 F.4th 926, 933-34 (4th Cir. 2022) (holding that insurance "policy's coverage for business income loss and other expenses d[id] not apply to [plaintiff's] claim for financial losses [caused by the COVID-19 pandemic] in the absence of any material destruction or material harm to its covered premises" and further "observ[ing] that our holding is consistent with the unanimous decisions by our sister circuits, which have applied various states' laws to similar insurance claims and policy provisions").

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