

Not for Publication in West's Federal Reporter

United States Court of Appeals For the First Circuit

No. 18-1110

PETER L. KNOX, as attorney-in-fact for Margaret A. Knox under
power of attorney,

Plaintiff, Appellant,

v.

THE VANGUARD GROUP, INC., VANGUARD FIDUCIARY TRUST COMPANY,
and VANGUARD MARKETING CORPORATION,

Defendants, Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

[Hon. F. Dennis Saylor, IV, U.S. District Judge]

Before

Thompson, Selya, and Lipez,
Circuit Judges.

Michael J. Markoff, with whom Carmel A. Gilberti and Gilberti
Law, PC, were on brief for appellant.

William M. Taylor, with whom Jaclyn M. Essinger, Michael E.
Baughman, and Pepper Hamilton LLP, were on brief for appellees.

September 28, 2018

Per Curiam. We have carefully reviewed the parties' briefs and the record on appeal and conclude that the district court's judgment should be affirmed on essentially the grounds stated in its well-reasoned Memorandum and Order of January 5, 2018.

In brief, a contract existed between the parties, and the plain terms of that contract govern this dispute. Under the contract, Appellees were entitled to require a request for distribution be made in a "form and manner acceptable" to them. They therefore did not breach their contractual obligations when they refused Appellant's requests for distribution, which were made in a manner and form unacceptable to Appellees. Moreover, appellant was not entitled to relief on any other theory of recovery.

Affirmed.