

APPENDIX 1

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-1950

JOHN LASCHKEWITSCH,

Plaintiff - Appellant,

v.

TRANSAMERICA LIFE INSURANCE COMPANY,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Dever III, Chief District Judge. (5:14-cv-00632-D)

Submitted: February 26, 2018

Decided: March 12, 2018

Before TRAXLER, WYNN, and FLOYD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

John B. Laschkewitsch, Appellant Pro Se. Douglas Marshall Jarrell, ROBINSON BRADSHAW & HINSON, PA, Charlotte, North Carolina; Misty A. Murray, HINSHAW & CULBERTSON LLP, Los Angeles, California, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John B. Laschkewitsch appeals the district court's orders granting the motion to compel arbitration, confirming the arbitrator's award, and denying the motion for reconsideration. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *Laschkewitsch v. Transamerica Life Ins. Co.*, No. 5:14-cv-00632-D (E.D.N.C. Jan. 20, 2015; Sept. 21, 2016; July 17, 2017). 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

APPENDIX 2

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:14-CV-632-D

JOHN LASCHKEWITSCH,

Plaintiff,

v.

TRANSAMERICA LIFE INSURANCE
COMPANY,

Defendant.

ORDER

John Laschkewitsch (“Laschkewitsch” or “plaintiff”) is a familiar litigant. See, e.g., Laschkewitsch v. Legal & Gen. Am., Inc., 247 F. Supp. 3d 710, 715–16 (E.D.N.C. 2017). On September 21, 2016, the court denied as baseless Laschkewitsch’s motion to modify or correct Transamerica Life Insurance Company’s (“Transamerica” or “defendant”) arbitration award of \$540,723.76, denied his motion to vacate the arbitration award and to dismiss Transamerica’s petition for confirmation, and entered judgment confirming the arbitration award. See [D.E. 44, 45]. On August 14, 2017, Laschkewitsch moved for relief from the judgment under Federal Rules of Civil Procedure 60(a) and 60(b)(4) [D.E. 53]. Transamerica responded in opposition [D.E. 60], and Laschkewitsch replied [D.E. 61]. As explained below, the court denies Laschkewitsch’s motion.

Under Rule 60(a), “[t]he court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record.” Fed. R. Civ. P. 60(a). Laschkewitsch’s arguments concerning a perceived “mistake arising from oversight or omission” parrot contentions that this court repeatedly has rejected as baseless. The court has considered the motion under the governing standard. See Sartin v. McNair Law Firm PA, 756 F.3d 259, 264–66 (4th Cir. 2014); Rhodes v. Hartford Fire Ins. Co., 548 F. App’x 857, 859–61

(4th Cir. 2013) (per curiam) (unpublished); Kosnoski v. Howley, 33 F.3d 376, 379 (4th Cir. 1994).

The motion lacks merit and is denied.

Rule 60(b)(4) authorizes the court to “relieve a party or its legal representative from a final judgment” when “the judgment is void.” Fed. R. Civ. P. 60(b)(4). According to Laschkewitsch, the judgment entered against him is void because both the arbitrator and this court lacked subject-matter jurisdiction. Laschkewitsch repeatedly has pressed this argument in this case, and the court repeatedly has rejected it. The argument has not improved with age. The court has reviewed Laschkewitsch’s motion under the governing legal standard. See Wells Fargo Bank, N.A. v. AMH Roman Two NC, LLC, 859 F.3d 295, 302 n.3 (4th Cir. 2017); Wendt v. Leonard, 431 F.3d 410, 412–13 (4th Cir. 2005); Cromer v. Kraft Foods N. Am., Inc., 390 F.3d 812, 817 (4th Cir. 2004); Schwartz v. United States, 976 F.2d 213, 217 (4th Cir. 1992). The motion lacks merit and is denied.

In sum, the court DENIES Laschkewitsch’s motion for relief from judgment [D.E. 53]. The court GRANTS Laschkewitsch’s motion to seal [D.E. 56].

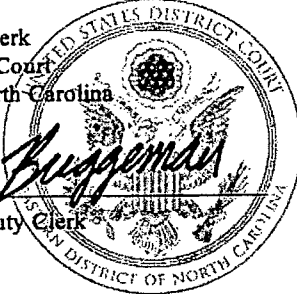
SO ORDERED. This 11 day of October 2017.

I certify the foregoing to be a true and correct copy of the original.

Peter A. Moore, Jr., Clerk
United States District Court
Eastern District of North Carolina

By:


Deputy Clerk




JAMES C. DEVER III
Chief United States District Judge

APPENDIX 3

FILED: March 12, 2018

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-1950
(5:14-cv-00632-D)

JOHN LASCHKEWITSCH

Plaintiff - Appellant

v.

TRANSAMERICA LIFE INSURANCE COMPANY

Defendant - Appellee

J U D G M E N T

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:14-CV-632-D

JOHN LASCHKEWITSCH,

Plaintiff,

v.

TRANSAMERICA LIFE INSURANCE
COMPANY,

Defendant.

ORDER

John Laschkewitsch ("Laschkewitsch" or "plaintiff") is a familiar litigant. See, e.g., Laschkewitsch v. Am. Nat'l Life Ins. Co., No. 5:15-CV-21-D, 2016 WL 4184422, at *1 (E.D.N.C. Aug. 5, 2016) (unpublished). On July 12, 2016, Laschkewitsch moved to dismiss Transamerica Life Insurance Company's ("Transamerica" or "defendant") arbitrator's award of \$540,723.76 and Transamerica's petition for confirmation. See [D.E. 34]; cf. [D.E. 33-3] (copy of arbitrator's final award decision of June 6, 2016). Alternatively, Laschkewitsch moved the court to transfer venue to the United States District Court for the Central District of California. See [D.E. 34]. On July 28, 2016, Transamerica responded in opposition, exhaustively explained why the court should confirm the arbitrator's award under the Federal Arbitration Act, and requested that the court dismiss Laschkewitsch's motion and confirm the award. See [D.E. 39] 1-10; [D.E. 40] 1-5; see also [D.E. 32, 33].

Laschkewitsch's motion to dismiss [D.E. 34] is DENIED as baseless. Furthermore, the court DENIES as baseless Laschkewitsch's motion to modify and correct the award [D.E. 42] and motion to vacate the arbitration award and to dismiss Transamerica's petition [D.E. 43]. Accordingly, pursuant to the June 6, 2016 arbitration award in the matter entitled Transamerica Life Insurance Co. v. Laschkewitsch, American Arbitration Association Case No. 01-14-0000-0878 (Cottle, Arb.), the

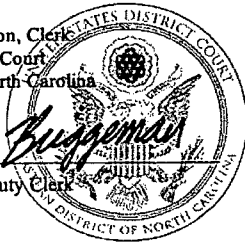
court hereby FINDS and CONFIRMS that Transamerica Life Insurance Company is entitled to monetary judgment against John Laschkewitsch in the amount of \$540,723.76. The court RETAINS jurisdiction for the purpose of enforcing the judgment.

SO ORDERED. This 21 day of September 2016.

I certify the foregoing to be a true and correct
copy of the original.
Julie Richards Johnston, Clerk
United States District Court
Eastern District of North Carolina

By:


Deputy Clerk




JAMES C. DEVER III
Chief United States District Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

JOHN LASCHKEWITSCH,)
Plaintiff,)
V.)
TRANSAMERICA LIFE INSURANCE)
COMPANY,)
Defendant.)

JUDGMENT IN A CIVIL CASE
CASE NO. 5:14-cv-632-D

Decision by Court.

This action came before this Court for ruling as follows.

IT IS ORDERED, ADJUDGED, AND DECREED Laschkewitsch's motion to dismiss [D.E. 34] is DENIED as baseless. Furthermore, the court DENIES as baseless Laschkewitsch's motion to modify and correct the award [D.E. 42] and motion to vacate the arbitration award and to dismiss Transamerica's petition [D.E. 43]. Accordingly, pursuant to the June 6, 2016 arbitration award in the matter entitled Transamerica Life Insurance Co. v. Laschkewitsch, American Arbitration Association Case No. 01-14-0000-0878 (Cottle, Arb.), the court hereby FINDS and CONFIRMS that Transamerica Life Insurance Company is entitled to monetary judgment against John Laschkewitsch in the amount of \$540, 723.76. The court RETAINS jurisdiction for the purpose of enforcing the judgment.

This Judgment Filed and Entered on September 21, 2016, and Copies To:

John Laschkewitsch	(Sent to 1933 Ashridge Drive Fayetteville, NC 2834 via US Mail)
Misty A. Murray	(via CM/ECF Notice of Electronic Filing)
Douglas M. Jarrell	(via CM/ECF Notice of Electronic Filing)

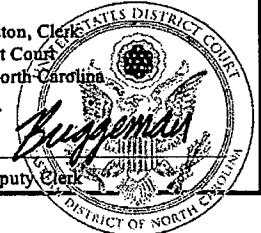
DATE:
September 21, 2016

JULIE RICHARDS JOHNSTON, CLERK
(By) /s/ Nicole Briggeman
Deputy Clerk

I certify the foregoing to be a true and correct
copy of the original.
Julie Richards Johnston, Clerk
United States District Court
Eastern District of North Carolina

By: 

Deputy Clerk



**Additional material
from this filing is
available in the
Clerk's Office.**