

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 04a0116n.06
Filed: November 19, 2004

No. 03-1081

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

ALLIED CAPITAL CORPORATION and)	
ALLIED CAPITAL SBLC CORPORATION,)	
)	
Plaintiffs-Appellees,)	
)	ON APPEAL FROM THE UNITED
HAWLEY PROPERTIES, L.L.C., doing)	STATES DISTRICT COURT FOR THE
business as Silver Lake Car Wash; HOLLY)	EASTERN DISTRICT OF MICHIGAN
C. HAWLEY; DEBAEKE PROPERTIES,)	
L.L.C., doing business as Sunset Lake)	
Properties, doing business as Lee S.)	
Debaeke; CONEX,)	
)	
Third-Party Plaintiffs-Appellees,)	
)	
v.)	
)	
LARRY BUILTE CONSTRUCTION,)	
INCORPORATED)	
)	
Third-Party Defendant-Appellant.)	

Before: SUTTON and COOK, Circuit Judges, and ALDRICH, Senior District Judge*

PER CURIAM. Building contractor Larry Builte Construction, Inc. appeals from the “Bench Trial Opinion and Order” of the district court resolving a payment dispute among Builte, the construction projects’ owner-developers, and Builte’s excavation subcontractor. The district court

*The Honorable Ann Aldrich, United States District Judge for the Northern District of Ohio, sitting by designation.

rejected Builte's breach-of-contract claim against the owner-developers, but awarded it damages under a theory of unjust enrichment for its partial completion of the projects. Builte now challenges both aspects of the decision, arguing that it deserves contract damages and that the court failed to award it sufficient damages based on unjust enrichment when the court did not order the owner-developers to pay enough to cover what Builte still owes its electrical and plumbing subcontractors.

Having had the benefit of oral argument and having studied Builte's brief (the lone brief filed in this case), the joint appendix, and the applicable law, we are persuaded that the district court did not clearly err in its factual findings and that it appropriately applied the law to those facts. The issuance of a further detailed written opinion by this court would therefore be largely duplicative and serve no useful purpose. Accordingly, we affirm the aspects of the district court's judgment that Builte appealed for the reasons set forth in that court's opinion.