

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 07-14390

D. C. Docket No. 05-02174 CV-TCB-1

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JULY 18, 2008 THOMAS K. KAHN CLERK
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ANNE WHEATLEY,

Plaintiff-Counter-  
Defendant-Appellant  
Cross-Appellee,

versus

MOES SOUTHWEST GRILL, LLC,  
MAMA FUS NOODLE HOUSE, INC.,  
RAVING BRANDS HOLDINGS, INC.,  
H. MARTIN SPROCK, III,

Defendants-Counter-  
Claimants-Appellees  
Cross-Appellants,

JOHN DOE, JANE DOE,

Defendants.

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Appeal from the United States District Court  
for the Northern District of Georgia

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**(July 18, 2008)**

Before EDMONDSON, Chief Judge, PRYOR, Circuit Judge, and JOHNSON,\*  
District Judge.

PER CURIAM:

This diversity case centers on a controversy on whether Plaintiff was entitled to restricted or unrestricted shares of stock. Plaintiff says unrestricted. The District Court granted summary judgment to Defendants on the ground that no enforceable contract existed between the parties for unrestricted shares of stock. We affirm the judgment: as a matter of law, insufficient evidence supports the contention that unrestricted shares were contemplated by the parties.

On the issues dealing with sanctions, we conclude that the district court did not abuse its discretion.

AFFIRMED.

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\* Honorable Inge P. Johnson, United States District Judge for the Northern District of Alabama, sitting by designation.