

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 04-14635  
Non-Argument Calendar  
\_\_\_\_\_

FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT  
MARCH 22, 2006  
THOMAS K. KAHN  
CLERK

D. C. Docket No. 03-10669-CV-TWT-1

JOHN T. AMEND,

Plaintiff-Appellant,

versus

485 PROPERTIES, LLC,

Defendant-Appellee.

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

**(March 22, 2006)**

Before TJOFLAT and DUBINA, Circuit Judges\*.

PER CURIAM:

\_\_\_\_\_  
\*This decision is rendered by a quorum. 28 U.S.C. § 46(d).

The facts and procedural background of this case are set forth in *Amend v. 485 Properties, LLC*, 401 F.3d 1255 (11th Cir. 2005). In that opinion, we dismissed Amend’s contract claim and reserved ruling on his quantum meruit claim for brokerage services provided to WorkPlace USA, Inc. as agent for 485 Properties, LLC.

Subsequently, because we concluded that the issue of whether “procuring cause” is an element of a quantum meruit claim under Georgia law is not clear, we certified the following question to the Georgia Supreme Court: Whether procuring cause is an element of a quantum meruit claim under Georgia law. *See Amend v. 485 Properties, LLC.*, 409 F.3d 1288, 1289 (11th Cir. 2005).

On March 13, 2006, the Georgia Supreme Court answered our certified question in the affirmative. Accordingly, based on our prior decisions entered in this case and based on the Georgia Supreme Court’s answer to our certified question attached hereto as an “Appendix,” we affirm the district court’s grant of summary judgment on Amend’s quantum meruit claim.

**AFFIRMED.**