

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-15651
Non-Argument Panel

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT APRIL 29, 2010 JOHN LEY CLERK

D.C. Docket No. 09-00055-CV-1-KD-C

DONALD SCHULTZ,
ERIN SCHULTZ,

Plaintiffs-Appellants,

versus

SOUTHEAST SUPPLY HEADER, LLC,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Alabama

(April 29, 2010)

Before EDMONDSON, BIRCH and HILL, Circuit Judges.

PER CURIAM:

Appellants Donald Schultz and Erin Schultz (collectively, the Schultzes) filed suit against Southeast Supply Header, LLC (SESH), under Alabama state law, for negligence, nuisance, trespass and inverse condemnation. The Schultzes claimed that their property was damaged as a result of SESH's construction of a pipeline across their property in Mobile County, Alabama.

SESH filed a motion for summary judgment based upon the Advance Damage Release (Release) executed by the Schultzes with SESH for \$10,900.00. The Release was executed "in full payment and settlement of all claims and damages of every kind whatsoever, present and future, to interests of [the Schultzes] arising from or related to the surveying, preparation, laying and construction of a pipeline and appurtenances under, upon, and across [the Schultzes'] land"

The district court granted SESH's motion for summary judgment, finding that, under Alabama law, the Release unambiguously included "all" "present and future" damages resulting from the construction of SESH's natural gas pipeline across the Schultzes' land. We agree.

We have thoroughly reviewed the record in this case and the well-reasoned opinion of the district court. Finding no error, the judgment is affirmed.

AFFIRMED.