

United States Court of Appeals
For the Eighth Circuit

No. 24-2223

Accent Media, Inc.

Plaintiff - Appellant

v.

Kershaw, Cutter & Ratinoff, LLP; Eric Ratinoff Law Corp.; Cutter Law, PC; C.
Brooks Cutter

Defendants - Appellees

Appeal from United States District Court
for the Northern District of Iowa - Cedar Rapids

Submitted: April 15, 2025
Filed: May 2, 2025
[Unpublished]

Before ERICKSON, ARNOLD, and STRAS, Circuit Judges.

PER CURIAM.

Years after Accent Media, Inc. finished helping Kershaw, Cutter & Ratinoff, LLP process photos and videos for a class action the latter had filed, it sued the law firm, one of the firm's former attorneys, and two related law firms for breach of contract to collect over three million dollars in bills it had never

previously disclosed. The district court¹ held that Accent had estopped itself from pursuing its claim by holding back the bills and granted the defendants summary judgment. Because Accent failed to oppose the application of the estoppel before the district court and fails to persuade us to consider its belated opposition now, we affirm.

The defendants devoted an entire section of their summary judgment brief to the argument that Accent had estopped itself. Accent, however, made no response to this argument and no mention of estoppel in its opposition brief. It therefore forfeited, if it did not waive, any argument against application of the estoppel. *See Satcher v. Univ. of Ark. at Pine Bluff*, 558 F.3d 731, 734–35 (8th Cir. 2009); *Kan. Pub. Emps. Ret. Sys. v. Blackwell, Sanders, Matheny, Weary & Lombardi, L.C.*, 114 F.3d 679, 688 (8th Cir. 1997); *Sandlin v. Dobson Cellular Sys., Inc.*, 265 F. App'x 179, 181 (5th Cir. 2008) (per curiam). Since Accent has not shown that the district court erred “beyond any doubt” in applying the estoppel or that “injustice might otherwise result” if we declined to take up Accent’s argument on appeal, we will not consider the one it offers here. *See Ames v. Nationwide Mut. Ins. Co.*, 760 F.3d 763, 770 (8th Cir. 2014). So we will not disturb the district court’s judgment.

Affirmed.

¹The Honorable Leonard T. Strand, United States District Judge for the Northern District of Iowa.