

United States Court of Appeals For the First Circuit

No. 07-2159

ALAN S. NOONAN,

Plaintiff, Appellant,

v.

STAPLES, INC.,

Defendant, Appellee.

Before
Torruella, Wallace,* and Lipez, Circuit Judges.

Order of Court
Entered: February 13, 2009

The petition for panel rehearing is granted. Accordingly, the panel opinion issued August 21, 2008, is withdrawn, and the judgment of even date is vacated. A new opinion is to issue this day.

By the Court:

/s/ Richard Cushing Donovan, Clerk

cc: Hon. Morris E. Lasker, Ms. Sarah Thornton, Clerk, United States District Court for the District of Massachusetts, Ms. Wendy Sibbison, Mr. Daniel Gelb, Mr. Richard Gelb, Ms. Ariel Cudkowicz, Ms. Pratt, Mr. Robert Messinger, Ms. Stamenia Tzouganatos, Ms. Gail Gelb, Ms. Jennifer Serafyn, & Ms. Krista Pratt.

* Of the Ninth Circuit, sitting by designation.