

United States Court of Appeals For the First Circuit

No. 10-2327

POWERCOMM, LLC,

Plaintiff, Appellant,

v.

HOLYOKE GAS & ELECTRIC DEPARTMENT;
JAMES M. LAVELLE; BRIAN C. BEAUREGARD;
JEFFREY BROUILLARD; MICHAEL COSTELLO; CHARLES L. MARTEL,

Defendants, Appellees.

ERRATA

The opinion of this Court, issued on September 14, 2011, should be amended as follows.

On page 2, line 7 of 1st paragraph, replace "Defendant-appellant" with "Defendant-appellee".

On page 2, line 2 of 3rd paragraph, replace "James Lavelle, the Senior Manager of HG&E," with "Lavelle".

Move footnote 1 from 3rd line down on page 4 to the end of the 1st paragraph on page 2. Change first sentence of footnote to read: "The other named defendants-appellees are all HG&E employees." Replace "In addition to Lavelle, they are" with "They are James Lavelle, the Senior Manager,".

The second full sentence on page 3 should be revised to read: "HG&E's Purchasing Coordinator, Yocelyn Delgado, reviewed the resulting six bids and a cost comparison prepared by Brouillard and concluded that the lowest bid--from Williams Construction ("Willco")--was \$70,000 (or about 19 percent) lower than PowerComm's, which was the second lowest."

On page 8, line 8 of 2nd full paragraph, insert "improperly" between "was" and "affected".