

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

---

No. 21-2203

---

ASHLEY POPA,  
individually and on behalf of all others similarly situated,  
Appellant

v.

HARRIET CARTER GIFTS, INC., a Pennsylvania corporation;  
NAVISTONE, INC., a Delaware corporation

---

Appeal from the United States District Court  
for the Western District of Pennsylvania  
(D.C. Civil Action No. 2-19-cv-00450)  
District Judge: Honorable William S. Stickman, IV

---

SUR PETITION FOR REHEARING

---

Before: CHAGARES, Chief Judge, McKEE, AMBRO, JORDAN, HARDIMAN,  
GREENAWAY, JR., SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY,  
and FUENTES\*, Circuit Judges

The petition for panel rehearing filed by Appellee is granted in part. The panel has determined that the original decision should be upheld but has revised the opinion to clarify issues raised in appellee's petition for rehearing. Accordingly, it is hereby

---

\* Judge Fuentes' vote is limited to panel rehearing only.

ORDERED that the opinion filed on August 16, 2022, is hereby vacated and amended opinion shall be filed simultaneously with this order. The revised opinion does not alter the August 16, 2022, judgment.

The amended opinion has been circulated to the en banc court in accordance with 3d Cir. I.O.P. 9.5.7. The majority of the judges of the circuit in regular active service having not voted for rehearing, the petition for rehearing en banc is denied.

By the Court,

s/ Thomas L. Ambro  
Circuit Judge

Dated: October 18, 2022  
Lmr/cc: All Counsel of Record