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**United States Court of Appeals
For the First Circuit**

No. 04-1019

J. ROGER ST. AMAND,
Plaintiff, Appellant,

v.

SMURFIT-STONE CONTAINER CORPORATION ET AL.,
Defendants, Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

[Hon. Michael A. Ponsor, U.S. District Judge]

Before

Selya, Dyk* and Howard,
Circuit Judges.

A. J. O'Donald, III for appellant.
Kevin B. Callanan for appellees.

August 10, 2004

*Of the Federal Circuit, sitting by designation.

Per Curiam. We have read the briefs in this case, listened attentively to oral arguments, and reviewed the record with care. We conclude, without serious question, that the district court appropriately granted the defendants' motion for summary judgment. The material facts are not genuinely in dispute. The legal principles that govern this case are well-settled and the district court applied those principles faultlessly. Consequently, we summarily affirm the judgment below, substantially for the reasons set forth in the district court's bench decision of November 5, 2003, and its subsequent memorandum and order dated November 6, 2003.

Affirmed. **See** 1st Cir. R. 27(c).