

United States Court of Appeals For the First Circuit

No. 07-2159

ALAN S. NOONAN,

Plaintiff, Appellant,

v.

STAPLES, INC.,

Defendant, Appellee.

Before
Lynch, Chief Judge,*
Torruella, Boudin, Lipez and Howard, Circuit Judges.

Order of Court
Entered: February 13, 2009

In light of the panel's grant of rehearing and new opinion filed this day, the petition for en banc rehearing is denied as moot, without prejudice to any new petition addressed to the new decision.

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.

*Chief Judge Lynch is recused from this case and did participate in this matter.