

United States Court of Appeals For the First Circuit

No. 99-1227

FOSTER-MILLER, INC.,
Plaintiff, Appellee,

v.

BABCOCK & WILCOX CANADA,
Defendant, Appellant,

No. 99-1228

FOSTER-MILLER, INC.
Plaintiff, Appellant,

v.

BABCOCK & WILCOX CANADA,
Defendant, Appellee.

APPEALS FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

[Hon. Richard G. Stearns, U.S. District Judge]

ERRATA SHEET

The opinion of this court issued on March 31, 2000 is amended as follows:

Page 15, line 5: delete "between" and replace it with "among"

Page 15, lines 20-23: delete "United States v. Zanghi, 189 F.3d 71, 79-80 (1st Cir. 1999) (evidentiary sufficiency is measured against instructions to which no objection has been lodged, at least where such instructions are not "patently incorrect"), cert. denied, 120 S. Ct. 839 (2000)"

Page 15, line 24: delete "(similar)" and replace it with
"(noting that the law of the case doctrine, although not totally
rigid, presumptively applies in circumstances such as these); Scott-
Harris v. City of Fall River, 134 F.3d 427, 442 & n.16 (1st Cir.
1997) (similar, citing two other civil cases), reversed on other
grounds, 523 U.S. 44 (1998)."