

THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 01-1991

MICHAEL J. KEESHAN,

vs.

HOME DEPOT U.S.A., INC.; MICHAEL RIZK;
GREGG SMITH,

Michael Keeshan, Appellant.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

(D.C. No. 00-cv-00529)
District Judge: The Honorable Robert F. Kelly

ARGUED MARCH 22, 2002

BEFORE: NYGAARD, ROTH, and AMBRO, Circuit Judges.

(Filed: May 28, 2002)

Dolores M. Troiani, Esq. (Argued)
45 Darby Road
Paoli, PA 19310
Counsel for Appellant

Judith E. Harris, Esq. (Argued)
Morgan, Lewis & Bockius
1701 Market Street
Philadelphia, PA 19103
Counsel for Appellee

OPINION OF THE COURT

NYGAARD, Circuit Judge.

Appellant, Michael Keeshan, appeals from an order of the District Court which granted summary judgment in favor of The Home Depot U.S.A., Inc. Appellant alleges as error the issues listed in paragraph I, taken from his brief. Because we conclude that the District Court did not err, we will affirm.

I.

The allegations of error asserted by Appellant are as follows:

1. Did the trial court err in failing to consider Appellant's evidence

pretext?

2. Did the trial court err in failing to consider the evidence in the most favorable to the non-moving party?

3. Did the trial court err in granting the motion as to Appellant's A and PHRA claims?

4. Did the trial court err in granting summary judgment as to Appellant's FMLA claim?

5. Did the trial court err in granting summary judgment as to Appellant's defamation claim?

II.

The facts and procedural history of this case are well known to the parties and the Court, and it is not necessary that we restate them here. The Court has heard oral argument on the issues presented to us in this appeal. There are three reasons why we write an opinion of the court: to instruct the District Court, to educate and inform the attorneys and parties, and to explain our decision. None of these reasons are presented here. We use a not-precedential opinion in cases such as this, in which a precedential opinion is rendered unnecessary because the opinion has no institutional or precedential value. See United States Court of Appeals for the Third Circuit, Internal Operating Procedure (I.O.P.) 5.2. In this case, we have concluded that neither a full memorandum explanation nor a precedential opinion is indicated because of the very extensive and thorough opinion filed by Judge Robert F. Kelly of the District Court. Judge Kelly's opinion adequately explains and fully supports its order and refutes the Appellant's allegations of error. Hence, we believe it wholly unnecessary to further opine, or offer additional explanations and reasons to those given by the District Court, why we will affirm. It is a sufficient explanation to say that, essentially for the reasons given by the District Court in its opinion dated the 27th day of March, 2001, we will affirm.

III.

In sum, for the foregoing reasons, we will affirm the order of the District Court dated March 27, 2001 and entered on March 28, 2001.

TO THE CLERK:

Please file the foregoing opinion.

/s/ Richard L. Nygaard _____
Circuit Judge