

NOT PRECEDENTIAL

THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 02-1902

ERIC GREGG,

Appellant

v.

NATIONAL LEAGUE OF PROFESSIONAL BASEBALL
CLUBS; LEONARD S. COLEMAN, JR.; MAJOR
LEAGUE BASEBALL COMMISSIONER'S OFFICE

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

(D.C. No. 01-cv-01867)

District Judge: The Honorable John P. Fullam

ARGUED JANUARY 23, 2003

BEFORE: NYGAARD, AMBRO, and LOURIE, * Circuit Judges.

(Filed: February 7, 2003)

Alice W. Ballard, Esq. (Argued)
Law Office of Alice W. Ballard
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* Honorable Alan D. Lourie, Circuit Judge for the United States Court of Appeals
for the Federal Circuit, sitting by designation.

Philadelphia, PA 19102
Counsel for Appellant

Steven R. Wall, Esq. (Argued)
Morgan, Lewis & Bockius
1701 Market Street
Philadelphia, PA 19103
Counsel for Appellee

OPINION OF THE COURT

NYGAARD, Circuit Judge,

Appellant, Eric Gregg, appeals from an order of the District Court which granted summary judgment in favor of the National League of Professional Baseball Clubs, Leonard S. Coleman, and Major League Baseball Commissioner's Office. Appellant alleges as error the issue listed in paragraph I, taken verbatim from his brief. Because we conclude that the District Court did not err, we will affirm.

I.

The allegation of error asserted by appellant is as follows:

Did the District Court err when it dismissed Mr. Gregg's claim of disability discrimination on summary judgment on the ground that he was not protected by the PHRA?

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 issue presented to us in this appeal. The reasons why we write an opinion of the court are threefold: to instruct the District Court, to educate and inform the attorneys and parties, and to explain our decision. 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.) 5.3. Under the usual circumstances when we affirm by not-precedential opinion and judgment, we briefly set forth the reasons supporting the court's decision. In this case, however, 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 John P. Fullam of the District Court. Judge Fullam'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 13th day of March, 2002, we will affirm.

III.

In sum, for the foregoing reasons, we will affirm the order of the District Court dated the day of March 13, 2002.

TO THE CLERK:

Please file the foregoing opinion.

Circuit Judge