

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 04-4671

Austin Powder Company

v.

Popple Construction, Inc.,
Appellant

Appeal from the United States District Court
for the Middle District of Pennsylvania
(Civil No. 01-cv-01931)

Argued: November 15, 2005

ORDER AMENDING OPINION

At the direction of the Court, it is **HEREBY ORDERED** that the Not Precedential opinion filed in this case on February 17, 2006, be amended as follows:

On page 4, line 117 - the word “notice” should be “noticed”

On page 5, line 129 - delete the word “an” after “at” and before “its” so that the line reads “at its own . . .”

By the Court,

/s/ Marcia M. Waldron
Clerk

Dated: March 7, 2006