

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 06-2399

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RICHARD JAKIMAS; DIANNE FLYNN, Association Member;  
LOUIS RISTAGNO, Association Member;  
ALL OTHER ASSOCIATION MEMBERS;  
JOHN M. ADAIR; JOHN J. ADZIMA; BRUCE J. AIELLO;  
THOMAS AIELLO; JACK BAILEY; GERALD A. BARRETT;  
WALTER BENIUK; BRUCE BLANCHARD; RENE REIS BRAGA;  
TEDEUSZ BUKOWSKI; EDWARD CABRAL; ANGELO CAPALBO;  
RICHARD CARLSON; RALPH CASO; JAMES CASTELLI;  
SAMUEL CASTRONOVO, JR.; PETER CHAPMAN;  
PAUL D. CIUPPA; GARY COCOZZO; LAURA CARBO;  
ALAN L. CURTIS; PAUL DAY; CHARLES DELORENZI;  
PETER DEMODICA, III; JOSEPH DIGIACOMO; STEFAN DZIABA;  
WALTER DZIABA; MICHAEL FARON; RAMOND J. FEINER;  
ANDREW FERACO; PAUL FRANEK; LAWRENCE GELOK;  
ROBERT L. GLOVER; RAYMOND GOETZ; JOSEPH GOMES;  
ANTHONY GRECO; DANIEL GREEN; JOHNNY HADDLEY;  
WILLIAM J. HAHN; RICHARD HALL; DAVID HANRAHAN;  
DEBORAH HELFRICH; RONALD JONES; ALOJZY KALATA;  
JAMES F. KANE; JOSEPH M. KAPROWSKI; BERNARD KAPUSCINSKI;  
JAN KASPROWICZ; MICHAEL KENNEDY; ROBERT J. KOHLER;  
EDWARD KWASNIK; FLAVIO LABAGNARA; ROSA LABAGNARA;  
ROBERT J. LENIK; WOJCIECH LEOZENIA; JOSEPH MACDIARMID;  
JAMES F. MADIGAN; WILLIAM R. MALLOY, SR.; ALBERT A. MARCHIONE;  
ANTHONY MARIANO; EDWARD B. MAYO; HENRY M. MCAULIFFE;  
MIKE MEECHAN; STEPHEN E. MELLINGER; LAWRENCE MEMICE;  
DONALD A. MEYER; ROBERT P. MUNDT; NICK NARDONE;  
CHERYL NEGRON; JOSEPH M. OROLEN; EDWARD PAJAK;  
ROBERT PAVONE; ROGER M. PERRI; FRANK J. PETRASEK;  
WILLIAM PITT; PETER PLAFTA; JULIAN POKRYWA;  
RONALD POKRYWA; ROQUE N. RIVERA; ANTONIO RIZZI;  
BARBARA ROBINSON; SAMUEL ROSAMILIA; ROGER ROTONDI;  
CHUCK L. RUTAN; ALBERT RYBACKI; ANDREW J. SACCOCCIA;  
JAN SERAFIN; ROBERT SHALLCROSS; MARTHA X. SKINNER;  
DONALD D. SMITH; ANTHONY SPAGNUOLO; ANTHONY J. SPANO;

SARA SPANO; ANTHONY SPERA; NATALE TURANO;  
STEPHEN R. TYBURCZY; ROBERT J. VELEBER, JR.; WILLIAM VILLINO;  
MICHAEL A. VOCATURO; MARIAN WOJCIECHOWSKI;  
LEONARD A. ZUMMO; RICKI BLOHM; FRANK CAVALIERE;  
CHARLENE JOHNSON; DONALD BREEN; JOHN TOMASKOVIC,

Appellants

v.

HOFFMANN-LA ROCHE, INC.;\*  
JOHNSON CONTROLS WORLD SERVICES, INC.

(\*Amended per Clerk's order of June 6, 2006)

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On Appeal from the United States District Court  
for the District of New Jersey  
(D.C. No. 99-cv-05126)  
District Judge: Honorable Jose L. Linares

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Argued February 15, 2007  
Before: SMITH and FISHER, *Circuit Judges*, and DOWD, \* *District Judge*.

### **ORDER AMENDING OPINION**

IT IS HEREBY ORDERED that the opinion in the above case, filed May 14, 2007, be amended as follows:

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\*The Honorable David D. Dowd, Jr., United States District Judge for the Northern District of Ohio, sitting by designation.

Page 4, second appearance of counsel, which read:

John A. Ridley (Argued)  
Drinker, Biddle & Reath  
500 Campus Drive  
Florham Park, NJ 07932  
*Attorney for Appellee,  
Hoffman-La Roche, Inc.*

shall read:

John A. Ridley (Argued)  
Drinker, Biddle & Reath  
500 Campus Drive  
Florham Park, NJ 07932  
*Attorney for Appellee,  
Hoffmann-La Roche, Inc.*

Page 5, first paragraph, first sentence, which read:

The Appellants, former employees of Hoffman-La Roche Inc.  
.....

shall read:

The Appellants, former employees of Hoffmann-La Roche,  
Inc. ....

Page 10, Section I.B., first paragraph, fourth sentence, which read:

However, he did not allow David Swidrak . . . .

shall read:

However, he did not allow Donald Swidrak . . . .

By the Court,

/s/ D. Michael Fisher  
Circuit Judge

Dated: May 31, 2007

lwc/cc: Charles J. Sciarra, Esq.  
Allan P. Clark, Esq.  
John A. Ridley, Esq.  
Dabney D. Ware, Esq.