

PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 08-3877

EMMANUEL NOEL,
Appellant

v.

THE BOEING COMPANY

On Appeal from the District Court
for the Eastern District of Pennsylvania
(No. 06-cv-2673)
District Judge: Honorable Garrett E. Brown, Jr.

Submitted January 26, 2010

Before: FUENTES, FISHER, Circuit Judges, and KANE,
District Judge*

* Honorable Yvette Kane, Chief Judge of the United States District Court for the Middle District of Pennsylvania, sitting by designation.

(Opinion Filed: October 1, 2010)

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ORDER AMENDING OPINION

FUENTES, Circuit Judge

IT IS NOW ORDERED THAT the first paragraph of the opinion shall be amended to state as follows:

“Defendant, the Boeing Company, filed a pretrial motion for summary judgment with the District Court, which was granted in part

and denied in part. The District Court then conducted a four-day bench trial. During the trial, Boeing presented a motion for judgment on partial findings of fact, which was also granted in part and denied in part. After the trial, the District Court entered judgment in favor of Boeing on all counts. Plaintiff, Emmanuel Noel appeals these rulings, arguing that the recently enacted Lilly Ledbetter Fair Pay Act of 2009 renders his otherwise out-of-time administrative filing timely, preserving his failure to promote claim. For the following reasons, we will affirm the District Court's rulings.

The first three sentences of the first paragraph of Section B of the opinion shall be deleted and replaced with the following:

Before trial, Boeing filed a motion for summary judgment. The District Court granted that motion as it related to Noel's claim that Boeing violated Title VII when it failed to send him offsite to Amarillo in May 2002 and when he was not promoted to offsite mechanic Labor Grade 11 in 2003, holding that this claim was time-barred since Noel did not file a charge of discrimination with the EEOC until March 2005, well outside the 300-day statutory time period. At the subsequent bench trial, the District Court also granted Defendant's motion for Judgment on Partial Findings on Noel's claim that he should have been promoted to lead mechanic upon his

return to Ridley Park.

The word “reaches” in the first full paragraph on page twelve of the opinion shall be replaced with the word “reached.”

There is only one defendant in this case. Therefore, the word “Defendants” as used on pages 6, 7, 8, and 19 shall be replaced with the word “Defendant.” Also, the word “Defendants” on the same pages shall be replaced with “Defendant’s”.

BY THE COURT,

/s/ Julio M. Fuentes
Circuit Judge

DATED: 18 October 2010