

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 16-1010

DAVID PALMER,  
Appellant

v.

BRITTON INDUSTRIES, INC.

(D.N.J. No. 3:14-cv-05457)

Present: HARDIMAN and SCIRICA, *Circuit Judges*, and ROSENTHAL\*, *District Judge*.

1. Motion by James Mangarella for removal or redaction of statement in Court's Opinion

Respectfully,  
Clerk/CND

ORDER

The foregoing Motion is Granted as Follows. It is hereby ordered that the Courts non-precedential opinion filed November 7, 2016 is vacated and the Clerk is directed to file the amended nonprecedential opinion, which provides as follows: 1) the sentence on page 3 beginning with "According to Palmer" is deleted; 2) the sentence on page 4 that begins with "The District Court first held" is modified to state "The District Court first held that an alleged comment by Mangarella during a conversation criticizing Palmer's sales performance was not direct evidence of age discrimination."; and 3) the sentence on page 6 that begins with "Palmer argued that the District Court erred in finding" is modified to state "Palmer argued that the District Court erred in finding that Mangarella's alleged remark was not legally sufficient direct evidence of age discrimination."

As these amendments do not affect the reasoning or outcome, no new judgment or mandate shall issue.

---

\* The Honorable Lee H. Rosenthal, United States District Judge for the Southern District of Texas, sitting by designation.

By the Court,

s/ Thomas M. Hardiman  
Circuit Judge

Dated: February 26, 2025

CND/cc: All Counsel of Record  
James Mangarella