

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

---

No. 07-4588

---

MARK HOHIDER; ROBERT DIPAOLO,  
On Behalf of Themselves  
and All Others Similarly Situated

v.

UNITED PARCEL SERVICE, INC.; DOES 1-100

PRESTON EUGENE BRANUM,  
On Behalf of Himself and All  
Others Similarly Situated

v.

UNITED PARCEL SERVICE, INC.; DOES 1-100

(Consolidated D.C. No. 04-cv-0363)

UNITED PARCEL SERVICE, INC.,  
Appellant

---

On Appeal from the United States District Court  
for the Western District of Pennsylvania  
D.C. Civil Action No. 04-cv-0363  
(Honorable Joy Flowers Conti)

---

Argued November 20, 2008

Before: SCIRICA, *Chief Judge*, and RENDELL, *Circuit Judges*, and  
O'CONNOR, *Associate Justice (Ret.)*\*

---

\*The Honorable Sandra Day O'Connor, *Associate Justice (Ret.)* of the Supreme Court of the United States, sitting by designation.

---

**JUDGMENT**

---

This cause came to be heard on the record from the United States District Court for the Western District of Pennsylvania and was argued by counsel on November 20, 2008.

On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the order of the District Court entered July 26, 2007, be, and the same is hereby reversed and the case remanded for proceedings consistent with this opinion. Costs taxed against appellees. All of the above in accordance with the opinion of this Court.

ATTEST:

/s/Marcia M. Waldron

Clerk

DATED: July 23, 2009

smw/cc:	Christian C. Bagin, Esq.	Eugene Scalia, Esq.
	Geoffrey M. Johnson, Esq.	Rae T. Vann, Esq.
	Judith Scolnick, Esq.	Michael D. Lieder, Esq.
	David R. Scott, Esq.	Brad Seligman, Esq.
	Rachel S. Brass, Esq.	Robin E. Shea, Esq.
	Perry A. Napolitano, Esq.	John H. Beisner, Esq.
	Mark A. Perry, Esq.	