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2009 Decisions

Opinions of the United  
States Court of Appeals  
for the Third Circuit

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3-24-2009

# Brhd of Locomotive v. United Transp Union

Precedential or Non-Precedential: Non-Precedential

Docket No. 06-1905

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 06-1905

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BROTHERHOOD OF LOCOMOTIVE ENGINEERS  
AND TRAINMEN; MARTIN G. CROTHERS;  
GEORGE H. TOMPKINS,

Appellants

v.

UNITED TRANSPORTATION UNION;  
NATIONAL RAILWAY LABOR CONFERENCE;  
CSX TRANSPORTATION, INC.;  
KANSAS CITY SOUTHERN;  
NORFOLK SOUTHERN RAILWAY COMPANY;  
UNION PACIFIC RAILROAD;  
BURLINGTON NORTHERN SANTA FE

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On Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
(D.C. Civ. No. 04-05491)  
Honorable Gene E. K. Pratter, District Judge

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Argued March 5, 2009

BEFORE: BARRY and GREENBERG, Circuit Judges,  
and ACKERMAN, District Judge\*

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(Filed: March 24, 2009)

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\*The Honorable Harold A. Ackerman, Senior Judge of the United States District Court for the District of New Jersey, sitting by designation.

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OPINION OF THE COURT

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GREENBERG, Circuit Judge.

This matter comes on before this Court on an appeal from a summary judgment entered in the District Court on February 13, 2006, in this case arising under the Railway Labor Act, 45 U.S.C. § 151 et seq. The District Court had jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1367(a) and we have jurisdiction under 28 U.S.C. § 1291. We exercise plenary review on this appeal. See Dilworth v. Metro. Life Ins. Co., 418 F.3d 345, 349 (3d Cir. 2005). Consequently, we can affirm only if we find that there is no dispute as to any material fact and appellees are entitled to a judgment as a matter of law. Id.

Exercising plenary review, we are in full accord with the District Court's reasoning and result as set forth in its memorandum opinion of February 10, 2006, and, therefore, we will affirm its order entered February 13, 2006, substantially for the reasons that the District Court set forth in its comprehensive opinion.