

SJC-13804

United States Court of Appeals For the First Circuit

No. 24-1931

JEREMIAH NICHOLLS, WALTER GOODROW, WESLEY DINSMORE,
RICHARD RUPPERT,

Plaintiffs, Appellants,

v.

VEOLIA WATER CONTRACT OPERATIONS USA, INC., FOR THE COMMONWEALTH
f/k/a Suez Water Environmental Services, Inc.,

RECEIVED
SUPREME JUDICIAL COURT

JUL 25 2025

CERTIFIED COPY

I HEREBY CERTIFY THIS DOCUMENT IS A TRUE
AND CORRECT COPY OF THE ORIGINAL ON FILE
IN MY OFFICE AND IN MY LEGAL CUSTODY.

Defendant, Appellee.

FIRST CIRCUIT COURT OF APPEALS
BOSTON, MA

Before
Gelpí, Lynch, and Thompson,
Circuit Judges.

By: [Signature] Date: 7/23/2025

ORDER OF COURT AND CERTIFICATION OF QUESTIONS TO THE MASSACHUSETTS SUPREME JUDICIAL COURT

Entered: July 22, 2025

This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts and was argued by counsel. For the reasons stated in our opinion in this case, submitted with this order, we certify the following questions to the Massachusetts Supreme Judicial Court:

1. What is meant by the phrase "construction and design of improvements" as used in section 6 of 1997 Mass. Acts. ch. 155?
2. Is 1997 Mass. Acts. ch. 155 incompatible with the Prevailing Wage Act, Mass. Gen. Laws ch. 149, §§ 26-27H (2024), under the court's decision in Metcalf v. BSC Group, Inc., 214 N.E. 3d 1043 (Mass. 2023)?

The Clerk of this court is directed to forward to the Massachusetts Supreme Judicial Court, under the official seal of this court, a copy of the certified questions and our opinion in this case,

along with copies of the briefs and appendix filed by the parties. We retain jurisdiction over this appeal pending resolution of the certified questions.

By the Court:

Anastasia Dubrovsky, Clerk

cc. Hon. Mark G. Mastroianni, Robert Farrell, Clerk, United States District Court for the District of Massachusetts, Maura A. Looney, Clerk, Massachusetts Supreme Judicial Court, Terence E. Coles, Stephen T. Melnick III, Shea A. Miller