



We review de novo the grant of summary judgment, applying the same standard as the district court. Demming v. Housing and Redevelopment Auth., 66 F.3d 950, 953 (8th Cir. 1995). Because the Delta decision determining Alessi was not a "protected employee" bars relitigation of this issue, we agree with the district court that Northwest is entitled to judgment as a matter of law. See Tyus v. Schoemehl, 93 F.3d 449, 453 (8th Cir. 1996) (discussing collateral estoppel requirements); Aetna Casualty & Sur. Co. v. General Dynamics Corp., 968 F.2d 707, 711 (8th Cir. 1992) (same); Perkins v. Spivey, 911 F.2d 22, 35 (8th Cir. 1990) (recognizing defensive use of collateral estoppel), cert. denied, 499 U.S. 920 (1991). We note that while this case was pending, another court also relied on the Delta decision to collaterally estop Alessi from relitigating this claim. See Ackerman v. United Airlines, Inc., No. 96-2455 (TFH) (D. D.C. Sept. 13, 1996).

We also reject Alessi's other arguments on appeal as without merit, and deny his objection to Northwest's submission of a supplemental appellate brief. Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.