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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 95-1793 and 95-1794

HERBERT L. FISCHER; FLOYD L. ADAMS; JAMES W. ALFREDS;
JOHN I. ARENA; EARL T. ATKINSON; WILLIAM AUVE; THOMAS
F. BECK; WILLIAM J. BONO; WILLIAM A. BURWELL, JR.,
JOSEPH C. CALABRESE; PETER CARFAGNO; JOHN B. CREIGHTON;
RALPH J. DAFERMO, SR.; FELIX A. DEJOSEPH; JOSEPH A. DEVITO;
JOHN T. DOUGHERTY; JOHN J. DOWLING; ANTHONY FALASCA;
EUGENE FINK; RITA J. GESUALDO; EDWIN HAINES; JOSEPH T. HALEY;
DANIEL J. HEFFERAN; LEO M. HILL; ROBERT J. HOOPES;
DONALD J. HOY; MICHAEL HRYNKO; DONALD HUGHES; CARL M. HUNSICKER;
NEAL IRELAND; WALTER D. KRAUS; CHARLES E. LINDEMUTH; ROBERT
F. MAHONEY; ANTHONY D. MARCHESANI; ROBERT P.F. MCCARRON;
ROBERT MCCORMICK; FRANK L. MERCADANTE; JOHN P. MONAGHAN;
DAVID MONZO; JOHN K. MOORE; JOSEPH P. MORAN; MILDRED PEARL
MORGAN; RALPH E. MOYER; HERBERT E. MUELLER; JAMES J. NUGENT;
THOMAS E. OETZEL; FRANK W. PERSICHETTI, SR.; CHARLES W.
PLUMMER; LEWIS RAIBLEY; JAMES J. RODDY; JOHN J. SAUNDERS;
LOUIS F. SAUNDERS; NICHOLAS J. SCRENCI; JOSEPH J.
SEMETTI; JOHN STEINDL; WILLIAM F. THOMPSON; MICHAEL W.
TRENDLER; FRANCIS R. TUNNEY, SR.; HERBERT R. WALTERS;
RICHARD S. WILSON; JOHN H. ZIMMER; GERALD A. ZIMMERMAN

v.

PHILADELPHIA ELECTRIC COMPANY; JOSEPH F. PAQUETTE, JR.;
MICHAEL J. CROMMIE; SERVICE ANNUITY PLAN OF PHILADELPHIA
ELECTRIC COMPANY

HERBERT L. FISCHER, JOHN B. CREIGHTON, FRANCIS R. TUNNEY, SR.;
EARL ATKINSON, LEO M. HILL, DONALD HUGHES; JOSEPH P. MORAN;
MICHAEL W. TRENDLER; JOHN H. ZIMMER; WILLIAM AUVE;
JOHN STEINDL; LOUIS F. SAUNDERS; ROBERT MCCORMICK;
. WILLIAM J. BONO; JAMES J. RODDY; RITA J. GESUALDO; RALPH J.
DAFERMO, SR.; JOSEPH C. CALABRESE; JAMES W. ALFREDS;
FELIX A. DEJOSEPH; EUGENE FINK; JOSEPH T. HALEY;
WALTER D. KRAUS; CHARLES W. PLUMMER; ROBERT P.F. MCCARRON;
RICHARD S. WILSON; JOHN P. MONAGHAN, RALPH E. MOYER; JOHN J.
DOWLING; JOSEPH J. SEMETTI; CHARLES E. LINDEMUTH; ROBERT F.
MAHONEY; JOHN K. MOORE; JAMES J. NUGENT; JOHN J. SAUNDERS;
ANTHONY FALASCA; DANIEL J. HEFFERAN; NICHOLAS J.
SCRENCI; THOMAS E. OETZEL; DONALD J. HOY; FLOYD L.
ADAMS, THOMAS F. BECK; JOHN T. DOUGHERTY; WILLIAM F.
THOMPSON; GERALD A. ZIMMERMAN; HERBERT E.
MUELLER; HERBERT R. WALTERS; LEWIS RAIBLEY;
JOSEPH L. GIORGIO; JOSEPH DEVITO;
DAVID MONZO; THOMAS J. LEE; THOMAS B. BARNES, JR.;
PHILIP G. MULLIGAN; ROBERT L. TOMLINSON; JOHN R. GRIMES;

W.B. WILLSEY; WILLIAM J. MOSS; JAMES T. PRYOR; ROBERT
J. GLENN; GEORGE C. ZAPP; JOSEPH J. DELLA VECCHIO;
GEORGE V. CHURACH; CHARLES T. REIMEL; ANDREW J.
KELLEHER; GEORGE C. HALL; WILLIAM P. ZACKEY;
FRANCIS W. BATIPPPS; HARRY C. FRYMIARE, JR.;
JOSEPH J. GRECO; RICHARD R. ROWLANDS; JESSE P.
BOYD; JAMES D. DENNETT; VERNON C. READMAN, JR.;
JOSEPH L. GIORGIO,; EDWARD M. HAILE; EUGENE C. SCHINDLER;
JOHN P. SWAHL; ELMER E. LUCAS; JAMES L. ROUSH;
JAMES V. LEWIS; ALBERT J. RIEGER; THOMAS J. SHERIDAN, JR.;
DOLORES A. ROMANO; HELEN J. THROCKMORTON; ROBERT E.
SPROSS; WILLIAM P. ROHLFING; EDWARD C. KISTNER, JR.;
HARRY W. BACKHOUSE; JAMES V. MANNION, JR.; JOSEPH E.
BONAPARTE; WILLIAM A. BRADY, JR.; MALCOLM J. MACNEIL;
MANUS J. COONEY; JOHN J. KUHNS; MARLENE BELL; DEAN G. BRADFORD;
JAMES W. BATEMAN; JAMES S. HERRICK; STANLEY W. JACQUES, JR.;
RUDOLPH G. DELLA VECCHIO; ALDEN F. TUCKER & BERNARD J. DRESS,

Appellants in 95-1794

HERBERT L. FISCHER; FLOYD L. ADAMS; JAMES W. ALFREDS;
JOHN I. ARENA; EARL T. ATKINSON; WILLIAM AUVE;
THOMAS F. BECK; WILLIAM J. BONO; WILLIAM A. BURWELL, JR.;
JOSEPH C. CALABRESE; PETER CARFAGNO; JOHN B.
CREIGHTON; RALPH J. DAFERMO, SR.; FELIX A.
DEJOSEPH; JOSEPH A. DEVITO; JOHN T. DOUGHERTY;
JOHN J. DOWLING; ANTHONY FALASCA; EUGENE FINK; RITA J.
GESUALDO; EDWIN HAINES; JOSEPH T. HALEY;
DANIEL J. HEFFERAN; LEO M. HILL; ROBERT J. HOOPES;
DONALD J. HOY; MICHAEL HRYNKO; DONALD HUGHES; CARL M.
HUNSICKER; NEAL IRELAND; WALTER D. KRAUS; CHARLES E.
LINDEMLUTH; ROBERT F. MAHONEY; ANTHONY D.
MARCHESANI; ROBERT P.F. MCCARRON; ROBERT MCCORMICK;
FRANK L. MERCANDANTE; JOHN P. MONAGHAN;
DAVID MONZO; JOHN K. MOORE; JOSEPH P. MORAN; MILDRED PEARL
MORGAN; RALPH E. MOYER; HERBERT E. MUELLER; JAMES J. NUGENT;
THOMAS E. OETZEL; FRANK W. PERSICHETTI, SR.;
CHARLES W. PLUMMER; LEWIS RAIBLEY; JAMES J. RODDY;
JOHN J. SAUNDERS; LOUIS F. SAUNDERS; NICHOLAS J. SCRENCI;
JOSEPH J. SEMETTI; JOHN STEINDL; WILLIAM F. THOMPSON;
MICHAEL W. TRENDLER; FRANCIS R. TUNNEY, SR.;
HERBERT R. WALTERS; RICHARD S. WILSON; JOHN H. ZIMMER;
GERALD A. ZIMMERMAN

v.

PHILADELPHIA ELECTRIC COMPANY; JOSEPH F. PAQUETTE, JR.;
MICHAEL J. CROMMIE; SERVICE ANNUITY PLAN OF
PHILADELPHIA ELECTRIC COMPANY

PECO Energy Company, formerly known as
Philadelphia Electric Company, Joseph F.

Paquette, Jr., Michael J. Crommie and
Service Annuity Plan of Philadelphia
Electric Company,

Appellants in 95-1794

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Civil Action No. 90-cv-08020)

Argued April 29, 1996

Before: COWEN and ROTH, Circuit Judges
and CINDRICH, District Judge

ORDER AMENDING SLIP OPINION

IT IS ORDERED that the slip opinion in the above case, filed
on October 1, 1996, be amended as follows:

On page 5, line 27, add an "s" to the word "defendant".

On page 20, Section V., delete the last sentence and replace
it with the following sentence:

We will reverse the holding of the
district court and enter judgment on
behalf of all defendants.

By the Court,

/s/ Jane R. Roth
Circuit Judge

Dated: October 1, 1996