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States Court of Appeals  
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10-16-1996

## Elliott v. Kiesewetter

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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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Nos. 95-3104 and 95-3105

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CONSTANCE K. ELLIOTT; PATRICIA J.  
KIESEWETTER; LINTON A. ELLIOTT; CHARLES L.  
ELLIOTT, individually and/or as a Minor, by  
Constance K. Elliott, his Parent and  
Guardian; JONATHAN B. ELLIOTT, a Minor by  
Constance K. Elliott, the Parent and Guardian

vs.

WILLIAM B. KIESEWETTER, JR.

WILLIAM B. KIESEWETTER, JR. and  
JAYNE H. KIESEWETTER\*  
(\*Pursuant to Rule 12(a), F.R.A.P),

Appellants No. 95-3104.

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CONSTANCE K. ELLIOTT; PATRICIA J.  
KIESEWETTER; LINTON A. ELLIOTT; CHARLES L.  
ELLIOTT; JONATHAN B. ELLIOTT, Minors by  
Constance K. Elliott, their parent and  
guardian

vs.

WILLIAM B. KIESEWETTER, JR.  
JAYNE H. KIESEWETTER

WILLIAM B. KIESEWETTER, JR. and  
JAYNE H. KIESEWETTER

Appellants No. 95-3105.

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APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

(D.C. Civil Nos. 93-cv-00753 and 94-cv-00576)

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ARGUED MARCH 4, 1996

BEFORE: MANSMANN, ALITO, LEWIS, Circuit Judges.

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ORDER AMENDING SLIP OPINION

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IT IS HEREBY ORDERED that the Slip Opinion filed in this case on October 9, 1996, be amended as follows:

At the end of the first paragraph under Section II.A. (page 4) the following footnote shall be added:

The subject matter jurisdiction of the district court for both the Accounting Action and the Fraudulent Conveyance Action was based upon 28 U.S.C. § 1332, diversity of citizenship. The matter in controversy in each action is in excess of \$50,000 and each dispute is between citizens of different states.

We have appellate jurisdiction, pursuant to 28 U.S.C. § 1292(a)(1), over all interlocutory orders of a district court which grant, continue, modify, refuse, or dissolve injunctions.

After the jury returned a verdict against the Kiese wetters, the Beneficiaries' moved for a preliminary injunction. The district court entered a bench order in both the Accounting Action and the Fraudulent Conveyance Action freezing all assets held in the name or on behalf of William B. Kiese wetter, Jr, including those jointly held with Jayne H. Kiese wetter. On February 1, 1995, the district court reduced the bench order into a memorandum order which addressed a number of other matters that are unrelated to the prejudgment asset freeze. The Kiese wetters filed this appeal from only the asset freeze provisions of the February 1, 1995 order.

BY THE COURT

/s/ Timothy K. Lewis  
Circuit Judge

Dated: October 16, 1996