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Tabas v Tabas

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 92-1495 and No. 92-1529

HARRIETTE S. TABAS; RICHARD S. TABAS;
NANCY C. TABAS; GERALD LEVINSON,
As Executors of the Estate of
CHARLES L. TABAS,
Appellants

v.

DANIEL M. TABAS; JOSEPH P. CAMPBELL;
JAMES J. MCSWIGGAN; LEE A. TABAS; ROBERT TABAS;
SUSAN TABAS TEPPER; LINDA TABAS STEMPEL;
JOANNE TABAS WURZAK; CAROL TABAS STOFMAN;
HOWARD WURZAK

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
(D.C. Civil Action No. 91-01355)

Argued: January 26, 1993
Before: GREENBERG, ROTH, and LEWIS, Circuit Judges

Reargued In Banc October 18, 1994

Before: SLOVITER, Chief Judge, BECKER, STAPLETON,
MANSMANN, GREENBERG, HUTCHINSON, SCIRICA, COWEN,
NYGAARD, ALITO, LEWIS, ROTH, and MCKEE, Circuit Judges

ORDER AMENDING OPINION

Judge Alito's concurring opinion in the above captioned
case filed February 13, 1995, is amended as follows:

The first sentence of that opinion ("I concur in the judgment, and I join parts I, II, VI, and VI of the opinion of the court.") is deleted. In its place, the following is inserted:

I concur in the judgment, and I join those parts of Judge Roth's opinion that constitute an opinion of the in banc court, i.e., parts I, II, V, and VI. I do not join part IV of Judge Roth's opinion.

\s\ Samuel A. Alito, Jr.
Circuit Judge

DATED: March 7, 1995