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1998 Decisions

Opinions of the United  
States Court of Appeals  
for the Third Circuit

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10-2-1998

## Rolo v. City Investing Co

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Filed October 2, 1998

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

Nos. 95-5768 & 96-5128

JOSE and ROSA ROLO; and DR. WILLIAM and  
ROSEANNE TENERELLI

v.

CITY INVESTING COMPANY LIQUIDATING TRUST;  
AmBASE CORPORATION; CARTERET BANCORP, INC.;  
FEDERAL DEPOSIT INSURANCE CORPORATION, as  
Successor to RESOLUTION TRUST CORPORATION, in its  
capacity as RECEIVER OF CARTERET SAVINGS BANK,  
FA; THE HOME INSURANCE COMPANY; GEORGE T.  
SCHARFFENBERGER; MARSHALL MANLEY; EDWIN I.  
HATCH; EBEN W. PYNE; REUBIN O'D. ASKEW;  
HOWARD L. CLARK, JR.; CHARLES J. SIMONS;  
PETER R. BRINKERHOFF; DAVID F. BROWN; ROBERT F.  
EHRLING; CRAVATH, SWAINE & MOORE; DAVID G.  
ORMSBY; FEDERAL DEPOSIT INSURANCE  
CORPORATION, in its capacity as RECEIVER OF  
SOUTHEAST BANK, NA; PAINWEBBER INCORPORATED;  
MERRILL LYNCH, PIERCE, FENNER & SMITH, INC.; THE  
PRUDENTIAL INSURANCE COMPANY OF AMERICA;  
NATIONAL BANK OF CANADA; CITICORP REAL ESTATE,  
INC.; FIRST NATIONAL BANK OF BOSTON; FEDERAL  
NATIONAL MORTGAGE ASSOCIATION; FEDERAL HOME  
LOAN MORTGAGE CORPORATION; CHASE FEDERAL  
BANK, FSB; CITIZENS AND SOUTHERN TRUST  
COMPANY (FLORIDA), NA; REGIONS BANK OF  
LOUISIANA, as Successor to SECOR BANK, FSB;  
OXFORD FIRST CORP.; THE OXFORD FINANCE  
COMPANIES, INC.; LASALLE BUSINESS CREDIT, INC.; as  
Successor to STANCHART BUSINESS CREDIT, INC.;

HARBOR FEDERAL SAVINGS AND LOAN ASSOCIATION;  
GREYHOUND FINANCIAL CORPORATION; LLOYDS BANK  
PLC; and JOHN DOES 1-10

Jose Rolo, Rosa Rolo, Dr. William  
Tenerelli, and Roseanne Tenerelli,  
and proposed intervenor plaintiffs  
Dominick J. Capezza, Estrelita  
Capezza, Jacques Cormier, Anite  
Cormier, Steven Kalinowski,  
Bernard Kalinowski, Charles R.  
Panellino, and Clarisse Panellino,

Appellants in 95-5768

proposed intervenor plaintiffs  
Dominick J. Capezza, Estrelita  
Capezza, Jacques Cromier, Anite  
Cormier, Steven Kalinowski,  
Bernard Kalinowski, Charles R.  
Panellino, and Clarisse Panellino,

Appellants in 96-5128

(Caption amended per Clerk's 11/27/95, 1/3/96 &  
2/29/96 orders)

On Appeal from the United States District Court  
for the District of New Jersey  
(D.C. Civil Action No. 90-cv-04420)

Argued September 16, 1996

Before: BECKER, NYGAARD and ROTH, Circuit Judges

(Opinion Filed 8/31/98)

ORDER AMENDING SLIP OPINION

IT IS ORDERED that the slip opinion in the above case,  
filed on August 31, 1998, be amended as follows:

On page 10, line 17, delete "George" and replace it with  
"Gerald"; and

On page 27, line 9, the second sentence, delete the word "either" and delete the word "or" and replace "or" with the word "and". The sentence should now read as follows:

"Under this method, plaintiffs have four years in which to file suit from the time that they discover or should have discovered their injury and the defendants' pattern of racketeering activity."

By the Court,

/s/ Jane R. Roth  
Circuit Judge

Dated: October 2, 1998

A True Copy:

Teste:

Clerk of the United States Court of Appeals  
for the Third Circuit