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2010 Decisions

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

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10-20-2010

## John Drennen v. PNC Bank Natl Assoc

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PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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Nos. 08-3621, 08-3790, 08-3791 & 08-3857

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IN RE: COMMUNITY BANK OF NORTHERN VIRGINIA AND GUARANTY  
NATIONAL BANK OF TALLAHASSEE SECOND MORTGAGE LOAN  
LITIGATION (MDL 1674)

Objecting Class Members,  
Appellants (08-3621)  
(Pursuant to Fed. R. App. P. 12(a))

Alabama and Georgia Objecting Class Members,  
Appellants (08-3790)  
(Pursuant to Fed. R. App. P. 12(a))

Richard H. Heady, Jr., Robert Rowley, Arline Rowley,  
Galen Hurt, Darrell Turner, Michael Rich, Edna Rich,  
Patrick Franklin, Michael Graham, Tracy Graham, Eric  
Lewis, Barbara Lewis, David Davidson, Michael  
Moore, Karla Moore, Anthony Dixon and Kathy  
Dixon.

Appellants (08-3791)  
(Pursuant to Fed. R. App. P. 12(a))

Troy Elliott, Lorraine Oswald and Ruth D.  
Mathis-Wisseh,  
Appellants (08-3857)  
(Pursuant to Fed. R. App. P. 12(a))

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No. 09-2001

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JOHN DRENNEN; ROWENA DRENNEN; DAVID GARNER; DIANE GARNER;  
SHAWN STARKEY; LORENE STARKEY,

Appellants

v.

PNC BANK NATIONAL ASSOCIATION; GMAC-RESIDENTIAL FUNDING CORPORATION, a Minnesota Corporation;  
HOMECOMINGS FINANCIAL NETWORK INC., a Delaware Corporation

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Appeal from the United States District Court  
for the Western District of Pennsylvania  
(D.C. Civil Action Nos. 2-03-cv-00425/01201/00688/2-05-cv-01386)  
District Judge: Honorable Gary L. Lancaster

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Argued April 20, 2010

Before: SCIRICA\*, Chief Judge, AMBRO, Circuit Judge and JONES\*\*, District Judge

(Opinion filed September 22, 2010)

**ORDER AMENDING PRECEDENTIAL OPINION**

AMBRO, *Circuit Judge*

IT IS NOW ORDERED that the published Opinion in the above case filed September 22, 2010, be amended as follows:

On page 9, line 5, insert the following sentence after the period following “settlement”: “(This shorthand, however, does not include the objecting class members from North Carolina, whose arguments we address separately in Part III.A.5 below.)”

On page 16, second full paragraph, line 3, insert a semicolon after the word “action” and before the superscript footnote 6.

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\* Judge Scirica completed his term as Chief Judge on May 4, 2010.

\*\*The Honorable John E. Jones, III, United States District Judge for the Middle District of Pennsylvania, sitting by designation.

On page 54, replace the first word (“reduces”), with “comes”, so that the phrase reads: “comes to the conclusion”.

On page 83, last line, insert the following phrase within the parentheses, and after the name “Wisseh”: “, collectively referred to as the “North Carolina Objectors”.

On page 86, footnote 30, line six, insert the words “before us” after the phrase “in the current appeal”.

On page 95, last line, insert a new footnote 34 at the end of the sentence (after “decisions.”) that reads: “The North Carolina Objectors, discussed *supra* in Part III.A.5, did not join in the motion for reassignment.”

All subsequent footnotes will be renumbered sequentially, so that on page 97, footnote 34 becomes 35; on page 98 footnote 35 becomes 36, and on page 99 footnote 36 becomes 37.

On page 100, within the conclusionary paragraph, line 8, insert the following phrase after the semicolon: “(2) whether a subclass of class members from North Carolina should be created;” and change the subsequent “(2)” to “(3)”.

By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated:           October 20, 2010