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9-28-2006

Admart AG v. Stephen & Mary Birch

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 04-4014

ADMART AG; HELLER WERKSTATT GESMBH;
ANDRE HELLER; STEFAN SEIGNER,
Appellees

vs.

STEPHEN and MARY BIRCH FOUNDATION, INC.,
Appellants

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE
(D.C. Civ. No. 95-cv-00410)
District Judge: Honorable Sue L. Robinson

Argued September 29, 2005
Before: RENDELL, FUENTES and WEIS, Circuit Judges.
(Filed: September 28, 2006)

ORDER SUR PETITION FOR PANEL REHEARING

The Petition for Panel Rehearing in this case is granted.

We hereby vacate the Judgment entered on August 8, 2006.

This Court's Opinion of August 8, 2006 at pages 22-23 is amended to read
as follows:

"We will modify the District Court's Order of October 6, 2004 as follows:

‘1. The Stephen and Mary Birch Foundation is required to pay plaintiffs \$3,841,045.19, plus the interest that sum has earned between May 31, 2004 and the date the money is paid to plaintiffs. In addition, Birch will pay storage charges from May 31, 2004 to the date of transfer.’”

Footnote 5 of the Opinion, on page 23, is amended to read as follows:

“The District Court ordered Birch to pay \$5,562,818.19. We revise that figure to account for the \$1 million hold back. As of May 31, 2004, \$721,773 of interest had accumulated on the hold back amount. We subtracted the hold back plus interest from the amount set out in the District Court’s Order.”

By the Court,

s/Weis
United States Circuit Judge

DATED: September 28, 2006