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

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1-8-2004

## Shapiro v. Prudential Ins Co

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No.02-3805

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STEPHEN SHAPIRO

Appellant

v.

PRUDENTIAL INSURANCE COMPANY OF AMERICA

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Appeal from the United States District Court  
for the District of New Jersey  
(D.C. Civil Action No. 99-CV-04325)  
District Judge: Honorable Dennis M. Cavanaugh

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Submitted Under Third Circuit LAR 34.1(a)  
on June 16, 2003

Before: ALITO, ROTH, and HALL\* , Circuit Judges

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\*The Hon. Cynthia H. Hall, Circuit Judge for the United States Court of Appeals for the Ninth Circuit, sitting by designation.

**ORDER AMENDING OPINION**

ROTH, Circuit Judge

IT IS ORDERED that the Not Precedential Opinion in the above case filed October 28, 2003, be amended as follows:

On page 4, second to last sentence in the last paragraph after “experience”. Please insert this sentence “Because Prudential both funds and administers the benefits at issue here, its decision to terminate benefits is reviewed under a ‘heightened arbitrary and capricious standard.’ Pinto v. Reliance Standard Life Ins. Co., 214 F.3d 377, 378 (3d Cir. 2000).

By the Court,

/s/ JANE. R. ROTH

Circuit Judge

Dated: January 7, 2004

RLS/cc: SJH

CHP

HLM

CAR