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Eleanor Schiano v. HomEq Servicing

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 19-2956

ELEANOR and RALPH SCHIANO, as wife and husband, and individually,
Appellants

v.

HOMEQ SERVICING CORPORATION AND HOMEQ SERVICING;
WELLS FARGO BANK, N.A.; WELLS FARGO BANK, N.A., Trustee, Park Place
Securities, Inc., 2004 WHQ2; OCWEN LOAN SERVICING, L.L.C.,
individually and as successor to HomEq Servicing
Corporation a/k/a HomEq Servicing (a/k/a Barclays Capital
Real Estate, Inc., d/b/a HomEq Servicing Corporation and HomEq Servicing)

On Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil No. 2-05-cv-01771)
District Judge: Honorable Brian R. Martinotti

PETITION FOR REHEARING

BEFORE: SMITH, *Chief Judge*, and MCKEE, AMBRO, CHAGARES, JORDAN,
SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS,
and *ROTH, *Circuit Judges*

* Judge Roth's Vote is limited to Panel Rehearing Only.

The petition for rehearing filed by Appellants Eleanor and Ralph Schiano in the above-captioned matter has been submitted to the judges who participated in the decision of this Court and to all other available circuit judges of the Court in regular active service. A majority of the circuit judges of the Court in regular active service who are not disqualified did not vote for rehearing by the Court en banc. It is now hereby **ORDERED** that the petition for rehearing en banc is **DENIED**.

The judges who participated in the decision of the Court having voted for rehearing, the petition for panel rehearing is **GRANTED**. The opinion and judgment entered on October 28, 2020, are hereby vacated. An amended opinion and judgment will be filed contemporaneously with this order.

BY THE COURT,

s/ Paul B. Matey
Circuit Judge

DATED: November 20, 2020