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2002 Decisions

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

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10-15-2002

# Berwind Corporation v. Comm Social Security

Precedential or Non-Precedential: Precedential

Docket No. 00-3729

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PRECEDENTIAL

Filed October 15, 2002

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

Nos. 00-3729/3798/3830

BERWIND CORPORATION

v.

COMMISSIONER OF SOCIAL SECURITY;  
UNITED MINE WORKERS OF AMERICA COMBINED  
BENEFIT FUND; MICHAEL H. HOLLAND; WILLIAM P.  
HOBGOOD; MARTY D. HUDSON; THOMAS O.S. RAND;  
ELLIOT A. SEGAL; CARL E. VANHORN; GAIL R.  
WILENSKY, as Trustees of the United Mine Workers of  
America Combined Benefit Fund; THE UNITED MINE  
WORKERS OF AMERICA 1992 BENEFIT PLAN;  
A. FRANK DUNHAM, as Trustee of the United Mine  
Workers of America 1992 Benefit Plan;  
UNITED STATES OF AMERICA

United Mine Workers of America Combined Benefit Fund,  
Michael H. Holland, William P. Hobgood, Marty D.  
Hudson, Thomas O.S. Rand, Elliot A. Segal, Carl E.  
VanHorn, Gail R. Wilensky, The United Mine Workers  
of America 1992 Benefit Plan, A. Frank Dunham,  
United States of America,

Appellants No. 00-3729

BERWIND CORPORATION,

Appellant No: 00-3798

v.

COMMISSIONER OF SOCIAL SECURITY;  
UNITED MINE WORKERS OF AMERICA COMBINED  
BENEFIT FUND; MICHAEL H. HOLLAND; WILLIAM P.  
HOBGOOD; MARTY D. HUDSON; THOMAS O.S. RAND;  
ELLIOT A. SEGAL; CARL E. VANHORN; GAIL R.  
WILENSKY, as Trustees of the United Mine Workers of  
America Combined Benefit Fund; THE UNITED MINE  
WORKERS OF AMERICA 1992 BENEFIT PLAN;  
A. FRANK DUNHAM, as Trustee of the United Mine  
Workers of America 1992 Benefit Plan;  
UNITED STATES OF AMERICA

BERWIND CORPORATION

v.

COMMISSIONER OF SOCIAL SECURITY;

UNITED MINE WORKERS OF AMERICA COMBINED  
BENEFIT FUND; MICHAEL H. HOLLAND; WILLIAM P.  
HOBGOOD; MARTY D. HUDSON; THOMAS O.S. RAND;  
ELLIOT A. SEGAL; CARL E. VANHORN; GAIL R.  
WILENSKY, as Trustees of the United Mine Workers of  
America Combined Benefit Fund; THE UNITED MINE  
WORKERS OF AMERICA 1992 BENEFIT PLAN;  
A. FRANK DUNHAM, as Trustee of the United Mine  
Workers of America 1992 Benefit Plan;  
UNITED STATES OF AMERICA

Commissioner of Social Security,  
Appellant No. 00-3830

On Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
(Civil Action No. 98-cv-05985)  
District Judge: Hon. Jay C. Waldman

Argued: September 19, 2001

Before: SLOVITER, NYGAARD and McKEE, Circuit Judges.

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ORDER AMENDING OPINION

IT IS HEREBY ORDERED, that the Slip Opinion filed in  
this case on October 2, 2002, be amended as follows:

On page 4, line 9 of first paragraph, delete the words  
"Coat Act" and replace them with "Coal Act."

IT IS SO ORDERED.

BY THE COURT:

/s/ Theodore A. McKee  
Circuit Judge

DATED: 15 October 2002

A True Copy:  
Teste:

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

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