

Filed October 16, 2001

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

No. 00-1586

KENNETH E. NEWTON; MLPF&S CUST. FPO,  
BRUCE ZAKHEIM IRA FBO BRUCE ZAKHEIM

v.

MERRILL LYNCH, PIERCE, FENNER & SMITH, INC.;  
PAINWEBBER, INC.

(D.C. No. 94-cv-05343)

JEFFREY PHILLIP KRAVITZ

v.

DEAN WITTER REYNOLDS, INC.

(D.C. No. 95-cv-00213)

MLPF&S Cust. FPO, Bruce Zakheim IRA  
FBO Bruce Zakheim, Jeffrey Phillip Kravitz,  
Gloria Binder,

Appellants

On Appeal from the United States District Court  
for the District of New Jersey  
D.C. Civil Action Nos. 94-cv-05343 & 95-cv-00213  
(Honorable Dickinson R. Debevoise)

Argued: December 14, 2000

Before: SCIRICA, FUENTES and GARTH, Circuit Judges

**ORDER AMENDING SLIP OPINION**

IT IS HEREBY ORDERED that the slip opinion in the above case, filed August 6, 2001, be amended as follows:

Page 32, footnote 21: Delete lines 22-27 of the footnote's text, which read:

Nevertheless, antitrust cases still require proof of injury to each individual for common questions to predominate in a class action. Windham v. Am. Brands, Inc., 565 F.2d 59, 65-66 (4th Cir. 1977) (en banc); see also Broussard v. Meineke Disc. Muffler Shops, Inc., 155 F.3d 331, 342-43 (4th Cir. 1998) (citing Windham, 565 F.2d at 66); Kline v. Coldwell, Banker & Co., 508 F.2d 226, 233 (9th Cir. 1974).

BY THE COURT,

/s/ Anthony J. Scirica  
Circuit Judge

DATED: October 16, 2001

A True Copy:  
Teste:

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