

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 02-4264

JEFFREY JUSTOFIN, CHRISTOPHER JUSTOFIN; DAMIAN JUSTOFIN;
ROBERT JUSTOFIN; IVAN JUSTOFIN, (Beneficiaries of Loretta K.
Justofin, Deceased),

Appellants

v.

METROPOLITAN LIFE INSURANCE CO.

Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Civil Action No. 01-cv-06266)
District Judge: Honorable John R. Padova

Argued October 27, 2003

Before: SCIRICA, Chief Judge, NYGAARD and AMBRO, Circuit Judges

Timothy M. Kolman, Esquire
Wayne A. Ely, Esquire (Argued)
Timothy M. Kolman & Associates
225 North Flowers Mill Road
Langhorne, PA 19047

Attorney for Appellants

Alvin Pasternak, Esquire
Anthony J. Tomari, Esquire
Metropolitan Life Insurance Company

Law Department
One Madison Avenue
New York, NY 10010-3690

Veronica W. Saltz, Esquire (Argued)
Saltz Hollaender
993 Old Eagle School Road
Suite 412
Wayne, PA 19087

Attorneys for Appellee

ORDER AMENDING PUBLISHED OPINION

AMBRO, *Circuit Judge*

It is now ordered that the published Opinion in the above case filed June 25, 2004, be amended as follows:

On page 2, column 2, in the paragraph marked as question 15, after the word “In” and before the word “past”, insert with hard brackets the word “the” so that the phrase reads “In [the] past 5 years,”.

On page 6, column 1, in the last line, delete the words “is controlling” and replace them with the word “controls”, so that the phrase reads, “when one of the Federal Rules controls the point in dispute.”

By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated: August 12, 2004