

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

GENERAL DATACOMM
INDUSTRIES, INC.,

Appellant,

v.

JAMES R. ARCARA et al.,

Appellees.

No. 04-1710

ORDER AMENDING THE OPINION

May ____, 2005.

It is hereby ORDERED that the concurring opinion in the above-captioned case shall be amended such that the last sentence of the concurring opinion shall read: “Accordingly, I concur in judgment of the court, subject to the small reservation noted in footnote 14, *supra*.”

Louis H. Pollak, J

Dated: May 18, 2005