

PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 04-3714

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CANAL INSURANCE COMPANY,

Appellant

v.

UNDERWRITERS AT LLOYD'S LONDON

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Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
(D.C. Civil Action No. 03-cv-02333)  
District Judge: Honorable Eduardo C. Robreno

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Argued September 27, 2005

Before: ALITO\*, AMBRO and LOURIE\*\*, Circuit Judges

(Opinion filed January 27, 2006)

Walter H. Swayze, III, Esquire (Argued)  
Michael J. Farrell, Esquire  
Segal, McCambridge, Singer & Mahoney  
30 South 17th Street

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\*Then Judge, now Justice, Alito joined in the decision of this case. He was elevated to the United States Supreme Court on January 31, 2006.

\*\*Honorable Alan D. Lourie, United States Circuit Judge for the Federal Circuit, sitting by designation.

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Counsel for Appellant

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Counsel for Amicus-Appellant

**ORDER AMENDING PUBLISHED OPINION**

AMBRO, *Circuit Judge*

It is now ordered that the published Opinion in the above case filed January 27, 2006, be amended as follows:

On page 5, bottom paragraph, last line on the page, change “*Id.* at 352.” to “ *Id.* at 353.”

On page 6, bottom paragraph, two lines from the bottom, change “The” to “[T]he”.

On page 10, carryover paragraph, first line, change “*Gene & Harvey Builders v. Pennsylvania Mfrs. Ass’n*” to “*Gene & Harvey Builders v. Pennsylvania Mfrs. Ass’n Ins. Co.*”

On page 10, carryover paragraph, six lines down, change “*Celley v. Mut. Benefit & Heath Ass’n*” to “*Celley v. Mut. Benefit Heath & Accident Ass’n*”.

On page 14, bottom paragraph, two lines from the bottom, change “48 A.L.R.3d 1096 § 2p” to “48 A.L.R.5th 375 § 2”.

On page 16, first full paragraph, three lines down, change “guard dog, . . . the” to “guard dog[,] . . . the”.

On page 23, in the block quotation, two lines down, change “Insurance” to “insurance”.

On page 26, at the end of the block quotation, change “*Id.* at n.7” to “*Id.* at 108 n.7”.

On page 31, top carryover paragraph, four lines down, add an open quotation mark before “stipulations” and, eight lines down, add a close quotation mark after “laws.”

On page 31, top carryover paragraph, last line, change “813 A.2d 747 (Pa. 2002)” to “813 A.2d 747, 750 (Pa. 2002)”.

On page 31, first full paragraph, three lines down, change “*Mutual*” to “*Mut.*”

On page 31, in the block quotation, three lines down, change “spiraling” to “spiralling”.

On page 32, in the paragraph in the center of the page, five lines down, change “*Id.*” to “*Id.* at 207-08.” and, seven lines down, change “spiraling” to “spiralling” and, nine lines down, change “*Id.* at 207 n.4.” to “*Id.* at 208 n.3.”

By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated: March 21, 2006

CRG/cc: Walter H. Swayze, Esq.

Timothy A. Kulp, Esq.

Lawrence D. Wright, Esq.

Ronald S. Collins, Esq.

Brian J. Hunt, Esq.