

PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Nos. 07-1050, 07-1051, 07-1052

IN RE: APA TRANSPORT CORP. CONSOLIDATED
LITIGATION

TEAMSTERS LOCAL UNION NO. 560,
Appellant No. 07-1050

IN RE: APA TRANSPORT CORP. CONSOLIDATED
LITIGATION

BRIAN CAMPBELL; JOHN CRONIN JR.;
ANDREW IMPERATORE; OMER MASSE;
GARY PEGORARO; DEBORAH TETRO;
and RICHARD YURCISIN,
Appellants No. 07-1051

IN RE: APA TRANSPORT CORP. CONSOLIDATED
LITIGATION

TEAMSTERS PENSION TRUST FUND
OF PHILADELPHIA AND VICINITY;
TEAMSTERS HEALTH AND
WELFARE FUND OF PHILADELPHIA
AND VICINITY; and TEAMSTERS
LOCAL NO. 470,
Appellants No. 07-1052

On Appeal from the United States District Court
for the District of New Jersey
Honorable Garrett E. Brown, Jr.
(Civ. A. No. 02-CV-3480)

Argued March 11, 2008

Before: FUENTES, CHAGARES and ALDISERT, Circuit
Judges.

(Opinion Filed August 29, 2008)

David Grossman
Cohen, Leder, Montalbano & Grossman
1700 Galloping Hill Road
Kenilworth, NJ 07033
*Counsel for Appellant
Teamsters Local Union No. 560*

John C. Lankenau
Lankenau & Miller
Suite 10A
20 West 86th Street
New York, NY 10024
*Counsel for Appellants
Brian Campbell; John Cronin Jr.; Andrew Imperatore; Omer
Masse; Gary Pegoraro; Deborah Tetro; and Richard Yurcisin*

Paul A. Friedman **[ARGUED]**
Blank Rome
405 Lexington Avenue
The Chrysler Building
New York, NY 10174
*Counsel for Appellants
Teamsters Local Union No. 470; Teamsters Pension Trust Fund
of Philadelphia and Vicinity; Teamsters Health and Welfare
Fund of Philadelphia and Vicinity*

Keith R. McMurdy **[ARGUED]**
Fox Rothschild

100 Park Avenue
Suite 1500
New York, NY 10017
Counsel for Appellees
APA Truck Leasing, APA Transport Corp.

Shea H. Lukacsko
Fox Rothschild
75 Eisenhower Parkway
Roseland, NJ 07068
Counsel for Appellees
APA Truck Leasing, APA Transport Corp.

ORDER AMENDING OPINION

FUENTES, Circuit Judge.

IT IS NOW ORDERED that on Page 9, the two sentences in the first paragraph beginning with “One set of plaintiffs was comprised of...” and ending with “who alleged violations of the WARN Act and ERISA” be replaced with the following:

One set of plaintiffs was comprised of two ERISA funds, the Teamsters Pension Trust Fund of Philadelphia and Vicinity and the Teamsters Health and Welfare Fund of Philadelphia and Vicinity (“Plaintiff Funds”), which together with Teamsters Local 470 (“Employee Plaintiffs”), alleged violations of the WARN Act and ERISA. A second set of plaintiffs was comprised of a class of non-union employees and Local 560 (also “Employee Plaintiffs”) who alleged violations of the WARN Act and ERISA.

By the Court,

/s/ Julio M. Fuentes
Circuit Judge

Dated: October 27, 2008