

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

October 4, 2012

No. 11-2605

MERRILL LYNCH PIERCE FENNER & SMITH INCORPORATED,  
Appellant

v.

CHERYL SCHWARZWAELDER

(W.D. Pa. Nos. 2-11-cv-00107 and No. 2-11-cv-00162)

Present: SLOVITER and VANASKIE, Circuit Judges

1. Appellee's Petition for Reconstitution of Panel or, Alternatively, for Rehearing by the Panel.
2. Appellant's Answer to the Petition for Rehearing

Respectfully,  
Clerk

**ORDER**

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The foregoing petition for panel rehearing and reconstitution of the panel is granted. Oral argument will be scheduled at the convenience of the panel.

By the Court,

s/ Thomas I. Vanaskie  
Circuit Judge

Dated: October 16, 2012

Tnh/cc: Joseph H. Chivers, III, Esq.  
Patricia A. Tsipras, Esq.  
Lauren D. Rushak, Esq.  
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