

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 01-3890

DEAN WITTER REYNOLDS, INC.

v.

DAN A. DRUZ,

Appellant

On Appeal From the United States District Court
For the District of New Jersey
(D.C. No. 00-cv-2564)
District Judge: Honorable Anne E. Thompson

Argued: November 5, 2002

Before: BECKER, Chief Judge,* McKEE and HILL,**
Circuit Judges.

ORDER

The petition for panel rehearing is granted. See *Howsam v. Dean Witter Reynolds, Inc.*, 537 U.S. 79 (2002), which overturned precedent, i.e., *PaineWebber v. Hartmann*, 921 F. 2d 507 (3rd Cir. 1990), upon which the panel opinion filed 2/27/03 was partially predicated. The panel opinion is hereby vacated and a revised opinion is filed contemporaneously herewith.

* Judge Becker's term as Chief Judge ended on May 4, 2003.

**The Honorable James C. Hill, United States Circuit Judge for the Eleventh Circuit Court of Appeals, sitting by designation.

BY THE COURT:

/s/ Judge Edward R. Becker
Circuit Judge

DATED: August 4, 2003
RLS/cc: Honorable Anne E. Thompson
Mr. Dan A. Druz
Edward S. Nathan, Esq.