

PRECEDENTIAL

Filed February 11, 2003

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 02-1437

ESTATE OF ROBERT CECIL SMITH;
PAULINE SMITH, INDIVIDUALLY AND
AS ADMINISTRATOR OF THE ESTATE
OF ROBERT C. SMITH;
DANA SMITH; WANDA SMITH

v.

TROOPER JAMES MARASCO; TROOPER NICHOLAS
SCIANNA; TROOPER THOMAS WEAVER; TROOPER
ANDREW L. WENGER; CAPTAIN MICHAEL J.
MARCANTINO; LIEUTENANT BERRY REED; LIEUTENANT
EDWARDS; LIEUTENANT SCHAEFFER; LIEUTENANT
SNYDER; ROBERT JOHNSON; DANTE ORLANDI,
CORPORAL; THOMAS GREGORY HALL, CORPORAL;
TEDESCUNG L. BANDY, CORPORAL; BARRY L. BRINSER,
TROOPER; GREGORY BROADDUS, TROOPER;
CARBONELL, TROOPER; COLON, CORPORAL; JOHN R.
COMERER, JR., CORPORAL; GLENN C. DOMAN,
CORPORAL; JOHN EDWARDS, TROOPER; WAYNE S.
ELSER, CORPORAL; FRANK L. FETTEROLF,
LIEUTENANT; DAVID FRISK, CORPORAL; GILLISON,
CORPORAL; JAMES A. HAMILL, CORPORAL; MARTIN L.
HENRY, III, CORPORAL; JOSEPH KALIS, TROOPER; A. J.
KRAWCZEL, CORPORAL; WILLIAM J. MCCLURE,
TROOPER; THOMAS MCDANIEL, SERGEANT; SHAWN
MELL, TROOPER; ARTHUR MOSS, JR., TROOPER;
WILLIAM MOYER, TROOPER; ED MURPHY, TROOPER;

KEVIN REICHERT, CORPORAL; CHARLES RODGERS,
SERGEANT; MERVIN RODRIQUEZ, CORPORAL; THOMAS
RODRIQUEZ, TROOPER; KEITH A. STONE, TROOPER;
GREGORY STUMPO, TROOPER; DOMINIC G. VISCONTI,
TROOPER; WILLIAM WHITE, CORPORAL; JOSEPH
WILSON, CORPORAL; GREGORY WIRTH, TROOPER;
MICHAEL WITMER, CORPORAL; KENNETH YODER,
CORPORAL; JOHN DOE #1-25, WHOSE NAMES ARE
CURRENTLY UNKNOWN

Estate of Robert Cecil Smith;
Pauline Smith; Dana Smith;
Wanda Smith,
Appellants

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(Civ. No. 00-cv-05485)
Honorable Franklin S. Van Antwerpen, District Judge

Argued November 7, 2002

BEFORE: MCKEE and GREENBERG, Circuit Judges,
and LIFLAND, District Judge*

(Opinion Filed: January 29, 2003)

ORDER AMENDING SLIP OPINION

It is hereby ordered that the slip opinion in the above matter filed January 29, 2003, is amended to the end that "Smith's" is substituted for "Smiths" in the third line from the bottom on page 12 between "of" and "mental" and "nor" is substituted for "and" in the second line from the bottom on page 20 between "cover-up" and "mishandling."

* Honorable John C. Lifland, Senior Judge of the United States District Court for the District of New Jersey, sitting by designation.

2

By the Court,

/s/ Morton I. GreenbergCircuit Judge

DATED: 11 February 2003

A True Copy:

Teste:

Clerk of the United States Court of Appeals
for the Third Circuit

3