

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 04-1955

BRENTWOOD MEDICAL ASSOCIATES

Appellant

v.

UNITED MINE WORKERS OF AMERICA

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civil No. 03-cv-1258)
District Judge: Hon. Arthur J. Schwab

Argued December 7, 2004

Before: AMBRO and VAN ANTWERPEN, Circuit Judges,
SHADUR,* Senior District Judge

(Opinion Filed January 28, 2005)

James A. Prozzi, Esq. (Argued)
Jackson Lewis LLP
One PPG Place, 28th Floor
Pittsburgh, PA 15222

Counsel for Appellant

* Honorable Milton I. Shadur, Senior United States District Judge for the Northern District of Illinois, sitting by designation.

Michael J. Healey, Esq. (Argued)
Douglas B. McKechnie, Esq.
Healey & Hornack, P.C.
429 Fourth Avenue, 5th Floor
Pittsburgh, Pennsylvania 15219

Counsel for Appellee

ORDER AMENDING OPINION

AMBRO, *Circuit Judge*

It is now ordered that the precedential dissenting Opinion in the above case filed January 28, 2005 be amended as follows:

On page 2 of the dissent, delete “Cf.” preceding the Pennsylvania Power Co. citation which follows the sentence beginning “He thus exceeded the scope. . . .”

By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated: March 17, 2005