

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 05-1163

LAKESIDE RESORT ENTERPRISES, LP;
LAKESIDE WATERS EDGE, INC.;
PAUPACK HOLDING, INC.;
LAKESIDE WATER SYSTEM, INC.;
EDWIN, INC.; MARK GAWRON;
MARCELLA GAWRON;
GERALD GAWRON; JEROME GAWRON,

Appellants

v.

BOARD OF SUPERVISORS OF PALMYRA TOWNSHIP;
PALMYRA TOWNSHIP

Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Civil Action No. 01-cv-01238)
District Judge: Honorable Richard Caputo

Argued March 7, 2006

Before: AMBRO and STAPLETON, Circuit Judges,
STAGG,* District Judge

(Opinion filed: July 20, 2006)

ORDER AMENDING PUBLISHED OPINION

AMBRO, *Circuit Judge*

*Honorable Tom Stagg, Senior District Judge for the Western District of Louisiana, sitting by designation.

IT IS NOW ORDERED that the published Opinion in the above case filed July 20, 2006, be amended as follows:

On page 5, note 4, third line, replace “4(a)(4)(B)(I)” with 4(a)(4)(B)(i”).

On page 6, first two lines, replace:

We also “exercise plenary review over the question of whether the district court applied an incorrect legal standard.”

with:

We also exercise ““plenary review over questions of statutory construction.””

On page 11, last paragraph, fourth line, delete quotation marks around “intended or designed”.

On page 12, note 8, third line, replace “occupancy . . . as a” with occupancy as . . . a”.

On page 15, first full paragraph, ninth line, insert “they” between “showed that” and “treated it”.

By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated: August 31, 2006