

September 13, 2007

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 06-3431

CSX Transportation, Inc., Appellant

v.

Novolog Bucks County

(Eastern District of Pennsylvania - D.C. 04-cv-04018)

Present: SLOVITER, ALDISERT and ROTH, Circuit Judges

1. Motion by Appellant for Summary Action to Modify the Opinion of this Court filed September 5, 2007.

/s/ Carmella L. Wells

Carmella L. Wells 267-299-4928

Case Manager

Response due 09/28/07

O R D E R

The foregoing motion to modify the opinion is **granted**.

By the Court,

/s/ Jane R. Roth

Circuit Judge

Dated: September 14, 2007

ARL/cc: CLH; PDK; JKF; FAT