

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 17-3695

DAVID JAROSLAWICZ

v.

M&T BANK CORPORATION; HUDSON CITY BANCORP INC.;
*THE ESTATE OF ROBERT G. WILMERS, BY ITS PERSONAL
REPRESENTATIVES ELISABETH ROCHE WILMERS,
PETER MILLIKEN, AND HOLLY MCALLISTER SWETT; RENE F. JONES;
MARK J. CZARNECKI; BRENT D. BAIRD; ANGELA C. BONTEMPO;
ROBERT T. BRADY; T. JEFFERSON CUNNINGHAM, III; GARY N. GEISEL;
JOHN D. HAWKE, JR.; PATRICK W.E. HODGSON; RICHARD G. KING;
JORGE G. PEREIRA; MELINDA R. RICH; ROBERT E. SADLER, JR.;
HERBERT L. WASHINGTON; DENIS J. SALAMONE; MICHAEL W. AZZARA;
VICTORIA H. BRUNI; DONALD O. QUEST; JOSEPH G. SPONHOLZ;
CORNELIUS E. GOLDING; WILLIAM G. BARDEL; SCOTT A. BELAIR

BELINA FAMILY; JEFF KRUBLIT,
Appellants

*(Amended pursuant to Clerk's Order dated 3/1/18)

(D. Del. Civ. No. 1-15-cv-00897)

SUR PETITION FOR PANEL REHEARING

Present: McKEE and SILER, JR., Circuit Judges*

* The Honorable Eugene E. Siler, Jr., Senior Judge for the Sixth Circuit Court of Appeals, sat by designation. The Honorable Thomas I. Vanaskie, considered the matter as a member of the merits panel retired from the Court on January 1, 2019.

Having been submitted to the remaining judges who participated in the decision of this Court, it is hereby O R D E R E D that the petition for rehearing by the panel filed by the appellee in the above-entitled case is granted. The opinion and judgment entered December 26, 2018 are hereby vacated. The merits panel is reconstituted in light of the retirement of the Honorable Thomas I. Vanaskie. The Honorable Paul B. Matey replaces Judge Vanaskie on the merits panel.

As the merits panel has granted panel rehearing, no further action will be taken by the en banc court. The parties may file a new petition for rehearing after disposition of the matter by the reconstituted merits panel.

BY THE COURT,

s/ Theodore A. McKee
Circuit Judge

Date: June 4, 2019