

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 05-3621

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WAYNE BERRIER; BRENDA GREGG, in their own right and as  
parents and natural guardians of Ashley Berrier, a minor,

Appellants

v.

SIMPLICITY MANUFACTURING, INC.,

Third-Party Plaintiff

v.

SUSIE SHOFF;  
MELVIN SHOFF,

Third-Party Defendants

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Appeal from the United States District Court  
for The Eastern District of Pennsylvania  
(Civil Action No. 04-cv-00097)  
District Judge: Hon. Legrome D. Davis

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Argued: January 8, 2007

Before: McKEE, AMBRO, and FISHER Circuit Judges

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**ORDER AMENDING OPINION**

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**IT IS HEREBY ORDERED** that the Opinion filed in this case on April

21, 2009, be amended as follows:

On page 36, delete the sentence reading: “He stated: ‘I BELIEVE, HOWEVER, that the . . . summation of Pennsylvania law demonstrates a *compelling* need for consideration of reasoned alternatives, such as are reflected in the position the Third Restatement.’ 841 A.2d at 1018 (upper case in original, italics added).” Replace it with: “He stated: ‘I believe, however, that the . . . summation of Pennsylvania law demonstrates a *compelling* need for consideration of reasoned alternatives, such as are reflected in the position of the Third Restatement.’ 841 A.2d at 1018 (italics added).”

BY THE COURT:

/s/ Theodore A. McKee  
CIRCUIT JUDGE

Dated: 23 April 2009

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