

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 12-3591

DONALD J. MURPHY; JOSEPH A. FLUEHR, III; MICHAEL J. YEOSOCK; BENNETT
GOLDSTEIN; JAMES O. PINKERTON; ANTHONY SCARANTINO; BASIL MERENDA;
MICHAEL GERDES; PETER MARKS; C.A.L. SHIELDS,

Appellants

v.

ERNEST F. HEFFNER; HARRY C. NEEL; BART H. CAVANAGH, SR.; JOHN KATORA;
BRIAN LEFFLER; REBECCA ANN WESSEL; MARK PATRICK DOUGHERTY; CYNTHIA
LEE FINNEY; NATHAN RAY; TODD ECKERT; BEN BLASCOVICH; MATTHEW
MORRIS; WILLIAM SUCHARSKI; JOHN MCGEE; AMBER M. SCOTT; ERIKA HAAS;
NICOLAS WACHTER; DAVID HALPATE; PATRICK CONNELL; EUGENE CONNELL;
MATTHEW CONNELL; JAMES J. CONNELL, JR.; JEFFERSON MEMORIAL PARK, INC.;
JEFFERSON MEMORIAL FUNERAL HOME, INC.; WELLMA FUNERAL ASSOCIATES
INC., doing business as Forest Park Funeral Home; EAST HARRISBURG CEMETERY &
CREMATORY; ROBERT LOMISON; CRAIG SCHWALM; GREGORY J. HARVILLA;
BETTY FREY

**SUR PETITION FOR REHEARING
EN BANC**

BEFORE: McKEE, Chief Judge,
RENDELL, AMBRO, FUENTES, SMITH, FISHER, CHAGARES, JORDAN,
HARDIMAN, GREENAWAY, Jr., VANASKIE, SHWARTZ Circuit Judges and
GREENBERG, Senior Circuit Judge.*

The petition for rehearing on behalf of Appellee in the above-entitled case, having been submitted to the judges who participated in the decision of this court and to all other available circuit judges in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the circuit judges in regular active

*Judge Greenberg's vote is limited to panel rehearing only.

service not having voted for rehearing by this court en banc, the petition for rehearing en banc is hereby **DENIED**.

IT IS SO ORDERED.

By the Court,

s/ Theodore McKee
Chief Judge

Date: March 17, 2014
PDB/cc: All Counsel of Record