UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

March 18, 2005

No. <u>04-1224 & 04-1225</u>

Jean Levine, et al

v. United Healthcare Corp (NJ DC 01-cv-5339, 01-cv-5812 and 01-cv-4964)

Present: NYGAARD and GARTH, Circuit Judges and POLLAK, District Judge

Motion to Amend Published Opinion by Appellees/Cross-Appellants.

/s/ Phyllis Ruffin Phyllis Ruffin 267-299-4918

Answer due 4/1/05 Published Opinion & Judgment 3/16/05

ORDER

The foregoing motion is granted. The opinion shall be changed to read as follows:

at line 34: HORIZON HEALTHCARE SERVICES, INC.,

at lines 103 through 117: Donna Siegel Moffa, Esq. (Argued) Trujillo Rodriguez & Richards 8 Kings Highway West Haddonfield, NJ 08033

Franklin P. Solomon, Esq. (Argued) Weitz & Luxenberg 210 Lake Drive East, Suite 101 Cherry Hill, NJ 08002

> Counsel for Appellees/Cross Appellants Noreen Bogurski

Natalie Finkelman Bennett, Esq.

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Footnote 11 is amended to read as follows:

These excluded scenarios are set forth in the "deemer" clause, and exempt certain self-funded ERISA plans from the reach of state laws otherwise saved from preemption under the savings clause. The deemer clause is not at issue here. See 29 U.S.C. 1144 (b)(2)(B).

By the Court,

/s/ Richard L. Nygaard Circuit Judge

Dated: March 24, 2005