

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 20-2833

ESTATE OF JOSEPH MAGLIOLI; BERNARD MAGLIOLI; DANTE MAGLIOLI;
ESTATE OF DALE PETRY; CHRISTOPHER PETRY

v.

ALLIANCE HC HOLDINGS LLC, d/b/a Andover Subacute & Rehabilitation I;
ALLIANCE HC II LLC, d/b/a Andover Subacute & Rehabilitation II (Alliance
Healthcare being improperly pleaded by name and as a separate entity); CHAIM
SCHEINBAUM; LOUIS SCHWARTZ; JOHN AND JANE DOES 1-10; ABC AND
XYZ CORPORATIONS 1-10

Alliance HC Holdings, LLC, d/b/a Andover Subacute & Rehabilitation I;
Alliance HC II LLC, d/b/a Andover Subacute & Rehabilitation II (Alliance
Healthcare being improperly pleaded by name and as a separate entity);
Chaim “Mutty” Scheinbaum; Louis Schwartz,

Appellants

No. 20-2834

ESTATE OF WANDA KAEGI; VICTOR KAEGI; ESTATE OF STEPHEN BLAINE;
SHARON FARRELL

v.

ALLIANCE HC HOLDINGS LLC, d/b/a Andover Subacute & Rehabilitation I;
ALLIANCE HC II LLC, d/b/a Andover Subacute & Rehabilitation II (Alliance
Healthcare being improperly pleaded by name and as a separate entity); CHAIM
“MUTTY” SCHEINBAUM; LOUIS SCHWARTZ; JOHN and JANE DOES 1-10; ABC
and XYZ CORPS 1-10

Alliance HC Holdings, LLC, d/b/a Andover Subacute & Rehabilitation I;
Alliance HC II LLC, d/b/a Andover Subacute & Rehabilitation II (Alliance
Healthcare being improperly pleaded by name and as a separate entity);
Chaim “Mutt” Scheinbaum; Louis Schwartz,

Appellants

(D.C. Civ./Crim. Nos. 2-20-cv-06605 and 2-20-cv-06985)

ORDER

Present: SMITH¹, Chief Judge, McKEE, CHAGARES, JORDAN, HARDIMAN,
GREENAWAY, JR., SHWARTZ, KRAUSE, RESTREPO, BIBAS,
PORTER, MATEY, PHIPPS and ROTH², Circuit Judges

The petition for rehearing filed by appellants in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

¹ Judge Smith completed his term as Chief Judge and assume senior status on December 4, 2021. At the time the petition for rehearing was submitted to the en banc panel, Chief Judge Smith was an active judge of the Court. 3rd Cir.I.O.P.9.5.2.

² Judge Roth’s vote is limited to panel rehearing only.

BY THE COURT,

s/ David J. Porter

Circuit Judge

Date: February 7, 2022

Tmm/cc: All counsel of record