

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 10-3105

WILLIAM SHIPP; STACY SHIPP, INDIVIDUALLY, PROFESSIONALLY AND AS
EXCLUSIVE RESIDUAL CO-OWNERS OF ALL RIGHTS PREVIOUSLY HELD BY
THE 560 COATES STREET PARTNERSHIP BETWEEN WILLIAM SHIPP AND
JASON FYK

v.

DONNA DONAHER, INDIVIDUALLY, PROFESSIONALLY, AND AS A
REPRESENTATIVE MEMBER OF CLASS A; JANE DOE, INDIVIDUALLY,
PROFESSIONALLY, AND AS A REPRESENTATIVE MEMBER OF CLASS A;
JOHN DOE, INDIVIDUALLY, PROFESSIONALLY AND AS A REPRESENTATIVE
MEMBER OF CLASS A; *JAMES ROHR, INDIVIDUALLY, PROFESSIONALLY,
AND AS A REPRESENTATIVE MEMBER OF CLASS B; JASON FYK, AS AGENT
FOR PNC BANK NATIONAL ASSOCIATION AND THE PNC/TA CLAN; PNC
BANK NATIONAL ASSOCIATION; TUCKER ARENSBERG, PC; FOR YOUR
KIDS, INC.; THE PNC/TA CLAN

William Shipp; Stacy Shipp,
Appellants

*(Amended per Clerk's Order dated 4/26/11)

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
District Court No. 2-09-cv-02475
District Judge: The Honorable Louis H. Pollak

Submitted Pursuant to Third Circuit L.A.R. 34.1(a)
September 14, 2011

Before: SLOVITER, SMITH and NYGAARD, *Circuit Judges*

JUDGMENT ORDER

This cause came on to be considered on the record from the United States District Court for the Eastern District of Pennsylvania and was submitted on September 14, 2011.¹ On consideration whereof, it is now hereby ADJUDGED and ORDERED that, for substantially the reasons set forth in the District Court's thorough Opinion dated March 25, 2010, as modified by the District Court's subsequent Memorandum Order dated June 11, 2010, the judgment of the District Court entered June 14, 2010, be and the same is hereby AFFIRMED. All of the above in accordance with the opinion of this Court. Costs taxed against Appellants.

BY THE COURT:

/s/ D. Brooks Smith
Circuit Judge

ATTEST:

/s/Marcia M. Waldron,
Clerk

Dated: September 17, 2011

¹ The District Court had jurisdiction under 28 U.S.C. §§ 1331, 1343, and 1367. We exercise appellate jurisdiction under 28 U.S.C. § 1291. We conduct plenary review of a District Court's order granting a Rule 12(b)(6) motion. *Santiago v. Warminster Twp.*, 629 F.3d 121, 128 (3d Cir. 2010). We apply an abuse of discretion standard of review to the denial of a Rule 60(b) motion for reconsideration. *Budget Blinds, Inc. v. White*, 536 F.3d 244, 251 (3d Cir. 2008).