

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 17th day of January, two thousand thirteen.

--

BRICKLAYERS AND ALLIED CRAFTSMAN LOCAL 2 ANNUITY FUND, BRICKLAYERS AND ALLIED CRAFTSMEN LOCAL 2, HEALTH BENEFIT FUND, BRICKLAYERS & ALLIED CRAFTSMEN, LOCAL NO. 2, AFL-CIO, BUILDING TRADE EMPLOYERS INSURANCE FUND, CENTRAL NEW YORK LABORERS ANNUITY FUND, CENTRAL NEW YORK LABORERS HEALTH AND WELFARE FUND, CENTRAL NEW YORK LABORERS PENSION FUND, CENTRAL NEW YORK LABORERS TRAINING FUND, CONSTRUCTION EMPLOYERS ASSOCIATION OF CNY, INC., CONSTRUCTION AND GENERAL LABORERS' LOCAL NO. 633, AFL-CIO, ENGINEERS JOINT WELFARE FUND, ENGINEERS JOINT TRAINING FUND, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION NO. 43 AND ELECTRICAL CONTRACTORS PENSION FUND, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL NO. 43 AND ELECTRICAL CONTRACTORS WELFARE FUND, I.B.E.W. LOCAL 241 WELFARE BENEFITS FUND, I.B.E.W. LOCAL 910 WELFARE FUND, LABORERS' LOCAL 103 ANNUITY FUND, LABORERS' LOCAL 103 WELFARE FUND, NEW YORK STATE LINEMAN'S SAFETY TRAINING FUND, OSWEGO LABORERS' LOCAL NO. 214 PENSION FUND, PLUMBERS, PIPEFITTERS AND APPRENTICES LOCAL NO. 112 HEALTH FUND, ROOFERS' LOCAL 195 ANNUITY FUND, ROOFERS' LOCAL 195 HEALTH & ACCIDENT FUND, SYRACUSE BUILDERS EXCHANGE, INC. /CEA

ORDER

Docket No. 12-410

PENSION PLAN, SERVICE EMPLOYEES BENEFIT FUND, SERVICE EMPLOYEES BENEFIT FUND OF UPSTATE NEW YORK, S.E.I.U. LOCAL 200 UNITED, AFL-CIO, SYRABEX, INC., SYRACUSE BUILDERS EXCHANGE, INC., U.A. LOCAL 73, PLUMBERS & FITTERS, AFL-CIO, LOCAL 73 RETIREMENT FUND, UPSTATE UNION HEALTH AND WELFARE FUND, UPSTATE NEW YORK BAKERY DRIVERS AND INDUSTRY PENSION FUND,

Appellants,

JAMES L. KRUSE, HENRY T. DENERO, NANCY S. DENERO, CHARLES F. ROLECEK, C. THOMAS BROWN, MARGARET H. BROWN, SALLY S. BEAUDETTE, MARSHALL G. ROWE, LEE F. WOOD, HARVEY A. TAYLOR, MARKIAN D. STECYK, DONALD H. HANGEN, MARTHA L. WOOD, ROBERT H. SCOTT, MOLLY MCNAUGHTON, JAN FELDMAN, JAMES P. DULANY, NEVA ROSAMILIA, NICHOLAS ROSAMILIA,

Claimants-Appellants,

v.

SECURITIES INVESTOR PROTECTION CORPORATION, IRVING H. PICARD,

Appellees,

SECURITIES AND EXCHANGE COMMISSION,

Intervenor.

-

A clerical error having been made, the order dated January 16, 2013, Dkt. No. 164, is withdrawn, and the mandate issued on that same date, Dkt. No. 165, is recalled.

Pursuant to a stipulation under Fed. R. App. P. 42, the appeals of the following appellants are dismissed with prejudice: Bricklayers and Allied Craftsman Local 2 Annuity

Fund; Bricklayers and Allied Craftworkers Local 2, Health Benefit Fund; Bricklayers & Allied Craftworkers, Local No. 2, AFL-CIO; Building Trade Employers Insurance Fund; Central New York Laborers Annuity Fund; Central New York Laborers Health and Welfare Fund; Central New York Laborers Pension Fund; Central New York Laborers Training Fund; Construction Employers Association of CNY, Inc.; Construction and General Laborers' Local No. 633, AFL-CIO; Engineers Joint Welfare Fund; Engineers Joint Training Fund; International Brotherhood of Electrical Workers Local Union No. 43 and Electrical Contractors Pension Fund; International Brotherhood of Electrical Workers Local No. 43 and Electrical Contractors Welfare Fund; I.B.E.W. Local 241 Welfare Benefits Fund; I.B.E.W. Local 910 Welfare Fund; Laborers' Local 103 Annuity Fund; Laborers' Local 103 Welfare Fund; New York State Lineman's Safety Training Fund; Oswego Laborers' Local No. 214 Pension Fund; Plumbers, Pipefitters and Apprentices Local No. 112 Health Fund; Roofers' Local 195 Annuity Fund; Roofers' Local 195 Health & Accident Fund; Syracuse Builders Exchange, Inc. /CEA Pension Plan; Service Employees Benefit Fund; Service Employees Benefit Fund of Upstate New York; S.E.I.U. Local 200 United, AFL-CIO; Syrabex, Inc.; Syracuse Builders Exchange, Inc.; U.A. Local 73, Plumbers & Fitters, AFL-CIO; Local 73 Retirement Fund; and Upstate Union Health and Welfare Fund.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court


