

PRECEDENTIAL

IN THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

---

No. 09-4055

---

KAREN V. CAPPUCCIO,  
Appellant

v.

PRIME CAPITAL FUNDING LLC; KIRK AYZENBERG;  
AMERICA'S WHOLESALE LENDER; COUNTRYWIDE BANK, NA;  
COUNTRYWIDE HOME LOANS SERVICING, L.P.;  
FIRST MAGNUS FINANCIAL CORPORATION;  
HOMECOMINGS FINANCIAL, L.L.C. a GMAC Company;  
MAK ABSTRACT; E\*TRADE, d/b/a E\*Trade Financial Corporate Services, Inc.,  
d/b/a E\*Trade Mortgage Corporation

On Appeal from the District Court  
for the Eastern District of Pennsylvania  
(No. 07-cv-04627)  
District Judge: Honorable Juan R. Sánchez

Before: FUENTES, FISHER, and NYGAARD, Circuit Judges

ORDER AMENDING OPINION

It appears that the opinion filed on August 16, 2011, incorrectly referred to title 15 U.S.C. Section 1691 as the U.S. Equal Opportunity Act rather than the Equal Credit Opportunity Act. At the direction of the Court, it is hereby ORDERED that page 8, section B, first paragraph of the opinion is amended as follows:

Cappuccio brought claims against the lenders, Countrywide and First Magnus, for (1) damages, rescission, and injunctive relief under TILA; (2) common law fraud; (3) statutory fraud under the Pennsylvania Unfair Trade Practices Consumer Protection Law (“UTPCPL”), 73 P.S. § 201-2; and (4) violations of the adverse

action notice requirement of the U.S. Equal Credit Opportunity Act (“ECOA”), 15 U.S.C. § 1691.

For the Court,

*Marcia M. Waldron*

Marcia M. Waldron, Clerk

Date: September 29, 2011

cc: Cary L. Flitter, Esq.

Theodore E. Lorenz, Esq.

Andrew M. Milz, Esq.

Joseph F. Riga, Esq.

Irv Ackelsberg, Esq.