

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 16-3762

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VINCENT LUPPINO; CLIFF STERN; NOEL J. SPIEGEL,  
individually and on behalf of all others similarly situated,  
Appellants

v.

MERCEDES BENZ USA

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On Appeal from the United States District Court  
for the District of New Jersey  
(D.N.J. No.: 2-09-cv-05582)  
District Judge: Honorable Jose L. Linares

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Submitted Pursuant to Third Circuit L.A.R. 34.1(a)  
April 27, 2017

Before: McKEE, VANASKIE, and RENDELL, Circuit Judges

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JUDGMENT

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This case came on to be heard on the record from the United States District Court for the District of New Jersey and was submitted under Third Circuit LAR 34.1(a) on April 27, 2017.

On consideration whereof, it is now here

**ORDERED and ADJUDGED** by this court that the Order of the District Court entered on August 26, 2016, be and the same, is hereby **AFFIRMED**. Costs taxed against the Appellant.

All of the above in accordance with the Opinion of this Court.

ATTEST:

s/ Marcia M. Waldron  
Clerk

Dated: December 5, 2017

OFFICE OF THE CLERK

MARCIA M. WALDRON

CLERK



**UNITED STATES COURT OF APPEALS**

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December 5, 2017

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RE: Vincent Luppino, et al v. Mercedes Benz USA

Case Number: 16-3762

District Case Number: 2-09-cv-05582

### ENTRY OF JUDGMENT

Today, **December 05, 2017** the Court entered its judgment in the above-captioned matter pursuant to Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

#### Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

#### Form Limits:

3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App. P. 32(g).

15 pages if hand or type written.

#### Attachments:

A copy of the panel's opinion and judgment only.

Certificate of service.

Certificate of compliance if petition is produced by a computer.

No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. Pursuant to Fed. R. App. P. 35(b)(3), if separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to the form limits as set forth in Fed. R. App. P. 35(b)(2). If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

A party who is entitled to costs pursuant to Fed.R.App.P. 39 must file an itemized and verified bill of costs within 14 days from the entry of judgment. The bill of costs must be submitted on the proper form which is available on the court's website.

A mandate will be issued at the appropriate time in accordance with the Fed. R. App. P. 41.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very truly yours,

*Marcia M. Waldron*

Marcia M. Waldron,  
Clerk

By: s/Caitlyn  
Case Manager  
267-299-4956