

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 09a0579n.06

No. 08-3508

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

FILED
Aug 18, 2009
LEONARD GREEN, Clerk

ISAAC ROSE, et al.,)	
)	
Plaintiffs-Appellees,)	ON APPEAL FROM THE
)	UNITED STATES DISTRICT
v.)	COURT FOR THE
)	NORTHERN DISTRICT OF
VOLVO CONSTRUCTION EQUIPMENT)	OHIO
NORTH AMERICA, INC.,)	
)	AMENDED
Defendant-Appellant.)	MEMORANDUM
)	OPINION*

BEFORE: GILMAN and McKEAGUE, Circuit Judges; and SARGUS, District Judge.**

PER CURIAM. Defendant-appellant Volvo Construction Equipment North America, Inc. appeals from the March 17, 2008 summary judgment order of the district court, enjoining Volvo to continue providing fully-funded life insurance benefits to plaintiffs-appellees Isaac Rose and a certified class of similarly situated retirees, and to continue providing fully-funded health care insurance benefits to the class member retirees and eligible spouses and dependents.

*This amended memorandum opinion corrects a clerical error in the memorandum opinion filed on August 11, 2009, simply substituting the term “health care insurance benefits” for “life insurance benefits” in the fourth and fifth lines of the first paragraph.

**Honorable Edmund A. Sargus, Jr., United States District Judge for the Southern District of Ohio, sitting by designation.

No. 08-3508

Rose et al. v. Volvo Constr. Equipment N. Am., Inc.

Having had the benefit of oral argument and having carefully considered the record on appeal, the arguments advanced by the parties in their briefs, and the applicable law, we are not persuaded that the district court erred in awarding summary judgment to the plaintiff class members. In our opinion, Volvo's core arguments are satisfactorily and properly answered within the four corners of the district court's ruling. Insofar as Volvo now asserts arguments not first addressed to the district court, they are not properly before us and, in any event, are insufficient on their merits to undermine the integrity of the district court's analysis. Because we conclude that the reasoning which supports award of judgment to the plaintiff class members has been correctly articulated by the district court, issuance of a detailed written opinion by this court would be duplicative and serve no useful purpose.

Accordingly, the judgment of the district court is, upon the reasoning employed in its opinion dated March 17, 2008, hereby **AFFIRMED**.