

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 09-5139

FILED

Aug 23, 2012

LEONARD GREEN, Clerk

ROBERT H. FALLIN; CHARLES JOHNSON; CLAUDETTE LOGSDON;
JOSEPH G. RUSSELBURG; CLARENCE E. SIMON, JR.; WILLIAM M. GILMORE;
ERIC CLARK; STEVE J. SMITH; DONALD CORLEY,

Plaintiffs-Appellants,

v.

COMMONWEALTH INDUSTRIES, INC. CASH BALANCE PLAN;
BENEFITS COMMITTEE FOR THE COMMONWEALTH INDUSTRIES, INC.
CASH BALANCE PLAN,

Defendants-Appellees,

COMMONWEALTH INDUSTRIES, INC.,
Defendant.

Before: SILER and KETHLEDGE, Circuit Judges; GRAHAM, District Judge.

JUDGMENT

On Appeal from the United States District Court
for the Western District of Kentucky at Louisville.

THIS CAUSE was heard on the record from the district court and was argued by
counsel.

IN CONSIDERATION WHEREOF, it is ORDERED that the order dismissing
the claims of all plaintiffs but Corley is AFFIRMED, the order regarding Corley's
claim is VACATED, and the case is REMANDED for further proceedings consistent
with the opinion of this court.

ENTERED BY ORDER OF THE COURT

Leonard Green, Clerk