

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 09-5534

TEAMSTERS LOCAL UNION NO. 89,
Plaintiff - Appellee,FILED
Aug 25, 2010
LEONARD GREEN, Clerk

v.

THE KROGER CO.,
Defendant - Appellant,INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
Counterclaim Defendant.

Before: COLE and MCKEAGUE, Circuit Judges; MAYS, District Judge.

JUDGMENTOn 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 judgment of the district
court is AFFIRMED.**ENTERED BY ORDER OF THE COURT**

Leonard Green, Clerk