

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

Leonard Green
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: August 25, 2010

Mr. Nathan D. Eisenberg
Previant, Goldberg, Uelman, Gratz, Miller & Brueggeman
1555 N. Rivercenter Drive
Suite 202, P.O. Box 12993
Milwaukee, WI 53212

Mr. Daniel Joseph Hoying
Taft, Stettinius & Hollister
425 Walnut Street
Suite 1800 U.S. Bank Center
Cincinnati, OH 45202

Mr. Dennis Franklin Janes
Segal, Lindsay, Janes & Berry
323 W. Main Street
Suite 1400 Waterfront Plaza
Louisville, KY 40202-4251

Mr. John B. Nalbandian
Taft, Stettinius & Hollister
425 Walnut Street
Suite 1800 U.S. Bank Center
Cincinnati, OH 45202

Mr. Frederick Perillo
Previant, Goldberg, Uelman, Gratz, Miller & Brueggeman
1555 N. Rivercenter Drive
Suite 202, P.O. Box 12993
Milwaukee, WI 53212

Mr. Timothy P. Reilly
Taft, Stettinius & Hollister
425 Walnut Street
Suite 1800 U.S. Bank Center
Cincinnati, OH 45202

Mr. John L. Tate

Stites & Harbison
400 W. Market Street
Suite 1800 Aegon Center
Louisville, KY 40202

Re: Case No. 09-5534, *Teamsters Local Union No. 89 v. The Kroger Co.,
et al*
Originating Case No. 07-00351

Dear Counsel,

The court today announced its decision in the above-styled case.

Enclosed is a copy of the court's opinion together with the judgment which has been entered in conformity with Rule 36, Federal Rules of Appellate Procedure.

Yours very truly,

Leonard Green, Clerk

Linda K. Martin
Deputy Clerk

Enclosures

Mandate to issue.