

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 11-4054

AMERICAN PREMIER UNDERWRITERS, INC;
AMERICAN FINANCIAL GROUP, INC.,

Plaintiffs - Appellants,

v.

NATIONAL RAILROAD PASSENGER
CORPORATION, aka Amtrak,
Defendant - Appellee.

Before: COLE and KETHLEDGE, Circuit Judges; THAPAR, District Judge.

JUDGMENTOn Appeal from the United States District Court
for the Southern District of Ohio at Cincinnati.

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 as to American Financial Group's and American Premier Underwriters' (APU) claim that Amtrak's valuation of APU denied APU due process in violation of the Fifth Amendment's Due Process Clause is REVERSED and REMANDED to the district court for further proceedings consistent with the opinion of this court. IT IS FURTHER ORDERED that judgment with regard to the remaining claims is AFFIRMED.

ENTERED BY ORDER OF THE COURT

Deborah S. Hunt, Clerk

FILED
Mar 05, 2013
DEBORAH S. HUNT, Clerk