

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

No. 11-4054

AMERICAN PREMIER UNDERWRITERS, INC;  
AMERICAN FINANCIAL GROUP, INC.,  
Plaintiffs - Appellants,**FILED**  
**Mar 05, 2013**  
DEBORAH S. HUNT, Clerk

v.

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

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

**JUDGMENT**On 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**

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Deborah S. Hunt, Clerk