

File Name: 15a0168p.06

**UNITED STATES COURT OF APPEALS**

FOR THE SIXTH CIRCUIT

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UNITED STEEL, PAPER AND FORESTRY, RUBBER,  
MANUFACTURING ENERGY, ALLIED INDUSTRIAL AND  
SERVICE WORKERS INTERNATIONAL UNION, AFL-  
CIO-CLC; RONALD D. STRAIT; DANNY O. STEVENS,  
*Plaintiffs-Appellees,*

v.

KELSEY-HAYES COMPANY; TRW AUTOMOTIVE,  
INC.; TRW AUTOMOTIVE HOLDINGS CORPORATION,  
*Defendants-Appellants.*

No. 13-1717

Appeal from the United States District Court  
for the Eastern District of Michigan at Flint  
No. 4:11-cv-15497—Gershwin A. Drain, District Judge.

Filed: July 28, 2015

Before: MERRITT, SUTTON, and GRIFFIN, Circuit Judges.

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**ORDER**

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GRIFFIN, Circuit Judge. On May 6, 2014, defendants filed a petition for panel rehearing, as well as a motion to stay consideration of the petition for panel rehearing, pending the Supreme Court's decision in *M & G Polymers USA, LLC v. Tackett*, Supreme Court No. 13-1010. On May 19, 2014, the majority of this panel granted appellant's motion to stay consideration of the petition for rehearing. On January 26, 2015, the Supreme Court issued its decision in *M & G Polymers USA, LLC v. Tackett*, 135 S. Ct. 926 (2015), which overruled this court's decision in *UAW v. Yard-Man, Inc.*, 716 F.2d 1476 (6th Cir. 1983).

We now GRANT appellant's motion for panel rehearing and REMAND the case to the district court for reconsideration, and further proceedings if necessary, in light of the Supreme Court's decision in *Tackett*. The prior opinion of this panel, *United Steel, Paper and Forestry, Rubber, Manufacturing Energy, Allied Industries and Service Workers International Union v. Kelsey-Hayes Co.*, 750 F.3d 546 (6th Cir. 2014), is accordingly VACATED.

MERRITT, Circuit Judge, dissenting. I do not agree that the court should remand this case to the district court. I would conclude this case by deciding that the Kelsey-Hayes employees who are retired are entitled to vested health care benefits under the collective bargaining agreements.