

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 13-4362

UNITED STATES OF AMERICA,
Plaintiff - Appellant,

v.

STATE OF OHIO; BUCKINGHAM COAL COMPANY,
Defendants - Appellees.

Before: GUY, CLAY, and WHITE, Circuit Judges.

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

THIS CAUSE was heard on the record from the district court and was argued by counsel.

IN CONSIDERATION WHEREOF, it is ORDERED that the district court's grant of summary judgment to the state of Ohio and Buckingham Coal Company, and its denial of the government's motion for summary judgment are REVERSED, and the case is REMANDED for entry of judgment consistent with the opinion of this court.

ENTERED BY ORDER OF THE COURT

Deborah S. Hunt, Clerk**FILED**
May 21, 2015
DEBORAH S. HUNT, Clerk