

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

August 12, 2002

Before

Honorable JOEL M. FLAUM, *Chief Judge*

Honorable WILLIAM J. BAUER, *Circuit Judge*

Honorable KENNETH F. RIPPLE, *Circuit Judge*

No. 01-4304

EBY- BROWN COMPANY LLC,
Plaintiff-Appellant,

v.

WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION AND
ITS SECRETARY, JAMES HARS DORF,
Defendants-Appellees.

] Appeal from the United States
] District Court for the
] Western District of Wisconsin.

]

] No. 3:00-C-0718-C

]

] **Barbara B. Crabb,**
] *Chief Judge.*

]

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ORDER

The opinion issued by this court on July 8, 2002 is amended as follows. On the fourth page of the opinion, the fourth sentence of the first paragraph shall be modified to read as follows:

Since January of 1994, the state of Wisconsin has received over one hundred complaints that distributors were selling tobacco at a statutorily proscribed cost.

On consideration of the petition for rehearing filed on July 19, 2002 by plaintiff-appellant, all of the judges on the original panel have voted to deny the petition for rehearing. Accordingly,

IT IS HEREBY ORDERED that the petition for rehearing be, and the same is, hereby DENIED.