

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

March 28, 2005

Before

Hon. JOEL M. FLAUM, Chief Judge

Hon. TERENCE T. EVANS, Circuit Judge

Hon. ANN CLAIRE WILLIAMS, Circuit Judge

No. 04-2797

J.W. PETERS, INC.,

Plaintiff-Appellant,

v.

Appeal from the United States
District Court for the Northern
District of Illinois, Eastern Division.

No. 04 C 2932

BRIDGE, STRUCTURAL AND
REINFORCING IRON WORKERS, LOCAL
UNION 1, AFL-CIO, ASSOCIATED
STEEL ERECTORS OF CHICAGO,
ILLINOIS, and JOINT ARBITRATION
BOARD, established by the
International Association of Brick,
Structural, Ornamental and
Reinforcing Iron Workers, Local
Union 1 and the Associated Steel
Erectors of Chicago, Illinois,

Milton I. Shadur,
Judge.

Defendants-Appellees.

O R D E R

Defendants-appellees filed a petition for rehearing and petition for rehearing en banc on March 15, 2005. All of the judges on the original panel have voted to deny, and none of the active judges has requested a vote on the petition for

rehearing en banc. The petition is therefore DENIED.

The panel has decided, however, to amend the slip opinion dated March 1, 2005 as follows:

p. 14: The last sentence of the carry over paragraph shall be deleted and replaced with the following language:

We therefore conclude that if Peters in fact employed fewer than two employees during the relevant period, the company's unilateral repudiation of the contract would, as a matter of law, relieve it of its contractual obligation to arbitrate before the JAB.

p. 19: The last sentence shall be deleted and replaced with the following language:

We REMAND this case for proceedings consistent with this opinion, including determination whether the one-man unit rule is applicable.