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Before WOLLMAN, Chief Judge, and FAGG and HANSEN, Circuit Judges.

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PER CURIAM.

This is the second appeal in this case involving the Worker Adjustment and Retraining Notification Act (WARN) , 29 U.S.C. §§ 2101-2109 (1994). In the first appeal, we reversed the district court's decision that Commercial Optical Company, Inc. did not violate the WARN Act when Commercial failed to give employees notice of a plant closing. See Burnsides v. MJ Optical, Inc., 128 F.3d 700 (8th Cir. 1997). We decided that under the Act, the "unforeseeable business circumstances" defense excused Commercial from giving 60-days' written notice, but instead required Commercial to give as much notice as practicable. See id. at 703-04. We stated that under the circumstances, "Commercial had an obligation to notify the employees that they would lose their jobs in two days." Id. at 704. We remanded the case for the district court to calculate damages. See id. On remand, the district court awarded damages in the amount of two days' pay and benefits. The employees appeal arguing the district court committed error in finding Commercial could rely on the "unforeseeable business circumstances" defense without giving any written notice to employees, and the district court should have awarded damages for a sixty rather than two-day WARN violation. These arguments ignore our holdings in the first appeal. Having carefully considered the employees' appeal, we affirm the district court. See 8th Cir. R. 47B.

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Attest:

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