

Appellate Case: 11-3173 Document: 01018761271 Date Filed: 12/13/2011 Page: 1

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
OFFICE OF THE CLERK**

Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257
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Elisabeth A. Shumaker
Clerk of Court

December 13, 2011

Douglas E. Cressler
Chief Deputy Clerk

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Kansas City, MO 64106

Mr. William Matthew Modrcin
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9200 Indian Creek Parkway
Suite 500
Overland Park, KS 66210-0000

RE: 11-3173, HV Properties of Kansas, et al v. Penn National Gaming, et al
Dist/Ag docket: 5:08-CV-04111-RDR-KGS & 5:08-CV-04115-RDR-KGS

Dear Counsel:

Attached is a copy of the opinion of the court issued today in this matter. The court has entered judgment on the docket pursuant to Fed. R. App. P. Rule 36.

Pursuant to Fed. R. App. P. Rule 40, any petition for rehearing must be filed within 14 days after entry of judgment. Please note, however, that if the appeal is a civil case in which the United States or its officer or agency is a party, any petition for rehearing must be filed within 45 days after entry of judgment. Parties should consult both the Federal Rules and local rules of this court with regard to applicable standards and requirements. In particular, petitions for rehearing may not exceed 15 pages in length, and no answer is permitted unless the court enters an order requiring a response. If requesting rehearing en banc, the requesting party must file 18 paper copies with the clerk, in addition to satisfying all Electronic Case Filing requirements. *See* Fed. R. App. P. Rules 35 and 40, and 10th Cir. R. 35 and 40 for further information governing petitions for rehearing.

Please contact this office if you have questions.

Sincerely,

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker". The signature is written in black ink and has a long, sweeping tail that extends to the right.

Elisabeth A. Shumaker
Clerk of the Court

cc: William D. Beil
Stephen W. Cavanaugh
Daniel Hodes
Daniel C. Posner
Christopher Tayback

EAS/at