

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

Byron White United States Courthouse  
1823 Stout Street  
Denver, Colorado 80257  
(303) 844-3157

Elisabeth A. Shumaker  
Clerk of Court

August 25, 2015

Chris Wolpert  
Chief Deputy Clerk

Mr. J.R. Randy Baker  
Mr. Cary E. Hiltgen  
Hiltgen & Brewer  
9505 North Kelley Avenue  
Oklahoma City, OK 73131

Mr. John M. Bowlin  
Mrs. Shannon Wells Stevenson  
Davis Graham & Stubbs  
1550 Seventeenth Street, Suite 500  
Denver, CO 80202

Mr. P. Bryan Fishburn  
P. Bryan Fishburn P.C.  
4505 South Wasatch Boulevard, Suite 215  
215  
Salt Lake City, UT 84124

Mr. Tracy H. Fowler  
Ms. Amber M. Mettler  
Snell & Wilmer  
15 West South Temple, Suite 1200  
Salt Lake City, UT 84101-1531

**RE: 14-4023, Kirkbride v. Terex USA**  
Dist/Ag docket: 2:10-CV-00660-TC-EJF

Dear Counsel:

Enclosed is a copy of the order and judgment 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 12 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 that reads "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: Jessica A. Andrew  
Ralph L. Dewsnup  
David R. Olsen  
Paul Michael Simmons

EAS/na