

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

February 27, 2013

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

ONYX PROPERTIES LLC, a Colorado limited liability company; EMERALD PROPERTIES, LLC, a Colorado limited liability company; VALLEY BANK AND TRUST, a Colorado State Bank; PAUL NAFTEL, an individual; SHAUNA NAFTEL; KAREN L. ROHRBACH; PAUL K. ROHRBACH; COMPOST EXPRESS, INC., a Colorado Corporation,

Petitioners,

v.

BOARD OF COUNTY COMMISSIONERS OF ELBERT COUNTY, in its official capacity,

Respondent.

No. 13-700
(D.C. No. 1:10-CV-01482-LTB-KLM)

ORDER

Before **BRISCOE**, Chief Judge, **O'BRIEN**, and **MATHESON**, Circuit Judges.

This matter is before the court on Plaintiffs' Petition for Permission to Appeal District Court's Denial of Class Certification in Onyx Properties, et al. v. Board of County Commissioners of Elbert County Civil Action No. 10-cv-01482-LTB-KLM (consolidated w/11-cv-02321-RPM-MJW) (the "Petition"). Defendant Board of County Commissioners of Elbert County filed a response opposing the Petition. Plaintiffs filed a motion to file a reply brief in support of the Petition and submitted a proposed reply brief.

As an initial matter, Plaintiffs' motion to file a reply brief is granted. The reply brief shall be deemed filed as of the date it was received by the court.

Upon careful consideration of the pleadings, the record, and the materials submitted by the parties, the Petition is denied.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script that reads "Lara Smith".

by: Lara Smith
Counsel to the Clerk

**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

February 27, 2013

Douglas E. Cressler
Chief Deputy Clerk

Mr. James D. Thorburn
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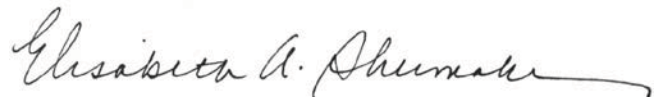
RE: 13-700, Onyx Properties, et al v. Board of County Commissioners
Dist/Ag docket: 1:10-CV-01482-LTB-KLM

Dear Counsel:

Enclosed please find an order issued today by the court.

Please contact this office if you have questions.

Sincerely,



Elisabeth A. Shumaker
Clerk of the Court

cc: Melanie Bailey Lewis
Josh Adam Marks
Heidi C. Potter
Rudy Edward Verner

EAS/kf