

March 14, 2011

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker  
Clerk of Court

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CEPOLK CORPORATION,

Petitioner,

v.

CEPOLK HOLDINGS, INC.,

Respondent.

No. 11-708  
(D.C. No. 5:10-CV-00981-R)  
(W.D. Okla.)

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**ORDER**

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Before **BRISCOE**, Chief Judge, **HARTZ** and **HOLMES**, Circuit Judges.

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This matter is before the court on Defendant CEPOLK Corporation’s Petition For Permission to Appeal from the district court’s December 9, 2010 order. The Petition was filed pursuant to 28 U.S.C. § 1292(b) and Federal Rule of Appellate Procedure 5. The plaintiff, CEPOLK Holdings, Inc., filed a response in opposition on March 2, 2011, and the court has considered that pleading as well.

Upon careful consideration of both the Petition and Response, as well as the attachments to those pleadings and all the materials on file and the applicable law, we grant the Petition For Permission. Specifically, CEPOLK Corporation is granted permission to appeal the December 9 order of the United States District Court for the

Western District of Oklahoma in case number 10-CV-00981-R.

Within 14 days of the date of this order, CEPOLK Corporation shall pay to the district court all required filing fees. Fed. R. App. P. 5(d)(1)(A). After the fee has been paid and the district court clerk has provided the notice specified in Federal Rule of Appellate Procedure 5(d)(3) a new appeal with a new case number will be docketed.

Judge Harris Hartz would deny the request for permission.

Entered for the Court,



ELISABETH A. SHUMAKER  
Clerk of Court