

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

November 6, 2012

Elisabeth A. Shumaker
Clerk of Court

LARRY FORTELNEY, individually and
on behalf of all others similarly situated;
DAVID CARTER, individually and on
behalf of all others similarly situated,

Petitioners,

v.

THE BASSETT LAW FIRM LLC;
GRETA BASSETT; JOHN R. NELSON;
INTEGRATED BENEFITS, INC.,

Respondents.

No. 12-711
(D.C. No. 5:09-CV-01205-F)

ORDER

Before **BRISCOE**, Chief Judge, **LUCERO**, and **MATHESON**, Circuit Judges.

This matter is before the court on petitioners Larry Fortelney and David Carter's *Petition for Permission to Appeal*. In addition to an order granting the request, the petitioners also ask this court to vacate the district court's order and to remand with instructions to enter an order directing certification of the class. Also before the court are responses from both the Bassett defendants and Integrated Benefits, Inc. Both respondents have included a request for attorneys' fees in their pleadings.

Upon consideration of the pleadings, the attachments, as well as the applicable law, the *Petition for Permission* is denied, as is all other relief. We also deny both respondents' requests for attorneys' fees.

Entered for the Court

A handwritten signature in cursive script that reads "Elisabeth A. Shumaker". The signature is written in black ink and includes a long, sweeping horizontal flourish at the end.

ELISABETH A. SHUMAKER, Clerk