

FILED

United States Court of Appeals  
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

February 27, 2013

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 black ink that reads "Lara Smith". The signature is written in a cursive, flowing style.

by: Lara Smith  
Counsel to the Clerk