

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

June 10, 2013

FOR THE TENTH CIRCUIT

**Elisabeth A. Shumaker
Clerk of Court**

RONALD GACHE; BROAD AND
CASSEL, a partnership; CARL
ROMANO,

Petitioners,

v.

CGC HOLDING COMPANY, LLC, a
Colorado limited liability company;
CRESCENT SOUND YACHT CLUB,
LLC, a Florida limited liability company;
HARLEM ALGONQUIN LLC, an Illinois
limited liability company; JAMES T.
MEDICK, on behalf of themselves and all
others similarly situated,

Respondents.

ALVAN MEISELS,

Petitioner,

v.

CGC HOLDING COMPANY, LLC, a
Colorado limited liability company;
CRESCENT SOUND YACHT CLUB,
LLC, a Florida limited liability company;
HARLEM ALGONQUIN LLC, an Illinois
limited liability company; JAMES T.
MEDICK, on behalf of themselves and all
others similarly situated,

Respondents.

No. 13-702

(D.C. No. 1:11-CV-01012-RBJ-KLM)

No. 13-703

(D.C. No. 1:11-CV-01012-RBJ-KLM)

SANDY HUTCHENS, a/k/a Fred Hayes, a/k/a Moishe Alexander, a/k/a Moshe Ben Avraham; TANYA HUTCHENS; JENNIFER HUTCHENS, a/k/a Jennifer Araujo; H. JAN LUISTERMANS, a/k/a Herman Luisterman; 1681071 ONTARIO INC., an Ontario corporation which has changed its name to Canadian Funding Limited; NORTHERN CAPITAL INVESTMENTS LTD, an Ontario corporation; 2800 NORTH FLAGLER DRIVE UNITS 106-107 LLC, a Florida limited liability company; ESTATE OF JUDITH HUTCHENS; 129 LAREN STREET INC., an Ontario corporation, a/k/a 2141250 Ontario Inc.; 3415 ERRINGTON AVENUE INC., an Ontario corporation, a/k/a 2129974 Ontario Inc.; 367-369 HOWEY DRIVE INC., an Ontario corporation, a/k/a 1714530 Ontario Inc.; 3419 ERRINGTON AVENUE INC., an Ontario corporation, a/k/a 2129982 Ontario Inc.; 17 SERPENTINE STREET INC., an Ontario corporation, a/k/a 1714529 Ontario Inc.; 720 CAMBRIAN HEIGHTS INC., an Ontario corporation, a/k/a 2154461 Ontario Inc.; 331 REGENT STREET INC., an Ontario corporation, a/k/a 2126929 Ontario Inc.; 789 LAWSON STREET INC., an Ontario corporation, a/k/a 2128417 Ontario Inc.; 110-114 PINE STREET INC., an Ontario corporation, a/k/a 2173061 Ontario Inc.; 15-16 KEZIAH COURT INC., an Ontario corporation, a/k/a 2128412 Ontario Inc.; 193 MOUNTAIN STREET INC., an Ontario corporation, a/k/a 2141249 Ontario Inc.; 625 ASH STREET INC., an Ontario corporation, a/k/a 2128413 Ontario Inc.; 364 MORRIS STREET INC., an Ontario corporation, a/k/a 2119821 Ontario Inc.; SANTAN PROPERTY MANAGEMENT INC.; 101 SERVICES ROAD INC.; 146

WHITAKER STREET INC., an Ontario corporation; JBD HUTCHENS FAMILY HOLDINGS INC., an Ontario corporation, a/k/a 2129981 Ontario Inc.; JBD HOLDINGS; 1697030 ONTARIO INC.,

Petitioners,

v.

CGC HOLDING COMPANY, LLC, a Colorado limited liability company; CRESCENT SOUND YACHT CLUB, LLC, a Florida limited liability company; HARLEM ALGONQUIN LLC, an Illinois limited liability company; JAMES T. MEDICK, on behalf of themselves and all others similarly situated,

Respondents.

No. 13-705
(D.C. No. 1:11-CV-01012-RBJ-KLM)

ORDER

Before **TYMKOVICH, O'BRIEN**, and **GORSUCH**, Circuit Judges.

The Petition of Broad and Cassell, Ronald Gache, and Carl Romano for Permission to Appeal Order Granting Class Certification (Case No. 13-702) is granted. Within 14 days from the date of this order, these petitioners must pay the district court all required fees and file a cost bond if required Under Rule 7. A notice of appeal need not be filed. See Fed. R. App. P. 5(d).

The Defendant/Petitioner Alvin Meisels' Petition for Permission to Appeal the District Court's Grant of Class Certification (Case No. 13-703) is granted. Within 14 days from the date of this order, this petitioner must pay the district court all required fees

and file a cost bond if required Under Rule 7. A notice of appeal need not be filed. See Fed. R. App. P. 5(d).

The Hutchens Defendants' and H. Jan Luistermans' Petition for Review Class-Certification Order (Case No. 13-705) is granted. Within 14 days from the date of this order, these petitioners must pay the district court all required fees and file a cost bond if required Under Rule 7. A notice of appeal need not be filed. See Fed. R. App. P. 5(d).

The Motion to Stay District-Court Proceedings Pending Resolution of Rule 23(f) Petitions and Subsequent Appeal is denied without prejudice. This is not a denial on the merits, merely a determination that the district court should be permitted to consider in the first instance to what extent, if any, a stay of proceedings in that court should be put in effect based on this new development. The parties may file a similar motion or motions in the district court, asking that court to enter a stay of proceedings tailored to the particular circumstances of the underlying case in light of the fact that the circuit court has permitted appeals from the district court's class certification order.

The district court clerk shall treat this order as three separate notices of appeal and shall transmit three preliminary records in accordance with standard practices. The district court clerk shall also notify this court as each of the three sets of petitioners pay their respective fees. See Fed. R. App. P. 5(d)(3).

Entered for the Court
ELISABETH A. SHUMAKER, Clerk



by: Douglas E. Cressler
Chief Deputy Clerk