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**APPENDIX A**

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

[Filed 08/24/2015]

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No. 15-604  
(D.C. No. 5:13-CV-04073-CM-KGG)  
(D. Kan.)

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COLT ENERGY, INC., *et al.*,  
*Petitioners,*

v.

RICHARD CATRON, individually, and  
on behalf of those similarly situated,  
*Respondent.*

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**ORDER**

Before KELLY, MATHESON, and BACHARACH,  
*Circuit Judges.*

This matter is before the court on the petitioners' *Petition for Rehearing En Banc on Defendants' Petition for Permission to Appeal*. At the outset, we note that pursuant to 10th Circuit Rule 35.7, the court does not generally consider *en banc* orders regarding "leave to appeal from a nonfinal order." While we may in our discretion suspend this rule, we decline to do so here. *See* 10th Cir. R. 2.1. As a result, we have treated the petitioners' submission as a request for panel rehearing only. *See id.* at R. 35.7. Upon consideration, the request for panel rehearing is denied.

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Entered for the Court

/s/ Elisabeth A. Shumaker  
Elisabeth A. Shumaker, Clerk

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**APPENDIX B**

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

[Filed: 08/07/2015]

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No. 15-604

(D.C. No. 5:13-CV-04073-CM-KGG)

(D. Kan.)

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COLT ENERGY, INC.; LAYNE ENERGY, INC.;  
LAYNE ENERGY OPERATING, LLC; LAYNE ENERGY  
RESOURCES, INC.,

*Petitioners,*

v.

RICHARD CATRON, individually, and  
on behalf of those similarly situated,

*Respondent.*

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**ORDER**

Before KELLY, MATHESON, and BACHARACH,  
*Circuit Judges.*

This matter is before the court on defendants' Petition for Permission to Appeal. *See* Fed. R. App. P. 5; 28 U.S.C. § 1453(c)(1). The plaintiff filed a response on July 27, 2015. We also have before us the defendants' Motion for Leave to File Proposed Reply in Support of Petition for Permission to Appeal. The motion for leave to file the reply is GRANTED. Upon careful consideration of all the materials filed in this

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matter, including the reply, the petition for permission  
is DENIED.

Entered for the Court

/s/ Elisabeth A. Shumaker  
Elisabeth A. Shumaker, Clerk