

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
OFFICE OF THE CLERK**

Byron White United States Courthouse
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Denver, Colorado 80257
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Elisabeth A. Shumaker
Clerk of Court

April 17, 2009

Douglas E. Cressler
Chief Deputy Clerk

Mr. M. David Eckersley
Ms. Sally B. McMinimee
Mr. Jared N. Parrish
Mr. Robert G. Wing
Prince Yeates Geldzahler
175 E 400 S Ste 900
Salt Lake City, UT 84111

RE: 08-4224, Heritage Capital Management v. Wing, et al
Dist/Ag docket: 1:08-CV-00012-DB

Dear Counsel:

Appellee's brief is deficient because:

There is no list of prior or related appeals, with appropriate citations, nor is there an express statement that there are no prior or related appeals. See 10th Cir. R. 28.2(C)(1).

You may correct the stated deficiency(ies) by one of the following methods:

1. Filing corrected substitute copies of the brief with the clerk (including resubmission of the corrected brief).
2. Making arrangements with the clerk's office to have the deficient brief picked up and returned at the party's expense so that it can be corrected and returned to the clerk. The court will not pay postage or other costs. The corrected brief must be resubmitted.
3. Submitting an errata sheet (an original and 7 copies) containing the omitted matter. The errata sheet must be resubmitted.

Counsel did not submit the attachment to the brief in electronic form. See General Order dated March 18, 2009 (as amended) and information on www.ca10.uscourts.gov.

Corrections, however made, must be accompanied by proof of service on all other parties to the appeal.

The time to file a reply brief will run from the date of service of appellee's corrected brief.

If you fail to correct the stated deficiencies within 10 calendar days of the date of this letter, the deficient brief will not be filed. In addition, the appellee will not be heard at oral argument unless the court grants permission. See Fed. R. App. P. 31(c).

Please contact this office if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Elisabeth A. Shumaker". The signature is written in black ink and has a long, sweeping horizontal line extending to the right at the end.

Elisabeth A. Shumaker
Clerk of the Court

cc: Peter W. Billings
Timothy K. Clark
Karen L. Martinez
Jerome Romero
Max D. Wheeler

EAS/lab