

PUBLISH

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

February 22, 2021

Christopher M. Wolpert
Clerk of Court

SINCLAIR WYOMING REFINING
COMPANY, a Wyoming corporation,

Plaintiff - Appellant,

v.

A & B BUILDERS, LTD., a Texas limited
partnership; MATRIX ENGINEERING,
LTD., a Texas limited partnership; HOWE-
BAKER ENGINEERS, LTD., a Texas
limited partnership,

Defendants - Appellees,

No. 19-8042

SINCLAIR WYOMING REFINING
COMPANY, a Wyoming corporation,

Plaintiff - Appellant,

v.

APPLIED CONTROL EQUIPMENT,
LLC, a dissolved Colorado limited liability
company, n/k/a Applied Control
Equipment, LLLP, a Colorado limited
liability partnership; INSTRUMENT &
VALVE SERVICES COMPANY, a
Delaware company; FISHER SERVICE
CO., d/b/a Fisher Controls International,
Inc., a Delaware corporation, n/k/a Fisher
Controls International, LLC, a Delaware
limited liability company; EMERSON
PROCESS MANAGEMENT LLLP, a
Delaware limited liability partnership,

No. 19-8053

Defendants - Appellees,

and

A & B BUILDERS, LTD., a Texas limited partnership; MATRIX ENGINEERING, LTD., a Texas limited partnership; HOWE-BAKER ENGINEERS, LTD., a Texas limited partnership,

Defendants.

**Appeal from the United States District Court
for the District of Wyoming
(D.C. No. 2:15-CV-00091-ABJ)**

Brad W. Breslau, Cozen O'Connor, Denver, Colorado, (Richard R. Rardin, Susan J. Lloyd, Cozen O'Connor, Denver, Colorado; Thomas M. Regan, Cozen O'Connor, San Diego, California; Kevin P. Caraher, Cozen O'Connor, Chicago, Illinois; Geoffrey D. Farnham, Deneberg Tuffley, Southfield, Michigan, with him on the briefs) for Plaintiff – Appellant.

Nicholas A. Merrell, (Bennett J. Lee, Varela, Lee, Metz & Guarino, LLP, San Francisco, California, with him on the brief); Randy L. Seago, (J. Scott Lasater and April D. Moore, Lasater & Martin, P.C. Highlands Ranch, Colorado with him on the brief); Patrick D. McVey, Fox Rothschild LLP, Seattle, Washington, (James F. Bennett, Dowd Bennett LLP, St. Louis, Missouri; Paul J. Hickey, Hickey & Evans, LLP, Cheyenne, Wyoming with him on the brief) for Defendants – Appellees.

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

MATHESON, Circuit Judge.

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