

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

PHILIP E. BOYNTON, <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 1-02-1111
)	Judge McCalla
HEADWATERS, INC., <i>et al.</i>,)	
)	
Defendants.)	<u>Class Action</u> <u>Jury Demand</u>

NOTICE OF CROSS-APPEAL

Plaintiffs, Philip E. Boynton, Clarence W. Boynton, Norma Ann Logan, Renelda J. Westfull, Shannon Nonn, Aaron Scott Bernard, Alan F. Bernard, Linda R. Bernard, and David Alan Bernard (the “Named Plaintiffs”), individually and on behalf of the unnamed class members who were awarded judgments in this matter, respectfully cross-appeal to the United States Court of Appeals for the Federal Circuit from the Amended Judgment dated April 12, 2011 (Doc. 986) and from the following pre- and post-trial orders of this Court: Order on Motions in Limine entered 6/3/09 (Doc. 715); Order Following Hearing entered 10/5/09 (Doc. 775); Order Denying Unnamed Class Plaintiffs' Renewed Motion for Judgment as Matter of Law entered 3/16/11 (Docs. 978 & 981); Memorandum Opinion and Order entered 4/11/11 (Doc. 984); Order Denying Motion to Alter Judgment entered 7/5/11 (Doc. 1020).

Dated: July 24, 2011.

Respectfully submitted,

/s/

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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served on Alan L. Sullivan, James D. Gardner, Katie Carreau, Snell & Wilmer, LLP, 15 West South Temple, Ste. 1200, Gateway Tower West, Salt Lake City, Utah 84101-1004; Brent P. Lorimer, R. Parrish Freeman, Workman, Nydegger, 1000 Eagle Gate Tower, 60 East South Temple, Salt Lake City, UT 84111, and Leo Bearman, Jr., David L. Bearman, Baker Donelson Bearman Caldwell & Berkowitz, First Tennessee Bank Building, 165 Madison Ave., Ste. 2000, Memphis, TN 38103, Gregory H. Oakley, Drescher & Sharp, P.C., 1720 West End Ave., Ste. 300, Nashville, TN 37203, Catherine J. Dundon, Dundon+Smith, PLLC, 3200 West End Ave., Ste. 500 PMB-5122, Nashville, TN 37203, by means of the Court's electronic filing System.

/s/ Jeffrey A. Greene