

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

June 7, 2017

Elisabeth A. Shumaker
Clerk of Court

CHAPARRAL ENERGY LLC,

Petitioner,

v.

NAYLOR FARMS INC.; HARRELS LLC,

Respondents.

No. 17-601
(D.C. No. 5:11-cv-00634-HE)
(W.D. Okla.)

ORDER

Before **KELLY, PHILLIPS**, and **McHUGH**, Circuit Judges.

This matter is before us on a petition for permission to appeal a class certification order. Defendant Chaparral Energy, LLC requests permission to appeal, pursuant to Fed. R. App. P. 5 and Fed. R. Civ. P. 23(f), the district court's orders granting class certification and denying Chaparral's motion for reconsideration. The district court denied reconsideration on April 18, 2017, and Chaparral timely filed its petition on April 28, 2017. Fed. R. Civ. P. 23(f); *Gelder v. Coxcom, Inc.*, 696 F.3d 966, 968-69 (10th Cir. 2012). On May 11, 2017, Plaintiffs Naylor Farms, Inc. and Harrels LLC filed a response in opposition to the petition, wherein they conditionally request permission to cross-appeal. The request for permission to cross-appeal is untimely and is denied. *See* Fed. R. Civ. P. 23(f); *Gelder*, 696 F.3d at 969.

Upon careful consideration of the petition, the response, and the applicable law, Chaparral's petition for permission to appeal is granted. **Within 14 days** from the date of this order, Chaparral shall pay the \$505.00 filing and docketing fee to the Clerk of the U.S. District Court for the Western District of Oklahoma. *See* Fed. R. App. P. 5(d)(1)(A). The date of this order shall serve as the date of the notice of appeal. *Id.* at 5(d)(2). The clerk of this court is directed to open a new appeal once the clerk of the district court notifies this court that the filing fee has been paid. *Id.* at 5(d)(3).

Once the new appeal has been opened, it will proceed in the usual course, in accordance with the Federal Rules of Appellate Procedure and this court's local rules.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read "Jane K. Castro", with a long horizontal flourish extending to the right.

by: Jane K. Castro
Counsel to the Clerk