

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

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EL PASO NATURAL GAS COMPANY,  
a Delaware corporation; BURLINGTON  
RESOURCES OIL & GAS COMPANY,  
LP, a Delaware limited partnership,

Petitioners,

v.

BANK OF AMERICA, N.A, as Trustee of  
the Virginia C. Earman Trust, the E.M.  
Woody Trusts A and B, the Lillian Austin  
Trust, the Constance S. Geerhart Trust,  
and the Constance A. Geerhart Trust,  
FKA Nations Bank; ELVYN  
HAGGARD, Administrator of the  
Glendean Haggard Estate; EUGENE  
ALBERT; WENDELL ALBERT; MARY  
ARMSTRONG; THE BADGER  
ROYALTY COMPANY; CHARLES K.  
BARNHART; DAVID C. BARNHART;  
LOWELL W. BEACH; BENNETT  
DAUGHTER OIL/GAS TRUST; THE  
BENNETT FAMILY TRUST; WALTER  
BLACKBURN, JR.; W. W. RUTH  
GALLOWAY BLACKBURN; LYNDA  
JONES BLACKWELL; THE ROBERT  
S. BOWERS FAMILY TRUST;  
BRADLEY NOMINEE  
CORPORATION; GEORGE REED  
BRAINARD; THE GURY R.  
BRAINARD, JR., TRUST; THE JOHN  
SHEPHERD BRAINARD AGENCY;  
FLOREINE L. BURWASH  
REVOCABLE LIVING TRUST UAD,  
DECEMBER 14, 1988; JESSIE MAE  
CAIN; THE CEREBRAL PALSEY OF

No. 07-704  
(D.C. No. 5:07-CV-00893-DLR)

COLORADO; CHANDLER  
DAUGHTERS AGENCY TRUST; THE  
J. A. & LETA M. CHAPMAN  
CHARITABLE TRUST; THE LETA  
CHAPMAN MEMORIAL TRUST; THE  
JOHN K. CLEARY TRUST; THE  
KATHLEEN CONE TESTAMENTARY  
TRUST; GLENNA CORNELIUS  
TRUST; THE BEVERLY A. DAGLEISH  
IRREVOCABLE TRUST; JEANNE  
DARNELL; NICKY FRANCIS  
DARNELL; THE BARBARA L.  
DEVINE IRREVOCABLE TRUST;  
GENARY JANET DORGAN; MAXLYN  
J. EDWARDS; VIRGINIA SUE  
ENTRIKEN; THE ISABEL GONZALES  
TRUST; MELBA FAY GUILLES;  
CLARIENE HAGGARD LOVING  
TRUST; THE ELVYN HAGGARD  
LOVING TRUST; HAMILL ENERGY,  
CO.; ANNE B. HANNAH-ROY; GALE  
L. HARRIS; THE LANGDON D.  
HARRISON REVOCABLE TRUST;  
IRIS HENSON, (Hutton); ARVIL L.  
HENSON; FLOYD EDWARD  
HILDERBRANDT; THE JAMES J.  
HILL, III REVOCABLE TRUST;  
HIRZEL, INC.; MARY ISABEL  
HOFFMAN; CHRISTOPHER  
HOFFMANN; WILLIAM HOFFMAN;  
ELDON HOWARD; JANICE  
HOWARD; JACK A. JACKSON;  
LLOYD JACKSON; TOM M.  
JOHNSON; BARNEY L. JONES;  
MYRTLE I. JONES; BERYL D. JONES;  
JANICE L. JONES; BOBBY E. JONES;  
JACKIE JONES; CLIFFORD E. JONES;  
HELEN M. JONES; GLEN JONES AND  
DELLA MAE JONES IRREVOCABLE  
FAMILY TRUST; ROSA JONES;  
TRAVIS JONES; LOUISE JONES;

HEATHER M. KALB; MARIE C. KAMPHAUS; KEM KELLY, Dr.; RAYMOND B. KEATING, Trustee, UTA Donald G. MacDonall, deceased; J. ROBERT W. LAKEY, Trustee of the Lakey Irrevocable Trust; THE LLOYD COMPANY; THE LAMAR HUNT TRUST; HOWARD A. MARTIN, JR.; J. B. MARTIN AND DORA F. MARTIN FAMILY TRUST; JOHN V. MCCARTHY; BRAD CLINT GILBERT, successors to the Hazel Melvin Estate; STEVE DON GILBERT, successors to the Hazel Melvin Estate; THE JOHN LAWRENCE MILLS TRUST C; THE ANN J. MITCHELL TRUST; ANNE MARIE MITCHELL; GRETCHEN MORAN; THE W. MORAN TRUST C; NAOMA MORRIS, Trustee of the Naomi Sally Morris 1983 Revocable Trust; FRED L. MORTON; PATRICIA ANN MORTON; WILLIAM VERNON MORTON; DOROTHY JEAN MORTON; H. H. MUNDY TRUST FBO SALLY JO MUNDY; EVERETT B. MUSIC, SR.; WILDA M. MUSIC; EVERETT B. MUSIC, JR.; EUGENE MUSIC; CARLA THOMAS NEELY; LAURA JANE NEILL; ANN NIECE; BETTY L. O'LEARY; RILEY LOYD OAKS; OKLAHOMA CITY UNIVERSITY, Endowment and Unrestricted; OKLAHOMA MEDICAL RESEARCH FOUNDATION; THE PARKES MINERAL TRUST; CLORENE PRICE; VINETA PRICE; THE LON AND VIRGINIA PUTNAM REVOCABLE TRUST; G. L. QUIGLEY, (Shortie); LEO QUIGLEY; THE REVA COMPANY; NANCY L. RHODES BOUNDS; THE RITTS ROYALTY

COMPANY; DONNA MARIE  
ROBERTSON,

Respondents.

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ORDER

Filed December 12, 2007

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Before **MURPHY, HARTZ, and O'BRIEN**, Circuit Judges.

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This matter is before the court on the Petition for Permission to Appeal filed by Defendants El Paso Natural Gas Company and Burlington Resources Oil & Gas Company, L.P. Defendants seek review of the district court order remanding this class action to state court. See 28 U.S.C. § 1453(c)(1). A response and a reply were also filed. Upon review of the pleadings, as well as the applicable law, we conclude that an appeal is not warranted.

Accordingly, the petition is **DENIED**.

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk



by: Lara Smith  
Counsel to the Clerk