

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

January 6, 2016

FOR THE TENTH CIRCUIT

**Elisabeth A. Shumaker
Clerk of Court**

BUCCANEER ENERGY (USA) INC., a
Nevada corporation,

Plaintiff - Appellee,

v.

SG INTERESTS, I, LTD, a Texas limited
partnership; SG INTERESTS VII, LTD., a
Texas limited partnership,

Defendants - Appellants,

and

GUNNISON ENERGY CORPORATION,
a Delaware corporation,

Defendant.

No. 15-1427
(D.C. No. 1:12-CV-01618-RPM)
(D. Colo.)

BUCCANEER ENERGY (USA) INC., a
Nevada corporation,

Plaintiff - Appellee,

v.

GUNNISON ENERGY CORPORATION,
a Delaware corporation,

Defendant - Appellant,

and

SG INTERESTS, I, LTD, a Texas limited
partnership; SG INTERESTS VII, LTD., a

No. 15-1434
(D.C. No. 1:12-CV-01618-RPM)
(D. Colo.)

Texas limited partnership,
Defendants.

ORDER

Before **TYMKOVICH**, Chief Judge, **KELLY**, and **McHUGH**, Circuit Judges.

This matter is before the court on Appellant's Motion to Dismiss Cross Appeals (Nos. 15-1427 & 15-1434). At the court's direction, the defendants filed responses titled Defendant-Appellee/Cross-Appellant Gunnison Energy Corp.'s Response to Appellant's Motion to Dismiss Cross Appeals (Nos. 15-1427 & 15-1434) and Defendant SG Interests' Response to Appellant's Motion to Dismiss Cross Appeals (Nos. 15-1427 & 15-1434). A reply was also filed, which is titled Plaintiff-Appellant's Reply Brief in Support of Motion to Dismiss Cross Appeals.

Upon careful consideration of the parties' submissions and the applicable case law, we conclude that the appellant's motion to dismiss the cross appeals should be granted. *See Jennings v. Stephens*, 135 S. Ct. 793, 798-99 (2015). Both cross appeals are procedurally inappropriate. The appellees may raise their alternative arguments for affirming the district court's judgment in their answer brief to be filed in the plaintiff's appeal, Case No. 15-1396.

Therefore, Case Nos. 15-1427 and 15-1434 are dismissed.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script that reads "Lara Smith".

by: Lara Smith
Counsel to the Clerk