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**APPENDIX A — ORDER OF THE UNITED
STATES COURT OF APPEALS FOR THE
TENTH CIRCUIT, FILED JULY 16, 2019**

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

No. 19-602
(D.C. No. 6:14-CV-00433-JH)
(E.D. Okla.)

APACHE CORPORATION,

Petitioner,

v.

BIGIE LEE RHEA,

Respondent.

ORDER

Before **LUCERO, PHILLIPS**, and **CARSON**, Circuit
Judges.

This matter comes on for consideration of the *Petitioner Apache Corporation's Petition for Permission to Appeal Class Certification Order*, the *Respondent's Answer in Opposition*, *Apache's Motion for Leave to File Reply Brief in Support of Petition for Permission to Appeal*, and the *Respondent's Response in Opposition*. See Fed. R. App. P. 5; Fed. R. Civ. P. 23(f).

Appendix A

The decision whether to grant the petition is purely discretionary. *See* Fed. R. Civ. P. 23(f); *Vallario v. Vandehey*, 554 F.3d 1259, 1262 (10th Cir. 2009) (this discretion is “unfettered and akin to the discretion exercised by the Supreme Court in acting on a petition for certiorari.”) (quoting Fed. R. Civ. P. 23(f) advisory committee’s note).

We have carefully considered the district court’s written order granting class certification, the parties’ submissions, and the applicable legal authority. We conclude that the order does not sound the “death knell” of the claims, that the district court order does not constitute manifest error, and it does not present “an unresolved issue of law relating to class actions that is likely to evade end-of-case-review which is significant to the case at hand as well as to class action generally.” *Id.* at 1263. Accordingly, this matter is not appropriate for immediate review.

The petition for permission to appeal is denied. The motion for file a reply brief is granted.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk
/s/ _____
by: Ellen Rich Reiter
Counsel to the Clerk