

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT



\_\_\_\_\_  
No. 17-90024  
\_\_\_\_\_

A True Copy  
Certified order issued Aug 04, 2017

*Steph W. Coyle*  
Clerk, U.S. Court of Appeals, Fifth Circuit

ST. LUCIE COUNTY FIRE DISTRICT FIREFIGHTERS' PENSION TRUST  
FUND; FIRE AND POLICE RETIREE HEALTH CARE FUND, SAN  
ANTONIO, on behalf of themselves and all others similarly situated;  
UNIVERSAL INVESTMENT GESELLSCHAFT M.B.H.; SJUNDE AP-  
FONDEN; GAMCO GLOBAL GOLD, NATURAL RESOURCES & INCOME  
TRUST, lead plaintiff; GAMCO NATURAL RESOURCES, GOLD & INCOME  
TRUST,

Plaintiffs - Respondents

v.

JOSEPH H. BRYANT; JAMES W. FARNSWORTH; JOHN P. WILKIRSON;  
PETER R. CONEWAY; HENRY CORNELL; JACK E. GOLDEN; N. JOHN  
LANCASTER; JON A. MARSHALL; KENNETH W. MOORE; J. HARDY  
MURCHISON; MICHAEL G. FRANCE; KENNETH A. PONTARELLI;  
SCOTT L. LEBOVITZ; MYLES W. SCOGGINS; D. JEFF VAN  
STEENBERGEN; MARTIN H. YOUNG, JR.; WILLIAM P. UTT; COBALT  
INTERNATIONAL ENERGY, INCORPORATED; GOLDMAN SACHS  
GROUP, INCORPORATED; RIVERSTONE HOLDINGS, L.L.C.; THE  
CARLYLE GROUP; GOLDMAN SACHS & COMPANY; MORGAN  
STANLEY & COMPANY, L.L.C.; CREDIT SUISSE SECURITIES (USA),  
L.L.C.; CITIGROUP GLOBAL MARKETS, INCORPORATED; JP MORGAN  
SECURITIES, L.L.C.; TUDOR, PICKERING, HOLT & COMPANY  
SECURITIES, INCORPORATED; DEUTSCHE BANK SECURITIES,  
INCORPORATED; RBC CAPITAL MARKETS, L.L.C.; UBS SECURITIES,  
L.L.C.; HOWARD WEIL, INCORPORATED; STIFEL, NICOLAUS &  
COMPANY, INCORPORATED; CAPITAL ONE SOUTHCOAST,  
INCORPORATED; LAZARD CAPITAL MARKETS, L.L.C.; FRC FOUNDERS  
CORPORATION; ACM, LIMITED,

Defendants - Petitioners

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Motion for Leave to Appeal  
Under Fed. R. Civ. P. 23(f)

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Before OWEN, HAYNES and HIGGINSON, Circuit Judges.

PER CURIAM:

IT IS ORDERED that the opposed joint motion for leave to appeal under  
FED. R. CIV. P. 23(f) is GRANTED.

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE  
NEW ORLEANS, LA 70130

August 04, 2017

Mr. George T. Conway III  
Wachtell, Lipton, Rosen & Katz  
51 W. 52nd Street  
New York, NY 10019

Mr. Jay B. Kasner  
Skadden, Arps, Slate, Meagher & Flom, L.L.P.  
4 Times Square  
New York, NY 10036-6522

Mr. Ronald Leslie Oran  
Strasburger & Price, L.L.P.  
909 Fannin Street  
Suite 2300  
Houston, TX 77010

Ms. Noelle M. Reed  
Skadden, Arps, Slate, Meagher & Flom, L.L.P.  
1000 Louisiana Street  
Suite 6800  
Houston, TX 77002

Mr. David Dykeman Sterling  
Baker Botts, L.L.P.  
910 Louisiana Street  
1 Shell Plaza  
Houston, TX 77002

Mr. Karl S. Stern  
Quinn Emanuel Urquhart & Sullivan  
711 Louisiana Street  
Suite 500  
Houston, TX 77002

Mr. Aaron Michael Streett  
Baker Botts, L.L.P.  
910 Louisiana Street  
1 Shell Plaza  
Houston, TX 77002

Mr. Robert A. Van Kirk  
Williams & Connolly, L.L.P.  
725 12th Street, N.W.  
Washington, DC 20005

**No. 17-20503 St. Lucie County Fire District, et al v.  
Joseph Bryant, et al  
USDC No. 4:14-CV-3428  
Prior Misc. No. 17-90024**

Dear Mr. Conway, Mr. Kasner, Mr. Oran, Ms. Reed, Mr. Sterling,  
Mr. Stern, Mr. Streett, and Mr. Van Kirk,

We have docketed the appeal and ask you to use the case number  
above in future inquiries.

Filings in this court are governed strictly by the Federal Rules  
of **Appellate** Procedure. We cannot accept motions submitted under  
the Federal Rules of **Civil** Procedure. We can address only those  
documents the court directs you to file, or proper motions filed  
in support of the appeal. See FED R. APP. P. and 5<sup>TH</sup> CIR. R. 27 for  
guidance. Documents not authorized by these rules will not be  
acknowledged or acted upon.

You must first complete a transcript order form that can be found  
on our website [www.ca5.uscourts.gov](http://www.ca5.uscourts.gov). You are required to  
electronically file the form through the 5th Circuit electronic  
filing system, even if you have already done so with the district  
court. (Pro Se litigants must mail in a completed copy, unless  
otherwise advised.) When completed, this meets your obligation to  
order the necessary portion(s) of the court reporter's transcript,  
see FED R. APP. P. 10(b). Second, you must make financial  
arrangements with the court reporter to pay for the transcript.  
If you are pro se and unable to afford payment, you must file a  
motion with the district court requesting a transcript at  
government expense, and notify this court of the filing. We will  
then coordinate with the court reporter for a time to file the  
transcript. The court reporter should contact you directly if an  
extension of time is granted to file the transcript. If you do not  
order or make arrangements to pay for the transcript within 15  
days, we will dismiss your appeal without further notice, unless  
the case is a criminal appeal and you are proceeding In Forma  
Pauperis, see 5<sup>TH</sup> CIR. R. 42.3.

We will provide you information about the briefing schedule of  
this appeal at a later date. If a transcript is unnecessary,  
please complete the section on the transcript order form to  
indicate such and we will start the briefing schedule. 5<sup>TH</sup> CIR. R.  
31.4 and the Internal Operating Procedures following rules 27 and  
31 state that except in the most extraordinary circumstances, the  
maximum extension for filing briefs is 30 days in criminal cases  
and 40 days in civil cases.

All counsel who desire to appear in this case must electronically  
file a "Form for Appearance of Counsel" naming all parties

represented within 14 days from this date, see FED R. APP. P. 12(b) and 5<sup>TH</sup> CIR. R. 12. This form is available on our website [www.ca5.uscourts.gov](http://www.ca5.uscourts.gov). Failure to electronically file this form will result in removing your name from our docket. Pro se parties are not required to file appearance forms.

**Attention Attorneys:** Attorneys are required to be a member of the Fifth Circuit Bar and to register for Electronic Case Filing. The "Application and Oath for Admission" form can be printed or downloaded from the Fifth Circuit's website, [www.ca5.uscourts.gov](http://www.ca5.uscourts.gov). Information on Electronic Case Filing is available at [www.ca5.uscourts.gov/cmecf/](http://www.ca5.uscourts.gov/cmecf/).

**Attention Attorneys:** Direct access to the electronic record on appeal (EROA) for pending appeals will be enabled by the U S District Court on a per case basis. Counsel can expect to receive notice once access to the EROA is available. Counsel must be approved for electronic filing and must be listed in the case as attorney of record before access will be authorized. Instructions for accessing and downloading the EROA can be found on our website at [www.ca5.uscourts.gov/attorneys/attorney-forms/eroa\\_downloads](http://www.ca5.uscourts.gov/attorneys/attorney-forms/eroa_downloads). Additionally, a link to the instructions will be included in the notice you receive from the district court.

Sealed documents, except for the presentence investigation report in criminal appeals, will not be included in the EROA. Access to sealed documents will continue to be provided by the district court only upon the filing and granting of a motion to view same in this court.

We recommend that you visit the Fifth Circuit's website, [www.ca5.uscourts.gov](http://www.ca5.uscourts.gov) and review material that will assist you during the appeal process. We especially call to your attention the Practitioner's Guide and the 5th Circuit Appeal Flow Chart, located in the Forms, Fees, and Guides tab.

You must pay to the **district court clerk** the \$505.00 court of appeals filing and docketing fee and notify this office of your payment within 15 days from the date of this letter. Failure to pay the fee within 15 days will result in the dismissal of your appeal, see 5<sup>TH</sup> CIR. R. 42.3.

Sincerely,

LYLE W. CAYCE, Clerk

*Sabrina B. Short*

By: \_\_\_\_\_  
Sabrina B. Short, Deputy Clerk  
504-310-7817

cc:

Mr. Thomas R. Ajamie  
Mr. Gerald T. Drought  
Mr. Andrew J. Entwistle  
Mr. Matthew C. Matheny  
Mr. Christopher F. Moriarty

Mr. David R. Stickney  
Mr. Jonathan D. Uslaner  
Mr. Johnston de Forest Whitman Jr.

P.S. to Counsel: It is the responsibility of the attorney for EACH appellant to complete the transcript order form and pay any outstanding docketing fee for EACH notice of appeal.

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

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NEW ORLEANS, LA 70130

August 04, 2017

TO: All Counsel and Parties Listed Below

**Misc. No. 17-90024 St. Lucie County Fire District, et al  
v. Joseph Bryant, et al  
USDC No. 4:14-CV-3428**

Enclosed is a copy of the court's order granting the motion(s) for leave to appeal. The case is transferred to the court's general docket. All future inquiries should refer to docket **No. 17-20503**.

Unless the district court has granted you leave to proceed on appeal in forma pauperis, the appellant(s) should immediately pay the court of appeals' \$505.00 docketing fee to the clerk of the district court, and notify this office of your payment within 14 days from the date of this letter. If you do not, we will dismiss the appeal, see 5<sup>TH</sup> CIR. R. 42.3.

By copy of this letter, I am requesting the district court to send the electronic record on appeal immediately.

Counsel desiring to appear in this case must electronically file a "Form for Appearance of Counsel", naming each party you represent, within 14 days from the date of this letter. The form is available from the Fifth Circuit's website, [www.ca5.uscourts.gov](http://www.ca5.uscourts.gov). If you fail to electronically file the form, we will remove your name from the docket. Pro se parties do not need to file an appearance form.

Sincerely,

LYLE W. CAYCE, Clerk

*Sabrina B. Short*

By: \_\_\_\_\_  
Sabrina B. Short, Deputy Clerk  
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Mr. Thomas R. Ajamie  
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Mr. Matthew C. Matheny  
Mr. Christopher F. Moriarty  
Mr. Ronald Leslie Oran  
Ms. Noelle M. Reed

Mr. David Dykeman Sterling  
Mr. Karl S. Stern  
Mr. David R. Stickney  
Mr. Aaron Michael Streett  
Mr. Jonathan D. Uslaner  
Mr. Robert A. Van Kirk  
Mr. Johnston de Forest Whitman Jr.

Enclosure(s)

cc: Mr. David J. Bradley