

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA
APR 13 2010
MICHAEL S. RICHIE
CLERK

NANCY FULLER HEBBLE, *et al.*,

Plaintiffs/Appellees,

v.

No. 106470

SHELL WESTERN E & P, INC., *et al.*,

Defendants/Appellants.

APPELLANTS' MOTION TO SUSPEND EFFECTIVENESS OF MANDATE

Appellants, Shell Western E & P, Inc. and Shell Oil Company, pursuant to Okla. Sup. Ct. R. 1.16, move the Court to stay the effectiveness of the mandate herein pending the filing of a petition for writ of certiorari to the United States Supreme Court. In support of this motion, Appellants state as follows:

1. On December 18, 2009, the Court of Civil Appeals issued an opinion affirming a judgment on a jury verdict awarding the Plaintiffs/Appellees \$750,708 in principal, \$12,455,208 in pre-judgment interest, and \$53,625,000 in punitive damages. The opinion has been designated by the Court of Civil Appeals for publication.
2. Appellants raised federal constitutional issues in their appeal of the judgment on the jury verdict and in their petition for certiorari filed with this Court.
3. This Court denied Appellants' petition for certiorari on April 12, 2010.
4. Appellants intend to petition the United States Supreme Court for certiorari to raise the federal constitutional issues decided in this case.
5. A petition for writ of certiorari must be filed within 90 days of this Court's order denying certiorari, or by July 12, 2010.

6. Suspending the effectiveness of the mandate in this case should not result in any undue prejudice to Appellees. Appellants are in good financial standing and Appellees are further protected by the supersedeas bond posted by the Appellants.¹

7. Okla. Sup. Ct. R. 1.16 authorizes the effectiveness of the mandate to be suspended to provide a party the opportunity to seek review of the judgment of the Court by Supreme Court of the United States. *See also General Motors Corp. v. Okla. County Board of Equalization*, 1983 OK 59, 678 P.2d 233, 241.

WHEREFORE, Appellants respectfully request that the effectiveness of the mandate in this case be suspended until the United States Supreme Court makes a final determination of the petition for writ of certiorari to be filed by the Appellants and, if the petition is granted, until the United States Supreme Court's final disposition of the case.

Respectfully submitted,



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¹ The supersedeas bond is greatly in excess of the statutory maximum of \$25,000,000 under Okla. Stat. tit. 12, § 990.4(B)(1)(c), as amended effective November 1, 2009.

– AND –

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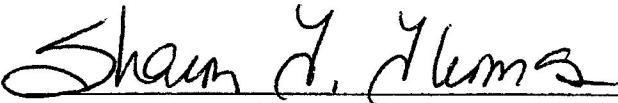
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion to Suspend Effectiveness of Mandate was mailed by depositing it in the U.S. Mails, postage prepaid, on April 13 2010 to:

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