

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

CONNIE JEAN SMITH, individually and on	)	
behalf of all others similarly situated,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:14-cv-435-BRW
	)	
SEECO, INC., n/k/a SWN PRODUCTION	)	
(ARKANSAS), INC.; DESOTO GATHERING	)	
COMPANY, L.L.C.; SOUTHWESTERN	)	
ENERGY SERVICES COMPANY; and	)	
SOUTHWESTERN ENERGY COMPANY,	)	
	)	
Defendants.	)	

**PLAINTIFF’S SECOND MOTION TO DISMISS  
OR, IN THE ALTERNATIVE, ABSTAIN FROM DECIDING  
THE COUNTERCLAIM FILED BY  
DEFENDANT SWN PRODUCTION (ARKANSAS), LLC (f/k/a SEECO, Inc.)**

On November 17, 2015, this Court entered an Order denying without prejudice Plaintiff’s first Motion to Dismiss or, in the alternative, Abstain from Deciding, the Counterclaim filed by Defendant SWN Production (Arkansas), LLC (f/k/a SEECO, Inc.) (“SEECO”),<sup>1</sup> on the grounds that Plaintiff’s first Motion was premature considering that Defendants had not at that time filed a motion to certify class, as required. *See* ECF No. 110, at 1, 6. SEECO has since filed a Motion for Class Certification of a Counter-Defendant Class and Appointment of a Class Representative and Class Counsel. *See* ECF No. 116. Plaintiff, therefore, pursuant to the Court’s Order, Fed. R. Civ. P. 12(b)(6), the Anti-Injunction Act, 28 U.S.C. § 2283, and the Court’s abstention authority, files her Second Motion to Dismiss or, in the alternative, Abstain from Deciding, the

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<sup>1</sup> *See* ECF No. 82.

Counterclaim filed by SEECO and respectfully moves the Court to dismiss, or in the alternative abstain from deciding, the Counterclaim filed by SEECO. *See* ECF No. 72, at 1, 10-23.

For the reasons discussed more fully in the *Memorandum of Law in Support of Plaintiff's Second Motion to Dismiss or, in the alternative, Abstain from Deciding, the Counterclaim filed by Defendant SWN Production (Arkansas), LLC (f/k/a SEECO, Inc.)*, and exhibits thereto ("Memorandum"), which are filed concurrently herewith and incorporated herein by this reference, the Court should dismiss, or in the alternative abstain from deciding, SEECO's Counterclaim.

DATED: DECEMBER 28, 2015

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF AND THE PROPOSED CLASS**

**CERTIFICATE OF SERVICE**

I certify that on December 28, 2015, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants and by other means to non-registered participants:

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