

## **05-409 KIRCHER V. PUTNAM FUNDS TRUST**

DECISION BELOW:373 F3d 847 and 403 F3d 478

LOWER COURT CASE NUMBER: 04-1495, 04-1496, 04-1608, 04-1628, 04-1650, 04-1651, 04-1660, 04-1661, 04-2162, 04-2687

### **QUESTIONS PRESENTED:**

1. Whether the court of appeals had jurisdiction, contrary to the holdings of three other circuits, to review a district court order remanding for lack of subject-matter jurisdiction a suit removed under the Securities Litigation Uniform Standards Act of 1998 ("SLUSA"), notwithstanding 28 U.S.C. § 1447(d)'s bar on appellate review of remand orders based on lack of subject-matter jurisdiction and the district courts' conclusion that petitioners' claims are not preempted by and thus not removable under SLUSA.
2. Whether the court of appeals erred in holding, in acknowledged conflict with three other circuits, that SLUSA preempts claims brought by holders of securities, notwithstanding SLUSA's language limiting preemption to claims "in connection with the purchase or sale of a covered security," and this Court's interpretation of identical language to cover only claims brought by purchasers or sellers in *Blue Chip Stamps, Inc. v. Manor Drug Stores*, 421 U.S. 723 (1975).

CERT. GRANTED 1/6/2006

LIMITED TO QUESTION 1 PRESENTED BY THE PETITION.