

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

June 14, 2019

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA EX.
REL. MARK CHRISTOPHER TRACY,

Plaintiff - Appellant,

v.

No. 18-4109

EMIGRATION IMPROVEMENT
DISTRICT, a Utah Special Service
District, et al.,

Defendants - Appellees,

and

THE BOYER COMPANY, L.C., a Utah
company, et al.,

Defendants.

UNITED STATES OF AMERICA EX.
REL. MARK CHRISTOPHER TRACY,

Plaintiff - Appellant,

v.

No. 19-4021

EMIGRATION IMPROVEMENT
DISTRICT, a Utah Special Service
District, et al.,

Defendants - Appellees,

and

AQUA ENGINEERING, a Utah corporation, et al.,

Defendants.

UNITED STATES OF AMERICA EX. REL. MARK CHRISTOPHER TRACY,

Plaintiff - Appellee,

v.

No. 19-4022

EMIGRATION IMPROVEMENT DISTRICT, a Utah Special Service District, et al.,

Defendants - Appellants,

and

AQUA ENGINEERING, a Utah corporation, et al.,

Defendants.

CHRISTENSEN & JENSEN, P.C.,

Attorney - Appellee.

ORDER

These matters are before the court on the parties' responses to the court's May 30, 2019 order regarding supplemental briefing and procedural consolidation. Upon careful consideration of the responses, the court directs as follows.

These three appeals are procedurally consolidated for purposes of oral argument and submission to a merits panel. At this time, there will be no supplemental briefing regarding the issues raised in Case No. 18-4109. However, the merits panel may revisit that decision at a later date.

Briefing and preparation of the appendix in Case Nos. 19-4021 and 19-4022 shall proceed in accordance with the court's April 16, 2019 order, to wit:

- The parties shall cooperate to prepare a single electronic appendix containing the record materials necessary for the court to fully consider all the issues they wish to raise in both of these appeals.
- Within 30 days of the date of this order, Mr. Tracy shall file the first brief raising any claims of error he wishes to assert in Case No. 19-4021 regarding the district court's award of attorneys' fees.
- Within 30 days of service of the first brief, the appellants in 19-4022 shall file the second brief, which shall (1) respond to the issues raised in the first brief; and (2) raise any claims of error the appellants in 19-4022 wish to assert regarding the district court's disposition of their motion for attorneys' fees.
- Within 30 days of service of the second brief, Mr. Tracy and Christensen & Jensen, P.C. shall file a third brief in which (1) Mr. Tracy replies to the second brief's response(s) to his first brief; and (2) Mr. Tracy and/or Christensen & Jensen, P.C. respond(s) to the issue(s) raised on appeal by the appellants in 19-4022.

- Within 21 days of service of the third brief, the appellants in 19-4022 may file a fourth brief that replies to Mr. Tracy's and/or Christensen & Jensen, P.C.'s response(s) to the argument(s) they raised on appeal in the second brief.

The appendix and the briefs shall be captioned for and filed in Case Nos. 19-4021 and 19-4022, but not 18-4109. The parties' briefs and appendix shall comply with all applicable Federal and Tenth Circuit Rules.

Entered for the Court,

ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read 'Chris Wolpert', with a long horizontal flourish extending to the right.

by: Chris Wolpert
Chief Deputy Clerk