

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

April 16, 2019

Elisabeth A. Shumaker
Clerk of Court

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

Plaintiff - Appellant,

v.

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

Defendants - Appellees,

and

AQUA ENGINEERING, a Utah
corporation, et al.,

Defendants.

No. 19-4021
(D.C. No. 2:14-CV-00701-JNP)
(D. Utah)

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

Plaintiff - Appellee,

v.

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

Defendants - Appellants,

and

AQUA ENGINEERING, a Utah

No. 19-4022
(D.C. No. 2:14-CV-00701-JNP)
(D. Utah)

corporation, et al.,

Defendants.

CHRISTENSEN & JENSEN, P.C.,

Attorney - Appellee.

ORDER

These matters are before the court on: (1) the parties' *Joint Response to Court's Order Regarding Consolidating Appeals Nos. 19-4021 and 19-4022*; and (2) relator Mark Christopher Tracy's *Renewed Motion to Abate Appeal* filed separately in each appeal.

Upon consideration of the parties' *Joint Response*:

1. The court partially consolidates the appeals for purposes of briefing. Once set, briefing will proceed on a modified briefing schedule similar to that set forth in Fed. R. App. P. 28.1(c), in which Christensen & Jensen participates as a party in only Mr. Tracy's response and reply briefs.
2. The court consolidates these appeals for the procedural purposes of submission of a single, consolidated appendix that contains all documents necessary for the court's disposition of both appeals, submission of the appeals to the court, and argument, if scheduled.
3. Going forward, all documents filed in these procedurally consolidated appeals—including all briefs and the appendix—shall be captioned for and

filed in both appeals, unless good cause exists to file a document in only one of the appeals.

Upon consideration of the renewed motions to abate these appeals pending the United States Supreme Court's decision in *United States ex rel. Hunt v. Cochise Consultancy, Inc.*, No. 18-315 (which motions Mr. Tracy now represents are unopposed), the court grants the motions in each appeal and directs Mr. Tracy to file a written status report on the earlier of June 3, 2019 or within five business days after the occurrence of any developments that might affect the abatement of these appeals.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read "LA Lee".

by: Lisa A. Lee
Counsel to the Clerk