

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

December 11, 2018

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

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

Defendants.

No. 18-4109
(D.C. No. 2:14-CV-00701-JNP)
(D. Utah)

ORDER

This matter is before the court to abate the appeal and to direct status reports. Specifically, and at the direction of the court, this appeal is ABATED in light of the grant of certiorari in *United States ex rel. Hunt v. Cochise Consultancy, Inc.*, 887 F.3d 1081 (11th Cir. 2018), *cert. granted*, __S. Ct.__, 2018 WL 4385694 (Nov. 16, 2018)(No. 18-315). The Court granted the certiorari petition in that case to resolve a three-way circuit court split on questions related to the False Claims Act's statute of limitations tolling

provision in *qui tam* actions where the government declines to intervene. That is the sole issue in this appeal.

On or before January 29, 2019 the appellant shall file a written report advising this court of the status of the Supreme Court proceedings. If significant developments occur before that date which impact this matter the appellant shall advise the court forthwith.

The oral argument hearing scheduled for January 22, 2019 is VACATED, and all counsel are excused from attendance.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", with a long horizontal flourish extending to the right.

ELISABETH A. SHUMAKER, Clerk