

No. 18-10545

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**In the United States Court of Appeals  
for the Fifth Circuit**

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TEXAS, ET AL.,

*Plaintiffs-Appellees / Cross-Appellants,*

v.

UNITED STATES, ET AL,

*Defendants-Appellants / Cross-Appellees.*

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**FIFTH JOINT STATUS REPORT**

1. By order dated June 15, 2018, this Court granted the parties' joint motion to hold this appeal in abeyance pending the entry of final judgment in the district court and directed the parties to submit status reports at 30-day intervals.

2. On August 21, 2018, the district court entered an order granting in part, and denying in part, Plaintiffs-Appellees / Cross-Appellants' motion for reconsideration. The August 21, 2018 order was not a final judgment, but stated that "[t]he Court will issue a separate final judgment order pursuant to Federal Rule of Civil Procedure 58."

3. On August 24, 2018, Defendants-Appellants / Cross-Appellees filed a motion to stay issuance of final judgment. Plaintiffs-Appellees / Cross-Appellants filed a response on September 7, 2018, and Defendants-Appellants / Cross-Appellees replied on September 21, 2018.

4. On October 19, 2018, Plaintiffs-Appellees / Cross-Appellants filed a notice of appeal of the district court's August 21, 2018 order. This Court docketed that appeal under the same case number as the instant appeal.

5. On October 29, 2018, the district court held a hearing on Defendants-Appellants / Cross-Appellees' motion to stay issuance of final judgment. During the hearing, the parties agreed to share certain information and engage in further discussions about whether additional proceedings regarding the amount of disgorgement will be necessary. The parties will report their progress to the district court by November 28, 2018, and advise whether (a) they need more time, (b) have reached an agreement on disgorgement amounts, or (c) have come to an impasse. This will allow the district court to evaluate whether the case is ready for a final judgment.

6. The parties respectfully request that the Court maintain its abeyance of this matter as proceedings continue to move forward in the district court.

7. Counsel for the federal government has authorized Plaintiffs-Appellees / Cross-Appellants to state that this status report is filed on behalf of all parties.

Date: November 14, 2018

Respectfully submitted.

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/s/ David J. Hacker  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 14, 2018, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ David J. Hacker  
DAVID J. HACKER

**CERTIFICATE OF COMPLIANCE**

I certify that this document complies with Federal Rules of Appellate Procedure 32(g) because it contains fewer than 5,200 words and was prepared in Microsoft Word using 14-point Equity typeface.

/s/ David J. Hacker  
DAVID J. HACKER