

No. 18-10545

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

TEXAS, ET AL.,

Plaintiffs-Appellees / Cross-Appellants,

v.

UNITED STATES, ET AL,

Defendants-Appellants / Cross-Appellees.

EIGHTH 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 court ordered the parties to report their progress 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.

6. On November 28, 2018, the parties filed a joint status report in the district court and advised that they need more time to compile and review the documents relating to disgorgement.

7. On December 4, 2018, the district court ordered the parties to file another status report by January 9, 2019, and once again 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.

8. On January 8, 2019, Defendants-Appellants / Cross-Appellees filed a consent motion to stay their obligations to provide status reports to the district court until the federal government's shutdown ends.

9. On January 9, 2019, Plaintiff-Appellees / Cross-Appellants filed a status report in the district court indicating that they are still gathering documents to produce

to Defendants-Appellants / Cross-Appellees, and have produced documents from three States.

10. On January 14, 2019, the district court granted a stay of the Defendants-Appellants / Cross-Appellees' duties to provide status updates.

11. On January 28, 2019, Defendants-Appellants / Cross-Appellees informed the district court that the Department of Justice and Internal Revenue Service had resumed their normal functions.

12. On February 1, 2019, the parties filed a joint status report in the district court and advised that they need more time to compile and review the documents relating to disgorgement.

13. On February 5, 2019, the district court ordered the parties to provide another status report by March 1, 2019.

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

15. 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: February 13, 2019

Respectfully submitted.

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CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2019, 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