

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.

ELEVENTH 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 in thirty days.

6. Since October 2018, the parties have been working cooperatively to exchange documents related to disgorgement and have reported their progress to the district court every thirty days.

7. On March 7, 2019, the district court held a status conference on the parties' progress. Afterward, it ordered the parties to submit a status report on June 7, 2019, indicating whether they have reached agreement on the amount to be disgorged. If the status report indicates that the parties are unable to resolve fact questions by that time, then the district court will hold a bench trial beginning on June 12, 2019, to resolve those questions. If the status report indicates that the parties are unable to resolve certain legal questions applicable to disgorgement, then the court will allow the parties to brief those differences.

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

9. 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: May 28, 2019

Respectfully submitted.

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/s/ David J. Hacker
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CERTIFICATE OF SERVICE

I hereby certify that on May 28, 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