

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

June 1, 2021

Christopher M. Wolpert
Clerk of Court

REBECCA SMITH, et al.,

Plaintiffs - Appellees,

v.

THE ALIERA COMPANIES, INC., a
Delaware corporation, f/k/a Aliera
Healthcare Inc.,

Defendant - Appellant,

and

TRINITY HEALTHSHARE INC., a
Delaware corporation, et al.,

Defendants.

No. 21-1185
(D.C. No. 1:20-CV-02130-RBJ)
(D. Colo.)

ORDER

This matter is before the court upon review of the appellant's docketing statement. The defendants filed a motion in the district court that appears to be a tolling motion under Federal Rule of Appellate Procedure 4(a)(4). (Dist. Ct. Docket No. 69.) The motion asks the district court to alter or amend the order being appealed, which is that court's April 16, 2021 order denying the defendants motion to compel arbitration (Dist. Ct. Docket No. 67). The district court has not yet addressed the defendants' motion to alter or amend the order denying their motion to compel arbitration.

With this motion pending, proceedings in this appeal are abated until the district court resolves the motion. The appellant in this case is directed to file a status report on July 1, 2021, to advise this court about the proceedings involving the defendants' motion. Should the motion be resolved sooner, the appellant shall notify this court within five days after the district court disposes of the motion.

Entered for the Court
CHRISTOPHER M. WOLPERT, Clerk



by: Lara Smith
Counsel to the Clerk