

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

June 16, 2021

Christopher M. Wolpert
Clerk of Court

REBECCA SMITH, et al.,

Plaintiffs - Appellees,

v.

THE ALIERA COMPANIES, INC., a
Delaware corporation, f/k/a Alieria
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.)

REBECCA SMITH, et al.,

Plaintiffs - Appellees,

v.

ONESHARE HEALTH LLC, f/k/a Unity
Healthshare, LLC and as Kingdom
Healthshare Ministries, LLC, a Virginia
limited liability corporation,

Defendant - Appellant,

and

THE ALIERA COMPANIES, INC., a
Delaware corporation, f/k/a Alieria

No. 21-1186
(D.C. No. 1:20-CV-02130-RBJ)
(D. Colo.)

Healthcare Inc., et al.,

Defendants.

REBECCA SMITH, et al.,

Plaintiffs - Appellees,

v.

TRINITY HEALTHSHARE INC., a
Delaware corporation,

Defendant - Appellant,

and

ONESHARE HEALTH LLC, f/k/a Unity
Healthshare, LLC and as Kingdom
Healthshare Ministries, LLC, a Virginia
limited liability corporation, et al.,

Defendants.

No. 21-1187
(D.C. No. 1:20-CV-02130-RBJ)
(D. Colo.)

ORDER

The court abated these appeals pending the district court's disposition of the defendants' Motion to Alter or Amend Order Denying Defendants' Motion to Compel Arbitration (ECF No. 69). On June 16, 2021, the district court issued an order denying the defendants' motion (ECF No. 91). Accordingly, the abatement of the appeals is lifted. The defendants' obligations to provide the court with status reports are vacated.

The above-captioned appeals arise from the same proceeding in the United States District Court for the Colorado. Each defendant filed a separate notice of appeal from the

same April 16, 2021 order denying the defendants' joint motion to compel arbitration (ECF No. 67), resulting in three separate appellate cases being opened. Given that the defendants filed a joint motion that was denied in a single order, we now procedurally consolidate the three appeals captioned above for preparation of the appendix, briefing, oral argument (if granted), and submission to a panel of judges. All future filings in these appeals shall be captioned for and filed in three appeals.

The district court has already notified this court and the parties that the record is complete for purposes of appeal. Thus, briefing on the merits will begin.

The parties shall collaborate to prepare a consolidated joint appendix that contains the portions of the district court record that are necessary for this court to consider all issues the parties intend to raise in these appeals.

The appellants shall file a single, consolidated opening brief raising all claims of error in all three appeals. The appellees shall file a single, consolidated response brief. If the appellants choose to file a reply brief, it shall be a single, consolidated reply. All briefs shall conform to the type-volume limitations for a single brief set forth in Federal Rule of Appellate Procedure 32(a)(7).

The consolidated opening brief and appendix must be filed on or before July 26, 2021. The remainder of the briefing in these appeals will proceed in accordance with the applicable Federal Rules of Appellate Procedure and the Tenth Circuit Rules.

The briefs and appendix shall be filed electronically in each case by the due date. After review by the clerk's office, the clerk will notify the parties when to submit hard copies of the brief and appendix. Despite the separate electronic filings, the parties should

note that they must deliver only seven hard copies of the briefs and one hard copy of the appendix to the clerk's office when it is time to do so.

Entered for the Court
CHRISTOPHER M. WOLPERT, Clerk

A handwritten signature in black ink that reads "Lara Smith". The signature is written in a cursive, flowing style.

by: Lara Smith
Counsel to the Clerk