

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

October 21, 2020

Christopher M. Wolpert
Clerk of Court

FEDERAL TRADE COMMISSION, et al.,

Plaintiffs,

v.

ZURIXX, et al.,

Defendants.

DAVID K. BROADBENT,

Receiver - Appellee,

v.

DAVID EFRON, et al.,

Interested Parties - Appellants.

No. 20-4090
(D.C. No. 2:19-CV-00713-DAK-DAO)
(D. Utah)

ORDER

This matter is before the court following receipt of a supplemental preliminary record from the district court. On October 20, 2020, the district court entered its Memorandum Decision and Order denying the appellants' Motion for Reconsideration and in Compliance with the Court's Order and also denying another motion. (Dist. Ct. Docket No. 193.) The supplemental preliminary record contains this order. Upon consideration, the reason for abating this appeal appears to have been resolved. *See Fed.*

R. App. P. 4(a)(4)(B)(i); *see also id.* 4(a)(4)(B)(ii) and *Breeden v. ABF Freight Sys., Inc.*, 115 F.3d 749, 752 (10th Cir. 1997). The appellants' obligation to notify this court of the entry of the district court's order on their motion to reconsider is vacated.

Accordingly, the abatement of this appeal is lifted. The parties should address appellate jurisdiction in detail in their merits briefs, in particular the scope of the appeal and the appealability of the interlocutory order being appealed. The court's review of appellate jurisdiction will be plenary following merits briefing.

Now that the appellants are represented by counsel, we will add one additional preliminary filing requirement for the appellants in order to prepare this appeal for merits briefing. The appellants must file a transcript order form (or notice that no transcript is necessary) in the district court on or before October 30, 2020. *See* Fed. R. App. P. 10(b); 10th Cir. R. 10.2. The appellants should provide service notice to this court of their filings in district court.

Briefing on the merits will begin after the district court transmits its notice that the record is complete for appellate purposes. Fed. R. App. P. 31(a); 10th Cir. R. 31.1(A)(1). Lastly, and as a reminder, the appellants are expected to file a brief and appendix in compliance with all applicable procedural rules, including electronic filing requirements.

Entered for the Court
CHRISTOPHER M. WOLPERT, Clerk



by: Lara Smith
Counsel to the Clerk