

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

December 27, 2010
Elisabeth A. Shumaker
Clerk of Court

COMMODITY FUTURES TRADING
COMMISSION, et al.,

Plaintiffs - Appellees,

v.

SIMON YANG, an individual, a/k/a Xiao
Yang, a/k/a Simon Chen,

Defendant - Appellant,

and

PRESTIGE VENTURES CORP., a
Panamanian corporation, et al.,

Defendants,

STEPHEN J. MORIARTY,

Receiver.

No. 10-6287
(D.C. No. 5:09-CV-01284-R)

ORDER

Briefing on the merits is **TOLLED** pending further written order of this court.

This appeal, which was filed by Defendant Simon Yang on December 17, 2010, is **ABATED** pending notification that the district court has entered an order disposing of the four timely motions “for reconsideration and relief from judgment under Rules 59 and

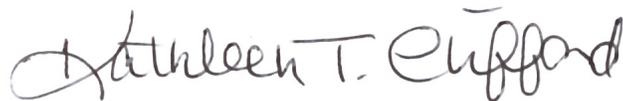
60" [doc. 134, 135, 136, 137], which were filed by the Lee Defendants in the district court on December 8, 2010. *See* Fed. R. App. P. 4(a)(4)(A)(iv); Fed. R. Civ. P. 59(e) (*eff.* Dec. 1, 2009) (“must be filed no later than 28 days after the entry of the judgment”). This appeal will become effective once the district court enters an order ruling on the Lee Defendants’ timely motions for reconsideration. *See* Fed. R. App. P. 4(a)(4)(B).

Within **30 days** of the date on this order, the parties *must* file Status Reports advising this court as to the status of the motions for reconsideration.

When an order is entered disposing of the Lee Defendants’ motions for reconsideration, the parties *must* immediately notify this court in writing.

Upon notification, this court will lift the abatement and instruct the parties as to further requirements.

Entered for the Court
Elisabeth A. Shumaker, Clerk

A handwritten signature in black ink that reads "Kathleen T. Clifford". The signature is written in a cursive style with a large initial 'K' and a distinct 'T'.

Kathleen T. Clifford
Attorney - Deputy Clerk