

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

April 29, 2019

Elisabeth A. Shumaker
Clerk of Court

MICHAEL D., MADELINE D.,

Plaintiffs - Appellees/
Cross-Appellants,

v.

ANTHEM HEALTH PLANS OF
KENTUCKY,

Defendant - Appellant/
Cross-Appellee.

Nos. 19-4033 & 19-4043
(D.C. No. 2:17-CV-00675-JNP-BCW)
(D. Utah)

ORDER

This matter is before the court on the parties' memorandum briefs. By order entered April 1, 2019, the court questioned whether appellate jurisdiction exists and directed the appellant-cross appellee to file a memorandum brief addressing jurisdiction. The appellant-cross appellee filed its memorandum brief on April 15, 2019. The court then directed the he appellees-cross appellants to respond to the appellant's memorandum brief. Their memorandum brief was filed on April 29, 2019.

Based on the content of the parties' submissions, the court construes the memorandum briefs as each containing a voluntary motion to dismiss that party's respective appeal – *i.e.*, by the appellant to dismiss Case No. 19-4033 and by the cross-appellants to dismiss Case No. 19-4043. As construed, the motions to dismiss these cross

appeals voluntarily are granted. *See* Fed. R. App. P. 42(b). Each party shall bear their own costs.

A copy of this order shall stand as and for the mandate of this court.

Entered for the Court
ELISABETH A. SHUMAKER, 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