

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

July 30, 2021

FOR THE TENTH CIRCUIT

Christopher M. Wolpert
Clerk of Court

JACOB M. SCOTT, an individual,

Plaintiff - Appellant,

v.

WINGATE WILDERNESS THERAPY,
LLC, a Utah limited liability company,

Defendant - Appellee.

No. 19-4052
(D.C. No. 4:18-CV-00002-DN)
(D. Utah)

ORDER AND JUDGMENT*

Before **TYMKOVICH**, Chief Judge, **MATHESON**, and **McHUGH**, Circuit Judges.

In a July 9, 2021 opinion answering the certified question in this matter, the Utah Supreme Court held that the Utah Health Care Malpractice Act applies to the claim at issue in this case. *Scott v. Wingate Wilderness Therapy, LLC*, 2021 UT 28, ¶ 34. On July 13, 2021, we lifted the abatement of this appeal and directed the parties to file supplemental briefs addressing the impact of the Utah Supreme Court's decision on these proceedings. In his supplemental brief, Appellant concedes that the Utah Supreme Court's holding requires us to affirm the district court's dismissal of his claim.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

Accordingly, the judgment of the district court is AFFIRMED.

Entered for the Court,
Per Curiam