

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

August 17, 2026

FOR THE TENTH CIRCUIT

Christopher M. Wolpert
Clerk of Court

STATE OF OKLAHOMA EX REL.
GENTNER DRUMMOND, in his capacity
as Attorney General of the State of
Oklahoma, et al.,

Plaintiffs - Appellees/Cross-
Appellants,

v.

CAL-MAINE FOODS, INC.,

Defendant - Appellant/Cross-
Appellee,

and

TYSON FOODS, INC., et al.,

Defendants/Cross-Appellees.

No. 26-5000
(D.C. No. 4:05-CV-00329-GKF-SH)
(N.D. Okla.)

STATE OF OKLAHOMA EX REL.
GENTNER DRUMMOND, in his capacity
as Attorney General of the State of
Oklahoma, et al.,

Plaintiffs - Appellees/Cross-
Appellants,

v.

CARGILL, INC., et al.,

Defendants - Appellants/Cross-
Appellees,

No. 26-5001
(D.C. No. 4:05-CV-00329-GKF-SH)
(N.D. Okla.)

and

TYSON FOODS, INC., et al.,

Defendants/Cross-Appellees.

STATE OF OKLAHOMA EX REL.
GENTNER DRUMMOND, in his capacity
as Attorney General of the State of
Oklahoma, et al.,

Plaintiffs - Appellants,

v.

TYSON FOODS, INC., et al.,

Defendants - Appellees.

STATE OF OKLAHOMA EX REL.
GENTNER DRUMMOND, in his capacity
as Attorney General of the State of
Oklahoma, et al.,

Plaintiffs - Appellants,

v.

TYSON FOODS, INC., et al.,

Defendants - Appellees.

STATE OF OKLAHOMA EX REL.
GENTNER DRUMMOND, in his capacity
as Attorney General of the State of
Oklahoma, et al.,

No. 26-5010
(D.C. No. 4:05-CV-00329-GKF-SH)
(N.D. Okla.)

No. 26-5065
(D.C. No. 4:05-CV-00329-GKF-SH)
(N.D. Okla.)

Plaintiffs - Appellees/Cross-
Appellants,

v.

TYSON FOODS, INC., et al.,

Defendants - Appellants/Cross-
Appellees,

and

CAL-MAINE FOODS, INC., et al.,

Defendants/Cross-Appellees.

STATE OF OKLAHOMA EX REL.
GENTNER DRUMMOND, in his capacity
as Attorney General of the State of
Oklahoma, et al.,

Plaintiffs - Appellees/Cross-
Appellants,

v.

PETERSON FARMS, INC.,

Defendant - Appellant/Cross-
Appellee,

and

TYSON FOODS, INC., et al.,

Defendants/Cross-Appellees.

No. 26-5002
(D.C. No. 4:05-CV-00329-GKF-SH)
(N.D. Okla.)

No. 26-5003
(D.C. No. 4:05-CV-00329-GKF-SH)
(N.D. Okla.)

STATE OF OKLAHOMA EX REL.
GENTNER DRUMMOND, in his capacity
as Attorney General of the State of
Oklahoma, et al.,

Plaintiffs - Appellees/Cross-
Appellants,

v.

SIMMONS FOODS, INC.,

Defendant - Appellant/Cross-
Appellee,

and

TYSON FOODS, INC., et al.,

Defendants/Cross-Appellees.

No. 26-5004
(D.C. No. 4:05-CV-00329-GKF-SH)
(N.D. Okla.)

STATE OF OKLAHOMA EX REL.
GENTNER DRUMMOND, in his capacity
as Attorney General of the State of
Oklahoma, et al.,

Plaintiffs - Appellees/Cross-
Appellants,

v.

GEORGE'S, INC., et al.,

Defendants - Appellants/Cross-
Appellees,

and

TYSON FOODS, INC., et al.,

Defendants/Cross-Appellees.

No. 26-5005
(D.C. No. 4:05-CV-00329-GKF-SH)
(N.D. Okla.)

STATE OF OKLAHOMA EX REL.
GENTNER DRUMMOND, in his capacity
as Attorney General of the State of
Oklahoma, et al.,

Plaintiffs - Appellees,

v.

TYSON FOODS, INC., et al.,

Defendants - Appellants,

and

CAL-MAINE FOODS, INC., et al.,

Defendants.

STATE OF OKLAHOMA EX REL.
GENTNER DRUMMOND, in his capacity
as Attorney General of the State of
Oklahoma, et al.,

Plaintiffs - Appellees,

v.

GEORGE'S, INC., et al.,

Defendants - Appellants,

and

TYSON FOODS, INC., et al.,

Defendants.

No. 26-5039
(D.C. No. 4:05-CV-00329-GKF-SH)
(N.D. Okla.)

No. 26-5043
(D.C. No. 4:05-CV-00329-GKF-SH)
(N.D. Okla.)

STATE OF OKLAHOMA EX REL.
GENTNER DRUMMOND, in his capacity
as Attorney General of the State of
Oklahoma, et al.,

Plaintiffs - Appellees,

v.

PETERSON FARMS, INC.,

Defendant - Appellant,

and

TYSON FOODS, INC., et al.,

Defendants.

STATE OF OKLAHOMA EX REL.
GENTNER DRUMMOND, in his capacity
as Attorney General of the State of
Oklahoma, et al.,

Plaintiffs - Appellees,

v.

CARGILL, INC., et al.,

Defendants - Appellants,

and

TYSON FOODS, INC., et al.,

Defendants.

No. 26-5044
(D.C. No. 4:05-CV-00329-GKF-SH)
(N.D. Okla.)

No. 26-5045
(D.C. No. 4:05-CV-00329-GKF-SH)
(N.D. Okla.)

ORDER

Before **HARTZ**, **PHILLIPS**, and **EID**, Circuit Judges.

There are two motions before the court: “Unopposed Joint Motion by All Parties for a Stay in Light of Settlement” (Stay Motion), and “Unopposed Joint Motion by the State of Oklahoma and Appellants to Vacate Judgment” (Vacatur Motion).

The Vacatur Motion is filed on behalf of all parties to the underlying district court action, and is based on new circumstances that the district court has never considered—a settlement agreement entered into by all parties. We direct a limited remand of the appeals and cross-appeal challenging the district court’s judgment (Nos. 26-5000, 26-5001, 26-5002, 26-5003, 26-5004, 26-5005, and 26-5010) to permit the district court to consider the parties’ request for relief from the judgment in light of the changed circumstances in the first instance. *See U.S. Bancorp Mortg. Co. v. Bonner Mall P’ship*, 513 U.S. 18, 29 (1994) (“[A] court of appeals presented with a request for vacatur of a district-court judgment may remand the case with instructions that the district court consider the request, which it may do pursuant to Federal Rule of Civil Procedure 60(b).”); *see also, e.g., Nestle Co., Inc. v. Chester’s Market, Inc.*, 756 F.2d 280, 281 (2d Cir. 1985) (explaining the court had remanded the case “to permit the district court to consider the motion [to vacate] in the first instance”).

We deny the Vacatur Motion without prejudice to the parties’ filing it again should the course of events warrant. We abate the appeals from the denial of

post-judgment relief (Nos. 26-5039, 26-5043, 26-5044, 26-5045, and 26-5065). Finally, we grant the Stay Motion and stay the judgment pending further order of the court.

Entered for the Court

Per Curiam