

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse at Foley Square 40 Centre Street, New York, NY 10007 Telephone: 212-857-8500

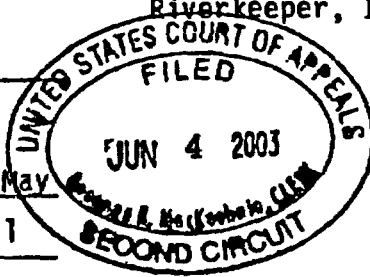
MOTION INFORMATION STATEMENT

Caption [use short title]

Docket Number(s): 03-4313

Riverkeeper, Inc. v. Collins, et al.

Motion for: Suspension Of Briefing Schedule



ORIGINAL

Set forth below precise, complete statement of relief sought: Suspend the briefing schedule entered on May 8, 2003, to allow consideration of Federal Respondents Motion to Dismiss.

MOVING PARTY: U.S. NRC and USA. Plaintiff Defendant Appellant/Petitioner Appellee/Respondent

OPPOSING PARTY: Riverkeeper.

MOVING ATTORNEY: David Cummings Office of the General Counsel U.S. Nuclear Regulatory Commission Washington, D.C. 20555 301-415-1520 dac3@nrc.gov

OPPOSING ATTORNEY (Name): Karl Coplan Pace Environmental Litigation Clinic, Inc. Pace University School Of Law 76 North Broadway White Plains, NY 10603 914-422-4343 Email: KCoplan@law.pace.edu

Court-Judge/Agency appealed from: U.S. Nuclear Regulatory Commission.

Please check appropriate boxes:

Has consent of opposing counsel: A. been sought? B. been obtained? Yes No

Is oral argument requested? (requests for oral argument will not necessarily be granted) Yes No

Has argument date of appeal been set? If yes, enter date Yes No

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has request for relief been made below? Yes No

Has this relief been previously sought in this Court? Yes No

Requested return date and explanation of emergency:

Signature of Moving Attorney:

[Handwritten signature]

Date: June 3, 2003

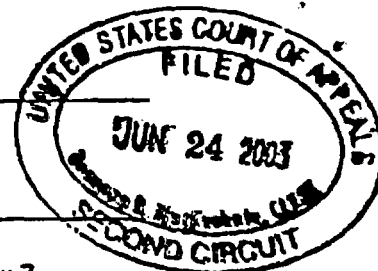
Has service been effected? Yes No [Attach proof of service]

IT IS HEREBY ORDERED THAT the motion is GRANTED Date: 6/24/03

ORDER ONLY to the extent that the new Scheduling Order in the above captioned appeal sets forth the dates for filing briefs FOR THE COURT: ROSEANN B. MacKECHNIE, Clerk of Court By: Frank J. Scudilli

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

Riverkeeper, Inc. v. Collins
03-4313



AGENCY APPEAL SCHEDULING ORDER #3

Address inquiries to:
(212) 857-8760

A pre-argument conference has been held herein. Counsel for the parties have requested modification of the previous scheduling order. Accordingly, the following new scheduling order is hereby entered.

IT IS HEREBY ORDERED that the certified list of material comprising the record or the record with a certified list (FRAP 17(b)), shall be filed on or before _____.

IT IS FURTHER ORDERED that the brief of petitioner and the joint appendix shall be filed on or before August 28, 2003.

IT IS FURTHER ORDERED that the brief of the respondent shall be filed on or before September 29, 2003.

IT IS FURTHER ORDERED that the ten (10) copies of each brief shall be filed with the Clerk.


IT IS FURTHER ORDERED that the argument of the appeal shall be heard no earlier than the week of November 10, 2003. All counsel should immediately advise the Clerk by letter of the dates thereafter that they are unavailable for oral argument. The time and place of oral argument shall be separately noticed by the Clerk to counsel.

IT IS FURTHER ORDERED that in the event of default by the petitioner in filing the record on appeal or the petitioner's brief and joint appendix, at the times directed, or upon default ~~of the petitioner regarding any other provision of this order~~, the appeal may be dismissed forthwith without further notice.

IT IS FURTHER ORDERED that if the respondent fails to file a brief within the time directed by this order, such respondent shall be subject to such sanctions as the court may deem appropriate.

Date: 6/24/03

Roseann B. MacKechnie, Clerk
by


Frank J. Scardilli
Senior Staff Counsel