

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

11-3228

State of New Jersey v. Nuclear Regulatory Commission, et al

NRC-2008-0030

BRIEFING AND SCHEDULING ORDER

Effective December 15, 2008, the Court implemented the Electronic Case Files System. Accordingly, attorneys are required to file all documents electronically. See 3d Cir. L.A.R. 113 (2008) and the Court's CM/ECF website at www.ca3.uscourts.gov/ecfwebsite.

In any enforcement or review proceeding of an order or action of a federal agency or board, each party adverse to the agency or board shall be considered petitioner(s) and the federal agency or board the respondent for the purposes of briefing. 3rd Cir. LAR 15.1.

It is **ORDERED** that the brief for Petitioner(s) and the joint appendix shall be filed and served on or before **11/14/2011**.

It is **FURTHER ORDERED** that the brief(s) for Respondent(s) shall be filed and served within thirty (30) days of service of Petitioner's (Petitioners') brief.

It is **FURTHER ORDERED** that a reply brief, if any, shall be filed and served within fourteen (14) days of service of Respondent's (Respondents') brief(s).

It is **FURTHER ORDERED** that in the event of default by Petitioner in filing the brief and appendix as directed, the appeal may be dismissed without further notice.

It is **FURTHER ORDERED** that if Respondent fails to file a brief within the time directed, the matter will be listed on Petitioner's brief only and Respondent may be subject to such sanctions as the Court deems appropriate.

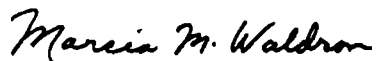
It is noted that, where applicable, parties must comply with 3rd Cir. LAR 31.2 which provides: A local, state or federal entity or agency, which was served in the district court and which is the appellee, must file a brief in all cases in which a briefing schedule is issued unless the court has granted a motion seeking permission to be excused from filing a brief. The rule does not apply to entities or agencies that are respondents to a petition for review unless the entity or agency is the sole respondent or to entities or agencies which acted solely as an adjudicatory tribunal.

This Court requires the filing of briefs by counsel in both electronic and paper format. 3rd Cir. LAR 31 .1(b) . Pro Se litigants are exempt from the electronic filing requirement. Pursuant to 3rd

Cir. LAR 30.1(a), counsel must electronically file the appendix in accordance with LAR Misc. 113.

Checklists regarding the requirements for filing a brief and appendix are available on the Court's website at www.ca3.uscourts.gov.

For the Court,



Marcia M. Waldron, Clerk

Dated: October 3, 2011

Tnh/cc: James E. Adler, Esq.
John F. Cordes Jr., Esq.
Andrew D. Reese, Esq.