

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

October 20, 2003

**Nos. 03-3388, 03-3577, 03-3578, 03-3579, 03-3580, 03-3581, 03-3582, 03-3651, 03-3665, 03-3675, 03-3708, 03-3894, 03-3950, 03-3951, 03-4072, 03-4073**

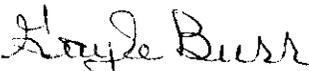
Prometheus Radio Project, et al. v. FCC, et al.

Prometheus Radio Group, Petitioner in No. 03-3388  
Media General, Inc., Petitioner in No. 03-3577  
National Association of Broadcasters, Petitioner in No. 03-3578  
Network Affiliated Stations Alliance, et al., Petitioners in No. 03-3579  
Fox Entertainment Group, Inc., et al., Petitioners in No. 03-3580  
Viacom, Inc., Petitioner in No. 03-3581  
National Broadcasting Company, Inc., et al., Petitioners in No. 03-3582  
Sinclair Broadcast Group, Inc., Petitioner in No. 03-3651  
Media Alliance, Petitioner in No. 03-3665  
Paxson Communications Corporation, Petitioner in No. 03-3675  
National Council of the Churches of Christ in the U.S., Petitioner in No. 03-3708  
Tribune Company, Petitioner in No. 03-3894  
Paxson Communications Corporation, Petitioner in No. 03-3950  
Emmis Communications Corporation, Petitioner in No. 03-3951  
Center for Digital Democracy, et al., Petitioners in No. 03-4072  
Clear Channel Communications, Petitioner in No. 03-4073

(FCC No. 03-127)

Present: SCIRICA, Chief Judge, AMBRO and FUENTES, Circuit Judges

- 1) Motion by Respondents, Federal Communications Commission and United States of America, to modify the briefing order of October 16, 2003.
- 2) Response by Anti-Deregulation Citizen Petitioners and Intervenors to motion to modify the briefing order of October 16, 2003.
- 3) Response by Network Petitioners to motion to modify the briefing order of October 16, 2003.

  
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Gayle Burr 267-299-4921  
Case Manager

## ORDER

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The **foregoing** motion and responses are considered. The FCC's motion to modify the briefing schedule is granted. It is noted that Anti-Deregulatory Petitioners and Intervenor in support of such petitioners were required to file and serve their briefs on October 21, 2003. Accordingly, the remainder of the briefing schedule shall be amended to proceed as follows:

2. Any Petitioner intending to challenge the Media Ownership Order or any part thereof as being too restrictive ("Deregulatory Petitioners") shall file and serve a brief that serves as both a principal brief on the issue(s) being raised by the Deregulatory Petitioner(s) and as a responsive brief on the issues raised by the Anti-Deregulatory Petitioners (i.e., arguments in support of the current expansion). Deregulatory Petitioners' briefs shall be filed and served by hand or overnight delivery on or before **12:00 noon, Tuesday, November 4, 2003**. To the extent that the Deregulatory Petitioners have common issues, the Deregulatory Petitioners are directed to file a consolidated single brief. To the extent that the Deregulatory Petitioners have divergent issues, such issues shall be addressed in separate briefs. With respect to those separate briefs, Deregulatory petitioners should not include sections which are repetitive of sections in the consolidated brief such as the jurisdictional statement, statement of the case, and the statement of facts.
3. The FCC's brief, responsive to both Anti-Deregulatory and Deregulatory Petitioners' briefs, shall be filed and served by hand or overnight delivery on or before **12:00 noon, Tuesday, December 9, 2003**.
4. The Anti-Deregulatory Petitioners shall file and serve briefs that are both responsive to any arguments raised by the Deregulatory Petitioners' principal brief and in reply to both the Deregulatory Petitioners' and the FCC's responsive briefs on or before **Monday, December 22, 2003**. Service shall be by hand or overnight delivery. To the extent that the Anti-Deregulatory Petitioners have common issues, the Anti-Deregulatory Petitioners are directed to file a consolidated single brief. To the extent that the Anti-Deregulatory Petitioners have divergent issues, such issues shall be addressed in separate briefs.
5. The Deregulatory Petitioners shall file and serve briefs in reply to the Anti-Deregulatory Petitioners' and the FCC's responsive brief on or before **Monday, January 5, 2004**. Service shall be by hand or overnight delivery. To the extent that the

Deregulatory Petitioners have common issues, the Deregulatory Petitioners are directed to file a consolidated single brief. To the extent that the Deregulatory Petitioners have divergent issues, such issues shall be addressed in separate briefs.

6. Intervenors who are not otherwise parties to the actions shall file and serve their briefs by hand or overnight mail on the same day as the party or parties they support. Intervenors shall not duplicate any portion of the brief filed by the party or parties that they support. All intervenors are still required to file a written statement advising the Court whether they will be filing in support of the Anti-Deregulatory Petitioners, Deregulatory Petitioners or the FCC as set forth in the Court's October 9, 2003 order, if they have not already done so.

The parties are hereby advised that oral argument will be rescheduled for Wednesday, February 11, 2004 at 10:00 a.m.

By the Court,

  
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Chief Judge

Date: OCT 28 2003

gbs/cc: counsel of record