

# MEMORANDUM

**TO:** PARTIES IN CROSS-APPEALS

**FROM:** OFFICE OF THE CLERK

**RE:** BRIEFING IN CROSS-APPEALS (CRIMINAL)

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This memorandum is intended to serve as a clarification of the rules regarding the filing of briefs in cross-appeals. The parties in cross-appeals should refer to Rule 28 F.R.A.P. which governs the filing of briefs generally and specifically to Rule 28(h) which governs briefing in cross-appeals. In cross-appeals a total of four briefs are filed with each of the two adversary parties filing two briefs. The first three briefs are considered principal briefs and the fourth brief is considered to be a reply brief. The page limitations set forth in Rule 28(a)(7), F.R.A.P., apply.

Unless the parties stipulate or the Court orders otherwise, the first party to file a notice of appeal will be deemed to be the appellant/cross-appellee unless the parties filed their notices on the same day in which case the plaintiff will be considered to be the appellant/cross-appellee and will file the opening brief. The brief of appellee/cross-appellant, containing the issues and argument in the cross-appeal as well as reply to the brief of the appellant/cross-appellee, is due within 21 days of the service of the opening brief. This brief must comply with 3rd Cir. LAR 28.1(a)(i)(1) and (a)(iii). 3rd Cir. LAR 28.2. The third brief, filed by the appellant/cross-appellee, is the reply brief in the principal appeal as well as an answering brief in the cross-appeal and is to be filed within 21 days of the service of the second brief. The final brief, if any, filed by the appellee/ cross-appellant, is the reply brief in the cross-appeal and is due within 14 days of the service of the third brief. The color of the brief covers (front and back) are as follows: Brief No. 1 - blue; Brief No. 2 - red; Brief No. 3 - red; Brief No. 4 - gray.