

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

October 14, 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) Networks' Motion to Reconsider Briefing Order

**ORDER**

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The Motion to Reconsider is granted in part. As previously set forth, no party or intervenor will be permitted to file more than two briefs. The briefing schedule is amended with respect to the filing dates as follows:

1. The opening briefs and joint appendix for all Petitioners seeking to challenge the Media Ownership Order or any part thereof as being too expansive ("Anti-Deregulatory Petitioners") shall be filed and served by hand or overnight delivery on or before **12:00 noon, Tuesday, October 21, 2003**. 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. With respect to those separate briefs, the Anti-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.

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, November 25, 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 **12:00 noon, Monday, December 8, 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 **12:00 noon, Monday, December 15, 2003**. 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 or the Deregulatory Petitioners as set forth in the Court's October 9, 2003 order, if they have not already done so.

The Court will hear argument on **Monday, January 12, 2004, at 10:00 A.M.**

By the Court,



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Chief Judge

Date: **OCT 16 2003**

nmblcc: All Counsel of Record