

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 07-2271  
NJ Dept Env Prot  
vs.  
NRC

New Jersey Department of Environmental Protection,  
Petitioner

BRIEFING AND SCHEDULING ORDER

It appearing that pursuant to Rule 11, Fed. R. App. P., the [record/certified docket entries in lieu of the record] in the above-entitled appeal has been transmitted to this court and filed as of 6/22/07;

It is ORDERED that the brief and appendix for the petitioner shall be filed and served on or before 8/1/07;

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 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 brief;

It is FURTHER ORDERED that in the event of default by the petitioner in filing the brief and appendix, at the time directed, 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, the matter will be listed on petitioner's brief only and the respondent may be subject to such sanctions as the Court deems appropriate.

Appellee's attention is called to 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.

For the Court,

*Marcia M. Waldron*

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MARCIA M. WALDRON  
Clerk

Date: 6/22/2007

Received and Filed

*Marcia M. Waldron*