

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 18-1816

Jacob Corman, et al v. Secretary Commonwealth of Penn, et al

(District Court No. 1-18-cv-00443)

BRIEFING AND SCHEDULING ORDER

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.

It is **ORDERED** that the brief for Appellant(s) and the joint appendix shall be filed and served on or before **07/02/2018**.

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

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

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

It is **FURTHER ORDERED** that if Appellee fails to file a brief within the time directed, the matter will be listed on Appellant's brief only and Appellee 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. **Parties must file 7 copies of the briefs; pro se parties who are proceeding in forma pauperis may file only 4 copies. Costs for additional copies will be permitted only if the Court directs that additional copies be filed.** 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,

s/ Patricia S. Dodszuweit
Clerk

Dated: May 23, 2018

JK/cc: Mark A. Aronchick, Esq.
Michael Churchill, Esq.
Jeffrey Cutler,
Benjamin D. Geffen, Esq.
Michele D. Hangle, Esq.
Mary M. McKenzie, Esq.

RE: Jacob Corman, et al v. Secretary Commonwealth of Penn, et al

Case Number: 18-1816

District Court Case Number: 1-18-cv-00443

BRIEFING INFORMATION FOR PRO SE LITIGANTS

Filing Dates

The scheduling order that you have received with this notice sets forth the due dates for filing the briefs in the matter. Briefs and appendices are timely filed if mailed on or before the last day for filing. Fed. R. App. P. 25(a). If the opening brief in a civil case is not filed by the due date and no motion for an extension of time has been submitted, the Clerk will dismiss the appeal for lack of prosecution without further notice pursuant to Fed. R. App. P. 3(a) and 3rd Cir. Misc. 107.2(b).

Format

A party pro se may file either a formal brief and appendix or use the enclosed informal brief form. The requirements for a formal brief are set forth in Fed. R. App. P. 28 and 3rd Cir. LAR 28 and 32. If you choose to file an informal brief, you may not file a formal brief at a later date. All briefs must be legible. The page limits are 30 pages for either type of opening brief and 15 pages for a reply brief.

Number of Copies

A party is required to file an original and seven (7) copies of a brief with the Court. One copy of the brief must be served on opposing counsel and a certificate of service must be filed with the Clerk. If you were granted leave to proceed in forma pauperis or are using the informal brief form, you may file an original and three (3) copies of the brief with the Court. One copy must still be served on opposing counsel and a certificate of service is required.

Appendix

If filing a formal brief, four (4) copies of an appendix must be filed with the Court and one (1) copy served on opposing counsel. If you are filing an informal brief, relevant documents may be attached to the informal brief instead of filing a formal appendix. Litigants who have been granted in forma pauperis status may proceed on the original record, provided that the order(s)/opinion(s) being appealed, the notice of appeal, and the district court docket are attached to the brief. 3rd Cir. LAR 30.2.

Certificate of Service

All documents filed with this Court must have a certificate of service which states the name of the persons served, the date of service, and the method of service.

STANDING ORDER REGARDING MOTIONS TO EXCEED THE PAGE LIMITATIONS OF THE FEDERAL RULES OF APPELLATE PROCEDURE

Effective Immediately

PRESENT: McKEE, **Chief Judge**, and SLOVITER, SCIRICA, RENDELL, AMBRO, FUENTES, SMITH, FISHER, CHAGARES, JORDAN, HARDIMAN, GREENAWAY, JR, VANASKIE, ALDISERT, WEIS, GARTH, STAPLETON, GREENBERG, COWEN, NYGAARD, ROTH, BARRY, and VAN ANTWERPEN, **Circuit Judges**

AND NOW, it being noted that motions to exceed the page/word limitations for briefs are filed in approximately twenty-five percent of cases on appeal, and that seventy-one percent of those motions seek to exceed the page/word limitations by more than twenty percent;

Notice is hereby given that motions to exceed the page or word limitations for briefs are strongly disfavored and will be granted only upon demonstration of extraordinary circumstances. Such circumstances may include multi-appellant consolidated appeals in which the appellee seeks to file a single responsive brief or complex/consolidated proceedings in which the parties are seeking to file jointly or the subject matter clearly requires expansion of the page or word limitations.

Accordingly, it is **ORDERED** that a three-judge Standing Motions Panel is hereby appointed to rule on all motions to exceed the page/word limitations for briefs since the page/word limitations, prescribed by Fed. R. App. P. 32(a)(7), should be sufficient to address all issues in an appeal.

It is further **ORDERED** that Counsel are advised to seek advance approval of requests to exceed the page/word limitations whenever possible or run the risk of rewriting and refile a compliant brief. Any request to exceed page/word limitations submitted in the absence of such an advance request shall include an explanation of why counsel could not have foreseen any difficulty in complying with the limitations in time to seek advance approval from the panel.

This order shall not apply to capital habeas cases.



Date: January 9, 2012

By the Court,

/s/ Theodore A. McKee
Chief Judge

Marcia M. Waldron

Marcia M. Waldron, Clerk