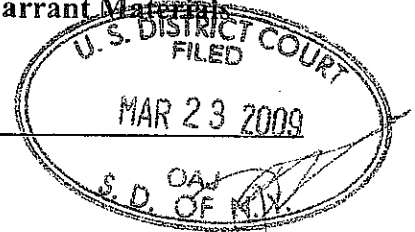


In Re: Application of NY Times Co. for Search Wiretap and Search Warrant Materials

Docket NO. 09-0854-cr



CIVIL APPEAL SCHEDULING ORDER #

A pre-argument conference has been scheduled for **March 31, 2009**. Accordingly, the following scheduling order is hereby entered.

IT IS HEREBY ORDERED that the index to the record on appeal, a certified copy of the docket entries, and the clerk's certificate shall be filed on or before April 14, 2009. The documents constituting the record on appeal shall not be transmitted until requested by this Court, but will be required within 24 hours of such request.

IT IS FURTHER ORDERED that the appellant's brief and the joint appendix shall be filed on or before April 21, 2009.

IT IS FURTHER ORDERED that the brief of the appellee shall be filed on or before May 21, 2009.

IT IS FURTHER ORDERED that ten (10) copies of each brief shall be filed with the Clerk.

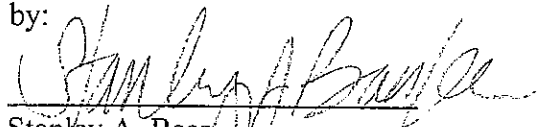
IT IS FURTHER ORDERED that the argument of the appeal may be heard no earlier than the week of July 20, 2009. All counsel should immediately advise the Clerk by letter of the dates thereafter that they are unavailable for oral argument. The time and place of oral argument shall be separately noticed by the Clerk to counsel.

IT IS FURTHER ORDERED that in the event of default by the appellant in filing the record on appeal or the appellant's brief and joint appendix, at the times directed, or upon default of the appellant regarding any other provision of this order, the appeal shall be subject to dismissal.

IT IS FURTHER ORDERED that if the appellee fails to file a brief within the time directed by this order, such appellee shall be subject to such sanctions as the court may deem appropriate.

Catherine O'Hagan Wolfe, Clerk

by:


Stanley A. Bass
Staff Counsel

Date: 3/17/09