

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 09-5311

September Term 2009

1:94-cv-01756-RCL

Filed On: September 10, 2009

Richard A. Horn,

Appellee

United States of America,

Appellant

v.

Arthur Brown and Franklin Pancho Huddle, Jr.,

Appellees

BEFORE: Tatel, Griffith, and Kavanaugh, Circuit Judges

ORDER

Upon consideration of appellant's emergency motion for stay pending appeal, the responses thereto, and the reply, it is

ORDERED that the motion be granted. Appellant has satisfied the stringent standards required for a stay pending appeal. See Washington Metropolitan Area Transit Comm'n v. Holiday Tours, Inc., 559 F.2d 841, 843 (D.C. Cir. 1977); D.C. Circuit Handbook of Practice and Internal Procedures 33 (2009). Pending further order of the court, the district court's order filed August 26, 2009, is hereby stayed with respect to that portion that directs the government, within ten days of the order, to grant to the parties' counsel security clearances commensurate with the level of information known by their clients. The parties are free to seek appropriate relief from the district court with respect to the remaining aspects of the August 26, 2009 order, e.g., deadlines for submissions pertaining to classified materials and information the government has deemed privileged. It is

FURTHER ORDERED that this appeal be expedited. The following briefing schedule and format will apply:

Appellant's Brief
(not to exceed 14,000 words)

September 24, 2009

Appendix

September 24, 2009

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Brief for Appellee Horn October 8, 2009
Joint Brief for Appellees Brown and Huddle October 8, 2009
(not to exceed 14,000 words in the aggregate,
to be apportioned as appellees see fit)

Reply Brief October 15, 2009
(not to exceed 7,000 words)

The Clerk is directed to calendar this case for argument on the first available date following completion of briefing. Due to the expedited nature of this case, the court will not entertain dispositive motions. The parties should therefore address in their briefs any arguments otherwise properly raised in such motions.

The parties are directed to hand-deliver the paper copies of their briefs to the Clerk's Office on the date due. All briefs and appendices must contain the date that the case is scheduled for oral argument at the top of the cover. See D.C. Cir. Rule 28(a)(8).

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
MaryAnne Lister
Deputy Clerk