

No. 13-1816

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

UNITED STATES)	
)	
v.)	Reply To Appellant's Opposition
)	To United States' Motion For A
)	Word Limit Extension And Stay of
ANDREW AUERNHEIMER,)	Briefing Schedule
Appellant)	

Marcia M. Waldron, Clerk
 United States Court of Appeals
 for the Third Circuit
 U.S. Courthouse
 601 Market Street, Room 21400
 Philadelphia, PA 19106-1790

Dear Ms. Waldron and Counsel:

The United States submits this letter in reply to appellant's opposition to the motion for a word limit extension to 26,500 words and a stay of the briefing schedule pending resolution of that motion. The parties have conferred with each other, and have reached a limited agreement concerning the outstanding motion, which agreement is described below:

1. Defendant Auernheimer has consented to an extension of time until September 20, 2013 for the Government to file its responsive brief in this appeal. That extension of time would give the Government the same eight weeks of additional time to file its principal brief that Mr. Auernheimer received.

2. Accordingly, the United States withdraws its request to stay the briefing schedule and instead requests that its motion be deemed a motion for an extension of time until September 20, 2013. The United States will not seek any extensions beyond September 20th absent extraordinary circumstances.

3. Mr. Auernheimer continues to object to the Government's request for an additional 12,500 words to respond to the four additional briefs (containing 25,021 words) filed by the amici. The Government maintains its position that the request is reasonable and should be granted.

4. If that request is granted, in whole or in part, the parties agree that Mr. Auernheimer should receive an expanded word limit for his reply brief. The Government proposes that his reply brief be one-half of whatever expanded word limit this Court imposes on the Government's brief. This is based on the assumption that amici will not receive permission to file individual responses, and that Mr. Auernheimer will speak on their behalf to the extent necessary.

Respectfully submitted,

PAUL J. FISHMAN
United States Attorney

By: s/ Glenn J. Moramarco
GLENN J. MORAMARCO
Assistant United States Attorney

Dated: August 6, 2013

CERTIFICATION OF SERVICE

I hereby certify that on **August 6, 2013**, I caused the attached motion to be filed with the Clerk of the United States Court of Appeals for the Third Circuit and served on the relevant parties via the Court's ECF filing system.

/s/ Glenn J. Moramarco
GLENN J. MORAMARCO

Dated: August 6, 2013