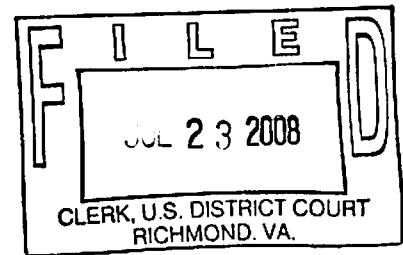


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



BETTY J. OSTERGREN,

Plaintiff,

v.

Civil Action No. 3:08cv362

ROBERT F. McDONNELL, in his  
official capacity as Attorney  
General of Virginia,

Defendant.

ORDER

In the briefing to be submitted pursuant to the Order (Docket No. 17) entered on July 17, 2008, it is hereby ORDERED that, in the brief to be filed on August 1, 2008, the defendant shall address, in addition to the issues raised in the plaintiff's brief, why the decision in Cohen v. Cowles Media Co., 501 U.S. 663 (1991) and the principle respecting laws of general applicability therein applied should be applied in this case rather than the principles announced in Cox Broadcasting Corp. v. Cohn, 420 U.S. 469 (1975) and Smith v. Daily Mail Pub. Co., 443 U.S. 97 (1979) and Florida Star v. B.J.F., 491 U.S. 524 (1989), and, in so doing, the defendant shall explain, with reference inter alia, to scholarly publications, how those two lines of authority may be harmoniously applied.

It is further ORDERED that the plaintiff shall respond to those issues in her brief to be filed on August 5, 2008.

It is so ORDERED.

\_\_\_\_\_/s/ *REP*  
Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: July 23, 2008