

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
THURGOOD MARSHALL U.S. COURT HOUSE
40 FOLEY SQUARE
NEW YORK 10007

Catherine O'Hagan Wolfe
CLERK



Date: 10/15/08
Docket Number: 08-4873-cv
Short Title: Bernstein v. Appellate Division First Department Discipline
DC Docket Number: 07-cv-11196
DC: SDNY (NEW YORK CITY)
DC Judge: Honorable Shira Scheindlin

PRO SE APPEAL SCHEDULING ORDER #1
MAKE ALL TELEPHONE INQUIRES TO (212) 857 - 8550

Noting that *appellant* has filed a notice of appeal, *pro se*:

IT IS HEREBY ORDERED that the district court shall be responsible for filing the record on appeal on or before N/A .

IT IS FURTHER ORDERED that appellant's brief and appendix, which shall be filed in typewritten form, shall be served and filed on or before **11/17/2008**. If appellant's brief does not exceed ten (10) pages, it shall be filed in memorandum form.

IT IS FURTHER ORDERED that the appellee's brief shall be served and filed on or before **12/17/2008**. If appellee's brief does not exceed 10 pages, it shall be filed in memorandum form.

IT IS FURTHER ORDERED that 10 copies of each brief, memorandum or appendix shall be filed with the Clerk.

IT IS FURTHER ORDERED that the appellee may, without further order of the court, file 10 copies of an appendix to its brief, or 10 copies of attached to its memorandum.

IT IS FURTHER ORDERED that the argument of the appeal may be heard as early as the week of **02/02/2009**. 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 may be separately noticed by the Clerk to counsel.

Re: 08-4873-cv Bernstein v. Appellate Division First Department

IT IS FURTHER ORDERED that in the event of default by appellant in timely filing the record on appeal, or the appellant's brief and appendix, or memorandum and appendix, or upon default by appellant regarding any other provision of this order, the appeal may be dismissed forthwith without further notice.

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

Dated: 10/15/200

Catherine O'Hagan Wolfe, Clerk

By: _____

Atasha Joseph

Deputy Clerk, USCA