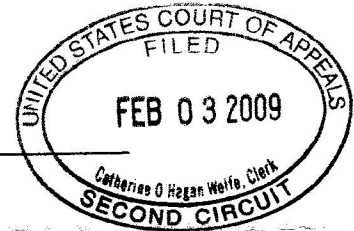


UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
THURGOOD MARSHALL UNITED STATES COURTHOUSE

Kuck v. Danaher

Docket No. 08-5368-cv



CIVIL APPEAL SCHEDULING ORDER # 2

Counsel for the **Appellants** having requested a 30-day extension of the briefing schedule, and the request having been GRANTED, the following scheduling order is hereby issued:

IT IS HEREBY ORDERED that the index to the record on appeal, a certified copy of the docket entries, and the Acting Clerk's certificate shall be filed on or before February 26, 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 March 5, 2009

IT IS FURTHER ORDERED that the brief of the appellee shall be filed on or before April 6, 2009

IT IS FURTHER ORDERED that any reply brief may be filed on or before April 20, 2009.

IT IS FURTHER ORDERED that the argument of the appeal may be heard no earlier than the week of June 1, 2009. All counsel should immediately advise the Acting 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 Acting 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 of Court
by,

Vidya Kurella
Vidya Kurella, Staff Counsel

Date: 02/03/09