

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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December 03, 2018

Mr. Adam Howard Charnes
Kilpatrick Townsend & Stockton, L.L.P.
2001 Ross Avenue
Suite 4400
Dallas, TX 75201

Ms. Kathryn Fort
Michigan State University College of Law
648 N. Shaw Lane
Suite 216k
East Lansing, MI 48824-0000

Mr. Thurston Holderness Webb
Kilpatrick Townsend & Stockton, L.L.P.
1100 Peachtree Street, N.E.
Suite 2800
Atlanta, GA 30309-4528

No. 18-11479 Chad Brackeen, et al v. Ryan Zinke, et al
USDC No. 4:17-CV-868

Dear Mr. Charnes, Ms. Fort, Mr. Webb,

In light of the court order of 12/3/18 granting the motion to expedite the above captioned appeal, please adhere to the following expedited briefing schedule.

- Appellants brief is due on 12/31/2018
- Appellees brief is due on 01/22/2019
- Appellants reply brief is due on 02/01/2019

You will notified at a later time regarding oral argument details.

Record Excerpts: 5TH CIR. R. 30.1.7(c) provides that the electronic PDF version of the record excerpts should contain pages representing the "tabs" identified in the index of the document. However, we remind attorneys that the actual paper copies of record excerpts filed with the court must contain actual physical tabs

that extend beyond the edge of the document, to facilitate easy identification and review of tabbed documents.

Brief Covers: THE CASE CAPTION(S) ON BRIEF COVERS MUST BE EXACTLY THE SAME AS THE CASE CAPTION(S) ON THE ENCLOSED TITLE CAPTION SHEET(S). YOU WILL HAVE TO CORRECT ANY MODIFICATIONS YOU MAKE TO THE CAPTION(S) BEFORE WE SUBMIT YOUR BRIEF TO THE COURT.

Dismissal of Appeals: The clerk may dismiss appeals without notice if you do not file a brief on time, or otherwise fail to comply with the rules.

Appearance Form: If you have not electronically filed a "Form for Appearance of Counsel," you must do so within 14 days of this date. You must name each party you represent, See FED. R. APP. P. and 5TH CIR. R. 12. The form is available from the Fifth Circuit's website, www.ca5.uscourts.gov.

ATTENTION ATTORNEYS: Direct access to the electronic record on appeal (EROA) for pending appeals will be enabled by the U S District Court on a per case basis. Counsel can expect to receive notice once access to the EROA is available. Counsel must be approved for electronic filing and must be listed in the case as attorney of record before access will be authorized. Instructions for accessing and downloading the EROA can be found on our website at www.ca5.uscourts.gov/attorneys/attorney-forms/eroa_downloads. Additionally, a link to the instructions will be included in the notice you receive from the district court.

Sealed documents, except for the presentence investigation report in criminal appeals, will not be included in the EROA. Access to sealed documents will continue to be provided by the district court only upon the filing and granting of a motion to view same in this court.

Guidance Regarding Citations in Pleadings.

5TH CIR. R. 28.2.2 grants the Clerk the authority to create a standard format for citation to the electronic record on appeal. You must use the proper citation format when citing to the electronic record on appeal.

- A. In single record cases, use the short citation form, "ROA" followed by a period, followed by the page number. For example, "ROA.123."
- B. For multiple record cases, cite "ROA" followed by a period, followed by the Fifth Circuit appellate case number of the record referenced, followed by a period, followed by the page of the record. For example, "ROA.13-12345.123."

Reminder as to Sealing Documents on Appeal: Our court has a strong presumption of public access to our court's records, and the court scrutinizes any request by a party to seal pleadings, record excerpts, or other documents on our court docket. Counsel moving to seal matters must explain in particularity the necessity for sealing in our court. Counsel do not satisfy this burden by simply stating that the originating court sealed the matter, as the circumstances that justified sealing in the originating court may

have changed or may not apply in an appellate proceeding. It is the obligation of counsel to justify a request to file under seal, just as it is their obligation to notify the court whenever sealing is no longer necessary. An unopposed motion to seal does not obviate a counsel's obligation to justify the motion to seal.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Melissa B. Courseault, Deputy Clerk
504-310-7701

Enclosure(s)

cc w/encl:

Mr. Eric Grant
Mr. David J. Hacker
Mr. Kyle Douglas Hawkins
Ms. Beth Ellen Klusmann
Mr. Matthew Dempsey McGill
Mr. Lochlan Francis Shelfer
Mr. John Clay Sullivan

Case No. 18-11479

STATE OF TEXAS; STATE OF INDIANA; STATE OF LOUISIANA; CHAD
EVERET BRACKEEN; JENNIFER KAY BRACKEEN; ALTAGRACIA SOCORRO
HERNANDEZ; JASON CLIFFORD; FRANK NICHOLAS LIBRETTI; HEATHER LYNN
LIBRETTI; DANIELLE CLIFFORD,

Plaintiffs - Appellees

v.

CHEROKEE NATION; ONEIDA NATION; QUINALT INDIAN NATION; MORONGO
BAND OF MISSION INDIANS,

Intervenor Defendants - Appellants