

United States Court of Appeals

FOR THE
SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, at 500 Pearl Street, in the City of New York, on the 7th day of September, two thousand six,

Present:

Hon. Ralph K. Winter,
Hon. José A. Cabranes,
Hon. Rosemary S. Pooler,
Circuit Judges.

Fox Television Stations, Inc., CBS Broadcasting Inc.,
WLS Television, Inc., KTRK Television, Inc.,
KMBC Hearst-Argyle Television, Inc., ABC Inc.,

Petitioners,

v.

Federal Communications Commission,
United States of America,

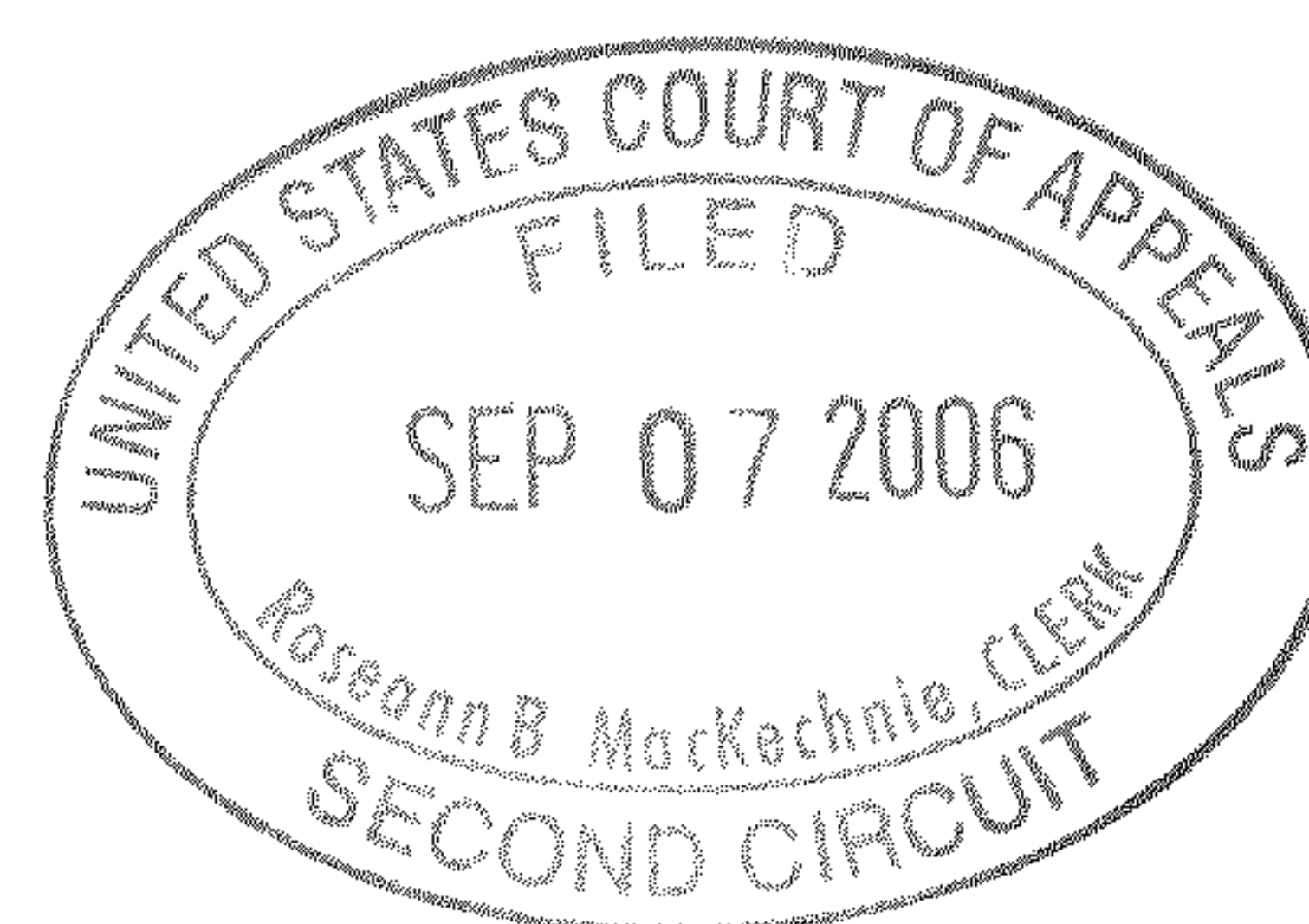
Respondents,

06-1760-ag (L)
06-2750-ag (Con)

NBC Universal, Inc., NBC Telemundo License Co.,
NBC Television Affiliates, FBC Television Affiliates
Association, CBS Television Network Affiliates,
Center for the Creative Community, Inc., doing business
as Center for Creative Voices in Media, Inc.,
ABC Television Affiliates Association,

Intervenors.

Respondents move for remand of these cases to the Federal Communications Commission ("FCC") for sixty days for reconsideration of the FCC's findings in its Notices of Apparent Liability & Memorandum Opinion & Order in *In re Complaints Regarding Various Television Broadcasts Between Feb. 2, 2002 and Mar. 8, 2005*, 21 F.C.C.R. 2664 (2006) ("Omnibus Order"), and to strike the July 7, 2006 opposition of petitioner CBS Broadcasting Inc. Petitioner Fox Television Stations and intervenor FBC Television Affiliates Association move for a stay of the FCC's order in *In re*



Complaints Against Various Broad. Licensees Regarding Their Airing of the "Golden Globe Awards" Program, 19 F.C.C.R. 4975 (2004) ("Golden Globe Order") and the Omnibus Order pending remand. Fox and the Center for the Creative Community ("CCV") both move to file supplemental memoranda.

Upon due consideration, it is ORDERED that the motions of Fox and CCV to file supplemental memoranda are GRANTED, and respondents' motion to strike the opposition of CBS is DENIED as moot inasmuch as the challenged opposition papers have been withdrawn. It is further ORDERED that the respondents' motion to REMAND the cause to the FCC for a period of sixty (60) days from the date of the entry of this order is GRANTED for the entry of a further final or appealable order of the FCC following such further consideration as the FCC may deem appropriate in the circumstances. By stipulation of the parties, including the FCC, at oral argument on August 29, 2006, enforcement of Section III.B of the Omnibus Order, which applies the standards announced in the Golden Globe Order, is hereby STAYED pending further order of this Court, and the instant appeal shall be AUTOMATICALLY REINSTATED as of the sixty-first day following the date of the entry of this order. THE APPEAL THEREAFTER SHALL BE EXPEDITED as follows: petitioners shall file petitions for review and briefs in support thereof no later than fourteen (14) days after the date of reinstatement of this appeal; respondent FCC shall file its brief in response to any such petitions for review no later than fourteen (14) days following the filing of the petitions for review pursuant to the terms of this order; and petitioners shall file reply briefs no later than seven (7) days after the date of the filing of respondent FCC's responsive brief, as of which date the cause shall be deemed SUBMITTED for argument and decision. The Clerk of Court is hereby directed to include the instant petition in the first calendar proposed after the petition's reinstatement.

FOR THE COURT:

Roseann B. MacKechnie, Clerk

By: *Jucille Carr*