

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse  
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Chicago, Illinois 60604



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ORDER

February 19, 2010

BEFORE

KENNETH F. RIPPLE, Circuit Judge  
DANIEL A. MANION, Circuit Judge  
JOHN DANIEL TINDER, Circuit Judge

No.: 10-1383	FEDERAL TRADE COMMISSION, Plaintiff - Appellee  v.  KEVIN TRUDEAU, Defendant - Appellant
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**Originating Case Information:**

District Court No: 1:03-cv-03904  
Northern District of Illinois, Eastern Division  
District Judge Robert W. Gettleman

This matter is back before the court after the submission of a letter by the Federal Trade Commission (FTC) with an attached copy of a district court filing. This submission indicates that the FTC does not have criminal enforcement authority and lacks expertise in matters involving criminal contempt sanctions, so it will take no position on the matter on appeal. The submission also implies that the FTC will defer to other agencies, such as the Office of the United States Attorney, to defend the contempt citation on appeal. The questions presented in this appeal are important, and this court would benefit from briefs

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from both sides of the case, but it appears that a little time will be necessary to determine who will submit the appellee's brief. Accordingly, the appeal will still be expedited but the previous schedule will be modified. Therefore, **IT IS ORDERED** that the schedule for briefing and oral argument set by this court's order dated February 18, 2010, is **VACATED**. The remainder of the order is undisturbed.

Briefing shall proceed as follows:

1. The brief and required short appendix of the appellant will be due no later than noon on February 26, 2010.
2. The brief of the appellee will be due no later than noon on March 5, 2010.
3. The reply brief of the appellant, if any, will be due no later than 5:00 p.m. on March 8, 2010.

The court will decide at a later date whether to hear oral argument, and if so, when.

The parties are advised that the briefs must be received in the clerk's office and served on the opposing party by the specified dates and times. Fed. R. App. P. 25(a)(2)(B)(i) does not apply. No extensions of time will be granted.

Note: Circuit Rule 31(e) (amended Dec. 1, 2001) requires that counsel tender a digital copy of a brief, from cover to conclusion, at the time the paper copies are tendered for filing. The file must be a text based PDF (portable document format), which contains the entire brief from cover to conclusion. Graphic based scanned PDF images do not comply with this rule and will not be accepted by the clerk.

Rule 26(c), Fed. R. App. P., which allows three additional days after service by mail, does not apply when the due dates for briefs are specifically set by order of this court. All briefs are due by the dates ordered.