

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 05-1387

September Term, 2005

Filed On: November 16, 2005

[932361]

Viacom Inc.,

Petitioner

v.

Federal Communications Commission and United

States of America,

Respondents

BEFORE: Randolph, Rogers, and Tatel, Circuit Judges

ORDER

Upon consideration of: (1) the Federal Communications Commission's ("FCC") motion to transfer; Viacom, Inc.'s ("Viacom") opposition thereto and motion for stay of the effective date pursuant to 28 U.S.C. § 2112(a)(4); intervenor Association of National Advertisers' response in support of the motion for stay; the FCC's reply in support of the motion to transfer and opposition to Viacom's motion for stay; and the reply in support of the motion for stay; (2) Viacom's motion for stay pending appeal; the opposition thereto of the FCC and United States of America; the response thereto of intervenor Association of National Advertisers; and the reply; (3) the motion for leave to intervene of the Office of Communication of the United Church of Christ and the National Parent Teacher Association; Viacom's lodged opposition thereto; and the reply; (4) the Office of Communication and Parent Teacher Association's lodged emergency motion to defer briefing; Viacom's lodged opposition thereto; and intervenor Association of National Advertiser's opposition thereto; (5) the Office of Communication and Parent Teacher Association's motion for leave to file an opposition to Viacom's motion for stay and the lodged opposition; Viacom's opposition thereto; the motion for leave to file a reply and the lodged reply; Viacom's opposition to the motion for leave to file a reply; (6) the American Academy of Pediatrics and Action Coalition for Media Education's motion for leave to intervene and Viacom's opposition thereto; and the American Academy of Pediatrics and Action Coalition for Media Education's letter dated November 10, 2005, it is

ORDERED that the emergency motion to defer briefing be dismissed as moot. It is

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FURTHER ORDERED that the motion to transfer be granted and that this case be transferred to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 2112(a)(5). It is

FURTHER ORDERED that Viacom, Inc.'s motion for a stay of the effective date pursuant to 28 U.S.C. § 2112(a)(4) be denied.

The Clerk is directed to send the original file and a certified copy of this order to the United States Court of Appeals for the Sixth Circuit.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

By:

Deputy Clerk/LD