

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 09-1021**

**September Term 2008**

**SEC-74FR3138**

**Filed On:** February 13, 2009

American Equity Investment Life Insurance  
Company, et al.,

Petitioners

v.

Securities and Exchange Commission,

Respondent

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**09-1056**

National Association of Insurance Commissioners,  
also known as NAIC and National Conference of  
Insurance Legislators, also known as NCOIL,

Petitioners

v.

Securities and Exchange Commission,

Respondent

**BEFORE:** Sentelle, Chief Judge, and Ginsburg and Rogers, Circuit Judges

**ORDER**

Upon consideration of the emergency motion to consolidate and amend the expedited briefing order, the responses thereto, and the replies, it is

**ORDERED** that Nos. 09-1021 and 09-1056 be consolidated. It is

**FURTHER ORDERED** that the following briefing format and schedule apply:

Petitioners' Opening Brief(s)  
(not to exceed an aggregate of 17,000 words)

February 17, 2009

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 09-1021**

**September Term 2008**

Joint Appendix	February 17, 2009
Joint Brief of any Intervenors/Amici in support of Petitioners (not to exceed 8,750 words)	February 20, 2009
Respondent's Brief (not to exceed 17,000 words)	April 6, 2009
Joint Brief of any Intervenors/Amici in support of Respondent (not to exceed 8,750 words)	April 10, 2009
Petitioners' Reply Brief(s) (not to exceed an aggregate of 8,500 words)	April 16, 2009

The court reminds the parties that

In cases involving direct review in this court of administrative actions, the brief of the appellant or petitioner must set forth the basis for the claim of standing. . . . When the appellant's or petitioner's standing is not apparent from the administrative record, the brief must include arguments and evidence establishing the claim of standing.

See D.C. Cir. Rule 28(a)(7).

Parties are strongly encouraged to hand deliver their briefs to the Clerk's office on or before the date due. Filing by mail may delay the processing of the brief. Additionally, counsel are reminded that if filing by mail, they must use a class of mail that is at least as expeditious as first-class mail. See Fed. R. App. P. 25(a). All briefs and appendices must contain the date that the case is scheduled for oral argument at the top of the cover, or state that the case is being submitted without oral argument. See D.C. Cir. Rule 28(a)(8).

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Cheri Carter  
Deputy Clerk