

**NOT PRECEDENTIAL**

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 04-2861

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CBS BROADCASTING, INC.

v.

ECHOSTAR COMMUNICATIONS  
CORPORATION

EchoStar Communications Corporation,  
EchoStar Satellite Corporation,  
Satellite Communications Operating  
Corporation and DirectSat Corporation,  
Appellants

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APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
D.C. Misc. No. 02-mc-00402  
District Judge: The Honorable Gary L. Lancaster

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Argued: April 7, 2005

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Before: BARRY, AMBRO, and GREENBERG, Circuit Judges

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(Opinion Filed: April 21, 2005)

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Cynthia A. Ricketts, Esq. (Argued)  
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-AND-

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Counsel for Appellees

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OPINION

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BARRY, Circuit Judge

Echostar Communications Corp. (“Echostar”) appeals from an award of discovery

sanctions by the District Court. Although we have grave doubts as to the propriety of any such sanctions on the record presented, we need not reach that question because Echostar was denied notice and an opportunity to be heard before sanctions were ordered. See Angelico v. Lehigh Valley Hospital, Inc., 184 F.3d 268, 279 (3d Cir. 1999). We will, therefore, vacate the District Court's orders of April 17, 2003, May 27, 2004, and May 28, 2004 and remand this matter to the District Court for further proceedings in the event that appellee continues to press its claim for sanctions.