

United States Court of Appeals For the First Circuit

No. 08-2457

THREE ANGELS BROADCASTING NETWORK, INC., an Illinois Non-Profit Corporation;
DANNY LEE SHELTON,

Plaintiffs - Appellees

v.

GAILON ARTHUR JOY; ROBERT PICKLE,

Defendants - Appellants

APPELLANT'S BRIEFING NOTICE

Issued: December 9, 2008

The record on appeal now being complete with the filing of the transcripts, or Transcript Report Form, appellant's brief must be filed by January 19, 2009. Unless appellant is proceeding in forma pauperis, an appendix must also be filed by January 19, 2009.

The deadline for filing appellee's brief will be set in accordance with Fed. R. App. P. 31 and 1st Cir. R. 31.0. Parties are advised that extensions of time are not normally allowed without timely motion for good cause shown.

The parties are advised to review the First Circuit Rulebook, with particular attention to the following Federal and Local Rules of Appellate Procedure:

1st Cir. R. 11.0, 28.0 and 28.1

Briefs are public documents and will not be sealed absent timely motion. Sealed or non-public documents, such as a presentence investigation report or statement of reasons in a criminal case, must be filed in a separate volume of the addendum or appendix clearly marked "FILED UNDER SEAL."

1st Cir. R. 28.0

An addendum must be attached to the appellant's brief. The addendum must contain the judgments, rulings or orders appealed from and any supporting opinions, memoranda or statements of reasons. It must also

contain the following: portions of any instructions to the jury which are the subject of appeal; pertinent portions of any document in the record that is the subject of an issue on appeal; and items or short excerpts from the record, if necessary for understanding the specific issues on appeal. In cases where the district court adopts a magistrate judge's report and recommendation, the report and recommendation must be included in the addendum, in addition to the order adopting it. In cases where the district court reviewed an agency decision, the agency decision must be included in the addendum, in addition to the district court order or opinion.

Fed. R. App. P. 28(a)(11)

If a principal brief exceeds 30 pages, or a reply brief exceeds 15 pages, the brief must include a certificate of compliance certifying that the brief complies with the typeface and length limitations of Fed. R. App. P. 32(a)(7).

Fed. R. App. P. 30
1st Cir. R. 30.0

The appendix must begin with a table of contents identifying the page at which each part begins. The relevant docket entries must follow the table of contents. Other parts of the record must follow chronologically. When pages from a transcript are placed in the appendix, the transcript page numbers must be shown in brackets immediately before the included pages. If the parties are unable to agree as to the contents of the appendix, they must follow the procedure outlined in Fed. R. App. P. 30(b) and 1st Cir. R. 30.0(b).

Fed. R. App. P. 30(a) and 31(b)
1st Cir. R. 30.0(a) and 31.0(b)

Represented parties must file nine paper copies of their brief, a disk containing the entire brief, including the addendum, and five copies of the appendix. Two copies of the brief and appendix must be served on each unrepresented party and on opposing counsel for each separately represented party. **Caveat: Represented parties proceeding in forma pauperis and/or with CJA counsel** must file and serve the same number of briefs, but an appendix is not required.

Pro se parties must file ten paper copies of the brief and five copies of the appendix. One copy of the brief and appendix must be served on each unrepresented party and on opposing counsel for each separately represented party. **Caveat: Pro se parties proceeding in forma**

pauperis need only file four paper copies of the brief. An appendix is not required.

1st Cir. R. 32.0

A represented party must submit one copy of its brief on a 3½" disk, or Windows-based CD or DVD, in a single electronic file in Portable Document Format (PDF). The main document must be generated by saving in PDF from the original word processing file, but material in the addendum may be scanned if an original word processing file of that material is unavailable.

Fed. R. App. P. 32(a)(2)

Except for filings by pro se parties, the cover of the appellant's brief must be blue, the cover of the appellee's brief must be red and the cover of any reply brief must be gray. The cover of the appendix must be white.

Fed. R. App. P. 32(a)(5)

Briefs must be produced using either a 14 point proportionally spaced typeface, such as Times New Roman, or a 12 point monospaced typeface, such as Courier.

The First Circuit Rulebook, which contains the Federal Rules of Appellate Procedure, First Circuit Local Rules and First Circuit Internal Operating Procedures, is available on the court's website at www.ca1.uscourts.gov. Please note that the court's website also contains tips on filing briefs and appendices, including a checklist of what your brief must contain.

Failure to file a brief in compliance with the Federal and Local Rules will result in entry of an order directing the party to file a conforming brief and could lead to dismissal of the appeal. See 1st Cir. R. 3.0 and 45.0.

Richard Cushing Donovan, Clerk

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