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UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

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THREE ANGELS BROADCASTING NETWORK, INC.,  
an Illinois non-profit corporation;  
DANNY LEE SHELTON,

Plaintiffs-Appellees,

v.

GAILON ARTHUR JOY; ROBERT PICKLE,

Defendants-Appellants.

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**APPELLEES' RESPONSE IN OPPOSITION TO  
DEFENDANTS' MOTION TO AMEND CAPTION**

Pursuant to Fed. R. App. P. 27, Appellees Three Angels Broadcasting Network, Inc. and Danny Lee Shelton hereby file this Response in Opposition to Defendants' Motion to Amend Caption. For the reasons stated herein, Appellees respectfully request that this Honorable Court deny Defendants' Motion and leave the case title as it is.

**Argument**

In their Motion, Defendants' seek to have the word "individually" added into the appellate title after "Danny Lee Shelton." Appellees oppose the Motion because the circuit clerk correctly included the names of the parties and omitted the descriptor "individually" in the title.

Pursuant to Fed. R. App. P. 12(a), "the circuit clerk must docket the appeal under the title of the district-court action . . . ." Fed. R. Civ. P. 10, in turn, provides that the title of the district

court complaint must “name all parties.” There is no requirement in the Federal Rules of Civil Procedure or the Federal Rules of Appellate Procedure that a case title must include descriptors such as “individually” after a party’s name. Parties may include such descriptive information for convenience, but that does not make the descriptive term part of the case title. Accordingly, the caption given by the circuit clerk in this instance fully complies with Fed. R. Civ. P. 10, in that it names all of the parties, and Fed. R. App. P. 12(a), in that it is the same title as that of the district court action.

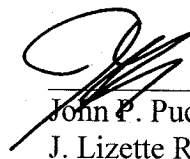
Moreover, Appellees oppose the Motion as wasteful of the Court’s time because the outcome of the Motion will make absolutely no substantive difference to the outcome of the appeal.

WHEREFORE, Appellees respectfully request that this Honorable Court deny Defendants’ Motion to Amend Caption and order whatever other and further relief as is deemed just and proper.

Respectfully Submitted:

Dated: January 12, 2009

FIERST, PUCCI & KANE, LLP



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Attorneys for Appellees Three Angels  
Broadcasting Network, Inc. and  
Danny Lee Shelton

**CERTIFICATE OF SERVICE**

I, J. Lizette Richards, hereby certify that on January 12, 2009, I served copies of the foregoing document, Appellees' Response in Opposition to Defendants' Motion to Amend Caption, on the following parties by way of first class mail, postage prepaid:

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Robert Pickle, *pro se*  
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Dated: January 12, 2009

  
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J. Lizette Richards