

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Three Angels Broadcasting Network, an
Illinois non-profit corporation,
and
Danny Lee Shelton, individually,

Plaintiffs

vs.

Gailon Arthur Joy
and
Robert Pickle

Defendants

RECEIVED
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS
JUL 10 2007 10:33 AM

C.A. No. 07-40098-FDS

DEFENDANTS' MOTION FOR EXTENSION OF TIME

Pursuant to Local Rule 5.2 (b)(1) the defendants Gailon Arthur Joy and Robert Pickle move for an extension of time to respond to the Supplemental Pleadings filed with the Court on May 24, 2007, giving as their reasons therefor:

1. The Local Rules require that all pleadings be served upon opposing parties. The copy mailed to counsel for the Defendants does not contain all the affidavits indicated in the transmittal.
2. The Certificate of Service gives a different Post Office Box number than the remainder of the pleading indicates. This was not the address given by counsel in his Appearance. This has the effect of introducing a delay in delivery if not outright misdelivery; and counsel again apologizes to this court as similar failures to place the correct Post Office Box number have led to similar delays, albeit in another case, despite counsel's office location directly across the street from the Post Office. At any rate the copy was received by this office on May 28, 2007.
3. Under the Rules where service is accomplished by mail an additional three (3) days are allowed to the receiving party.
4. The issues of the missing and redacted exhibits are dealt with in another Motion and may be

good cause to allow further extensions of time to respond.

5. In support whereof Counsel for the defendants submits his Affidavit.

RELIEF REQUESTED

9. The defendants ask for additional time for the improper and delayed service, received on May 28, 2007, to the extent of the two weeks asked in court to respond, or to June 11, 2007, and for any other relief this Court should deem meet and proper.

RESPECTFULLY SUBMITTED this 8th Day of June, 2007,
for the defendants, Gailon Arthur Joy and Bob Pickle.



Laird J. Heal, BBO # 553901
3 Clinton Road, PO Box 365
Sterling, MA 01564
(978) 422-0135

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Three Angels Broadcasting Network, an)	
Illinois non-profit corporation,)	
and)	
Danny Lee Shelton, individually,)	
)	
Plaintiffs)	
)	C.A. No. 07-40098-RCL
vs.)	
)	
Gailon Arthur Joy)	
and)	
Robert Pickle)	
)	
Defendants)	

AFFIDAVIT OF ATTORNEY LAIRD J. HEAL

1. I, Laird J. Heal, hereby swear and aver to the following:
2. I am attorney representing defendants Gailon Arthur Joy and Robert Pickle in the above-captioned controversy;
3. Defendant Joy has indicated he would enter his appearance pro se but I am not yet informed that he has done so;
4. My regular billing rate in the Commonwealth of Massachusetts is \$175 per hour;
5. I have been an attorney licenced to practice in the Commonwealth since 1990 although I have engaged in the practice of law full time only in the past few years;
6. I occupied some two and a half hours in the preparation and research regarding the enclosed Motion for which I am asking sanctions;

7. The plaintiffs' deliberate obfuscation of the affidavits delivered me has prevented the defendants from being able to prepare accurately against the assertion that 3ABN supporters are now no longer as supportive of the organization;
8. There should be no need to bring this Motion, and costs of \$437.50 are a minimal assessment.
9. I only received the Supplemental brief of the plaintiffs on May 28, 2007, it having been posted on May 24, 2007.
10. Because of an inquiry about their receipt of the Answer and my being in court in Northampton I had stopped in counsel's office on May 25, 2007, but no mention was made of it there;
11. Upon inspection the second Affidavit mentioned in the transmittal is not present. My initial review assumed that a duplicated exhibit had been mistakenly enclosed but defendant Pickle alerted me to the error when I transmitted him a copy.
12. During the last hearing I asked for two weeks to respond and by recollection the Court set a date certain;
13. Due to the service by mail I should have at least three extra days to respond to the Supplemental Brief;
14. Due to the fact that a listed affidavit was not present and the exhibits were improperly redacted I should have additional time at least until the plaintiffs can correct the deficiency;

15. I have reviewed the cases cited by the Plaintiffs, assuming the typographical errors have been resolved correctly, and they do not prove that there is any merit to impounding the case, but rather stand for the proposition that the public has an initial right to unfettered access to court documents and that right is hindered gingerly and temporarily if at all.
16. A true copy of the document sent me is enclosed.

Signed and sealed under pains and penalty of perjury this 8th day of June, 2007.

A handwritten signature in cursive script, reading "Laird J. Heal", written in black ink. The signature is positioned above a horizontal line.

Laird J. Heal

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Three Angels Broadcasting Network, an
Illinois non-profit corporation,
and
Danny Lee Shelton, individually,

Plaintiffs

vs.

Gailon Arthur Joy
and
Robert Pickle

Defendants

C.A. No. 07-40098-FDS

CERTIFICATE OF SERVICE

I, Laird J. Heal, do certify that I am over the age of 18 years of age and on this day I have caused service of the within-enclosed Motion of Robert Pickle and Gailon Arthur Joy to Strike the Supplemental Brief of the Plaintiffs and for Sanctions and for an Extension of Time upon the Plaintiffs by mailing, first-class postage prepaid, or by better means to wit _____, to their attorney of record,

John P. Pucci,
Fierst, Pucci & Kane, LLC
64 Gothic Street
Northampton, MA 01060



Laird J. Heal, BBO # 553901
3 Clinton Road, PO Box 365
Sterling, MA 01564
(978) 422-0135