

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

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

Plaintiffs,

vs.

Case No.: 1:08-mc-03

Gailon Arthur Joy and Robert Pickle,

Defendants.

Siegel, Brill, Greupner, Duffy & Foster, P.A.
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**RESPONSE TO DEFENDANT'S MOTION
FOR DEFAULT**

NOW COMES Remnant Publications, Inc., by and through its attorneys, Biringer, Hutchinson, Lillis, Bappert & Angell, P.C., by Charles R. Bappert, and responds to Defendants' Motion for Default as follows:

1. Defendants' letter to the court dated May 21, 2008, may be characterized as a motion for an affirmative decision or default in favor of the defendants regarding their motion to compel.

2. The facts of this case and the Federal Rules of Civil Procedure demonstrate that the response by Remnant Publications, Inc., to Defendants' Motion to Compel was timely.

WHEREFORE, Remnant Publications, Inc., requests that this honorable court deny Defendants' Motion for Default.

Dated: May 27, 2008

/s/ Charles R. Bappert

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**BRIEF IN SUPPORT OF RESPONSE
TO DEFENDANTS' MOTION FOR DEFAULT**

Remnant Publications, Inc., (hereinafter, "Remnant") was served with Defendants' Motion to Compel via mail on May 1, 2008. This was pursuant to Federal Rule of Civil Procedure 5(b)(2)(C). Remnant served its response to that motion upon the Defendants via mail, e-mail, and fax on **May 19, 2008**. Federal Rule of Civil Procedure 6(d) states as follows:

Additional Time After Certain Kinds of Service. When a party may or must act within a specified time after service and service is made under Rule 5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

Pursuant to this Rule, Remnant had three additional days to respond to Defendants' Motion to Compel. Therefore, Remnant had until May 18, 2008 to file a response. May 18, 2008 fell on a Sunday. As a result, Remnant had until Monday, **May 19, 2008**, to file a response.

Based on the facts of this case and the Federal Rules of Civil Procedure, Remnant was timely in its response to Defendants' Motion to Compel. As a result, Defendants' Motion for Default should be denied.

Dated: May 27, 2008

/s/ Charles R. Bappert

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