

No. 08-2457

IN THE
UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

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

Plaintiffs-Appellees,

v.

GAILON ARTHUR JOY; ROBERT PICKLE,

Defendants-Appellants.

On Appeal from the United States District Court
for the District of Massachusetts
Case No. 07-40098

DEFENDANTS' MOTION TO EXTEND THE TIME

GAILON ARTHUR JOY, *PRO SE*
P.O. Box 37
Sterling, MA 01564
(978) 333-3067

ROBERT PICKLE, *PRO SE*
1354 County Highway 21
Halstad, MN 56548
(218) 456-2568

The Appellants' Briefing Notice of Tuesday, December 9, 2008, states:

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. ... an appendix must also be filed by January 19, 2009.

Pursuant to Fed. R. App. P. 30(b)(1), the Defendants served a designation of appendix and issues for review on the Plaintiffs 10 days later, excluding intervening Saturdays and Sundays, on Tuesday, December 23, 2008. Pursuant to the same rule, the Plaintiffs have until Monday, January 12, 2009, to serve their designation, taking into account the intervening holidays of Christmas and New Years Day, and 3 additional calendar days because of the Plaintiffs being served by mail.

It is therefore possible that the Defendants may not receive the Plaintiffs' designation until Friday, January 16, 2009. This does not allow adequate time to organize, print, assemble, paginate, and bind the appendix; change references in the appellants' brief to page numbers in the appendix; and print, assemble, and bind the appellants' brief; all in time to serve and file these documents by Monday, January 19, 2009. Allowance must be made for possible equipment substitutions due to equipment breakdowns, and for receiving advance payment for portions of the appendix designated by the Plaintiffs that the Defendants may deem unnecessary, pursuant to Fed. R. App. R. 30(b)(2).

WHEREFORE, Gailon Arthur Joy and Robert Pickle pray the Court to extend the briefing schedule as follows: "Brief due 02/18/2009 for Appellant Gailon Arthur Joy and Appellant Robert Pickle. Pursuant to F.R.A.P. 31(a), appellee's brief will be due 30 days following service of appellant's brief and appellant's reply brief will be due 14 days following service of appellee's brief."

Respectfully submitted,

Dated: December 31, 2008

/s/ Gailon Arthur Joy, pro se

Gailon Arthur Joy, *pro se*

P.O. Box 37

Sterling, MA 01564

Tel: (978) 333-3067

and

/s/ Robert Pickle, pro se

Robert Pickle, *pro se*

1354 County Highway 21

Halstad, MN 56548

Tel: (218) 456-2568

Fax: (206) 203-3751

CERTIFICATE OF SERVICE

I, Bob Pickle, hereby certify that on December 31, 2008, I served copies of this motion on the following parties and the Clerk of the Court of Appeals by way of U.S. mail:

Gerald Duffy
M. Gregory Simpson,
Jerrie M. Hayes
Kristin L. Kingsbury
William Christopher Penwell
*Attorneys for Danny Lee Shelton, individually,
and Three Angels Broadcasting Network, Inc.*

Siegel, Brill, Greupner, Duffy & Foster, P.A.

100 Washington Avenue South

Suite 1300

Minneapolis, MN 55401

John P. Pucci
J. Lizette Richards
*Attorneys for Danny Lee Shelton, individually,
and Three Angels Broadcasting Network, Inc.*

Fierst, Pucci & Kane, LLP

64 Gothic Street

Northampton, MA 01060

Dated: December 31, 2008

/s/ Bob Pickle

Bob Pickle