

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 AMEND CAPTION

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The caption of the case in U.S. District Court contained the word “individually” after “Danny Lee Shelton” (hereafter “Shelton”). The Court will note that the first page of the plaintiffs’ complaint as well as the plaintiffs’ Civil Cover Sheet included the word “individually” after “Danny Lee Shelton.” Record on Appeal Docket Entries (hereafter “RA”) 1, 1-5.

Rather than filing suit as the then president of Three Angels Broadcasting Network, Inc. (hereafter “3ABN”), Shelton chose to instead file suit as an individual. This had particular significance inasmuch as the suit asserted that the defendants accused the officers and directors of 3ABN of engaging in private inurement, and 3ABN’s board chairman represented that 3ABN was paying the Shelton’s legal expenses for the suit. RA 1 at ¶ 46(g), 81-9 at p. 18. The defendants believe that the public has an interest in knowing that their tax-deductible donations to 3ABN are being used to pay for Shelton’s personal, private legal expenses in the instant litigation. Thus, the caption of the case on appeal should match that of the case in U.S. District Court by including the word “individually” after “Danny Lee Shelton.”

WHEREFORE, Gailon Arthur Joy and Robert Pickle pray the Court to amend the caption to include the word “individually” after “Danny Lee Shelton,” since this is how the case was filed in April 2007, and this is how the case has been litigated ever since.

Respectfully submitted,

Dated: December 30, 2008

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CERTIFICATE OF SERVICE

I, Bob Pickle, hereby certify that on December 30, 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:

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