

No. 09-2615

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

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**DEFENDANTS' MOTION TO EXTEND THE TIME**

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Defendants' current deadline for filing their principal brief and appendix is today, December 6, 2010. Defendants seek an extension of that deadline to December 13, 2010, to accommodate any technical problems that may arise, but in reality may have the brief completed by Thursday.

Defendant Pickle is responsible for much of the drafting in the litigation, and has been working steady on the brief since the briefing schedule was issued on October 27, 2010, including through Thanksgiving and his anniversary. Employment-related tasks were reduced to a minimum when the briefing schedule was issued in order to devote as much time as possible to the brief.

However, if the brief is filed today, even late today, it will probably contain a number of clerical errors introduced while converting the citations to the record from ECF docket numbers to appendix pages. It needs to be gone through again, checking each citation and reference for accuracy, and it is not yet ready for that step. And the finished product would be more acceptable if that checking was done after a good night's rest.

Also, if the appendix is served today, its index may end up being less than ideal. The indexes are pretty far along, but they are not finished.

Printing is going well, but the printer may need some maintenance before printing is complete. A "drum nearing end of life" message appeared yesterday. To be ready for whatever might happen, Defendant Pickle had already purchased a spare drum, toner, and toner cartridges ahead of time. But actually servicing the

machine is just one more thing to do in a day that is already too short.

Part of the delay is due to the fact that Defendant Pickle is endeavoring to make sure that he is conforming to the rules in every particular. He became aware of case law showing that under Fed.R.App.P. 28(a)(9)(A), incorporation waives the issue, and subsequently altered his plans for how to proceed. Then, a bit later, he became aware of case law showing that under Fed.R.App.P. 28(a)(9)(A), the argument section must itself have citations to the record, not references back to citations to the record in the facts section. That resulted in a bit of rewriting and additional thought in order to ensure that the brief conforms to the rules.

Once the brief is completed, Defendants will confer one last time before filing, which is just one more thing that needs to be done.

WHEREFORE, pursuant to Fed. R. App. P. 26(b), Defendants pray the Court to extend the deadline for Defendants' filing their principal brief and appendix to December 13, 2010.

Respectfully submitted,

Dated: December 6, 2010

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## CERTIFICATE OF SERVICE

I, Bob Pickle, hereby certify that on December 6, 2010, I served copies of this motion on the following registered parties via the ECF system:

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

M. Gregory Simpson  
*Attorney for Danny Lee Shelton  
and Three Angels Broadcasting Network, Inc.*

And on the following parties by way of First Class U.S. Mail:

Gerald Duffy, Kristin L. Kingsbury,  
*Attorneys for Danny Lee Shelton  
and Three Angels Broadcasting Network, Inc.*  
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Dated: December 6, 2010

s/ Bob Pickle  
Bob Pickle