

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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

Plaintiffs,

Case No. 07-40098-RWZ

v.

Gailon Arthur Joy and Robert Pickle,

Defendants.

AFFIDAVIT OF M. GREGORY SIMPSON

STATE OF MINNESOTA)

) ss.

COUNTY OF HENNEPIN)

M. Gregory Simpson, being first duly sworn on oath, deposes and states as follows:

1. I am an attorney employed by the law firm of Meagher & Geer, P.L.L.P., and am one of the attorneys representing Plaintiffs in the above-captioned case. I make the statements in this Affidavit of my own knowledge.

2. I prepared and filed Document No. 249 on April 15, 2010 at 7:26 P.M. EDT. I was generally aware of the local rule in Massachusetts requiring that electronic filings be performed by 6:00 P.M. EDT on the due date, but was not mindful of that rule on April 15, 2010. Instead, I was operating under the assumption that electronic filings performed by midnight would be deemed timely, as is the rule in Minnesota, my home judicial

district.

3. Attached as Exhibit A is an exchange of emails between myself and Defendant Bob Pickle in which he brings the issue of late filing to my attention and demands that I retract the filing prior to Noon on April 19, 2010 or else he will bring a motion to strike. The emails reflect that I acknowledged my mistake and asked Mr. Pickle to agree to accept the late filing of Document 249. He declined. I asked him to identify any prejudice that he suffered as a result of the late filing and he identified prejudice due to the contents of the brief, but not due to its late filing.

FURTHER YOUR AFFIANT SAYETH NOT.

s/ M. Gregory Simpson
M. Gregory Simpson

Subscribed to and sworn before me
this 19th day of April, 2010.

s/ Jeannette L. Evans
Notary Public

7293147.1