

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.
Attorneys for Plaintiffs
By: M. Gregory Simpson, Esq.
100 Washington Avenue South, Suite 1300
Minneapolis, MN 55401
Tel: (612) 337-6100
Fax: (612) 339-6591

Prepared by:
BIRINGER, HUTCHINSON, LILLIS,
BAPPERT & ANGELL, P.C.
Attorneys for Remnant Publications, Inc.
By: Charles R. Bappert (P41647)
100 West Chicago Street
Coldwater, MI 49036-1897
Tel: (517) 279-9745 kjh g\15003.16.doc
Fax: (517) 278-7844

Robert Pickle, *pro se*, Defendant
1354 County Highway 21
Halstad, MN 56548
Tel: (218) 456-2568
Fax: (206) 203-3751

Gailon Arthur Joy, *pro se*, Defendant
Box 1425
Sterling, MA 01564
Tel: (978) 422-3525

**RESPONSE TO DEFENDANT ROBERT PICKLE'S EMERGENCY MOTION
FOR LEAVE TO APPEAR BY VIDEO OR TELEPHONE**

NOW COMES Remnant Publications, Inc., by and through its attorneys, Biringer, Hutchinson, Lillis, Bappert, & Angell, P.C., and responds to Defendant Pickle's Emergency Motion as follows:

Pursuant to Fed. R. Civ. Proc. 55(a), the court will enter a default if a party "has failed to plead or otherwise defend." In this case, defendants have plead their case via the motions submitted to the Court thus far. Therefore, they do not need to be present in

order to avoid an entry of default against them. Defendants may rest on the arguments presented thus far in the proceedings.

Furthermore, defendants have placed themselves in the position of required travel and expense. As stated in the Response to Defendants' Motion to Compel, defendants may obtain the desired documents from other sources - namely, the plaintiffs or defendants' own "sources". As plaintiffs, Three Angels Broadcasting Network, Inc., have objected to disclosing these documents on the basis of non-relevancy, defendants are now attempting to circumvent the plaintiffs and retrieve these documents from Remnant Publications, Inc. This attempt has led them to the present situation of added expense and travel. In other words, defendants are responsible for incurring this extra expense. Should they desire to be present at the hearing scheduled for Monday, June 16, 2008, they should be required to attend in person. The argument that it is too expensive for either of them to appear is without merit.

WHEREFORE, Remnant Publications, Inc. prays that this honorable Court deny Defendant Robert Pickle's Emergency Motion for Leave to Appear by Video or Telephone.

Dated: June 11, 2008

/s/ Charles R. Bappert
Charles R. Bappert (P41647)
Biringer, Hutchinson, Lillis,
Bappert, & Angell, P.C.
100 W. Chicago Street
Coldwater, MI 49036-1897
Tel: (517) 279-9745
Fax: (517) 278-7844