

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**MICHAEL D. DALTON, JR.,  
LEAH M. DALTON, and  
MICHAEL A. DEEM,**

**Case No. 26-1238**

Plaintiffs-Appellants,

v.

**CHOICEONE BANK,**

Defendant-Appellee.

**On Interlocutory Appeal from the United States District Court for the Western District of  
Michigan, Southern Division Case No. 1:26-cv-00163-HYJ-RSK**

**Honorable: Hala Y. Jarbou  
U.S. Magistrate Judge: Ray Kent**

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**Michael D. Dalton, Jr.  
Leah M. Dalton, and  
Michael A. Deem**  
*In Pro Per* Plaintiffs-Appellants  
3360 Dexter Trail  
Stockbridge, Michigan 49285

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**WINEGARDEN, HALEY, LINDHOLM,  
TUCKER & HIMELHOCH, P.L.C.**  
Attorneys for Defendant-Appellee  
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**CHOICEONE BANK'S MOTION TO EXTEND TIME FOR RESPONSE TO  
PLAINTIFFS - APPELLANTS' EMERGENCY MOTION FOR PRELIMINARY  
INJUNCTION PENDING APPEAL AND TO EXPEDITE APPEAL  
(Document: 3-1)**

**NOW COMES** the Defendant - Appellee, **ChoiceOne Bank**, by and through its attorneys, Winegarden, Haley, Lindholm, Tucker & Himelhoch, PLC, and for its Motion to Extend Time for Response to Plaintiffs - Appellants' **Emergency Motion for Preliminary Injunction Pending Appeal and to Expedite Appeal** (Document: 3-1) states as follows:

1. On **February 27, 2026** the undersigned left the continent to embark on a 3-plus week vacation in the southern hemisphere.
2. This Interlocutory Appeal was filed by the Plaintiffs - Appellants on **March 3, 2026** prior to the lower court making any substantive rulings on the case.
3. Prior to filing this Interlocutory Appeal, the Plaintiffs - Appellants had filed two separate emergency requests for injunctive relief.
4. While establishing Scheduling Orders for the briefing for each of the Motions seeking injunctive relief below, the lower court had not made any substantive ruling with respect to either Motion for injunctive relief prior to the Plaintiffs - Appellants filing this Interlocutory Appeal.
5. On **March 4, 2026** this Court's Clerk and Appeals Case Manager filed a letter in the lower court action instructing the undersigned to file the opening case items (Appearance and Disclosure of Corporate Affiliation) on or before **March 18, 2026**. See LC ECF No. 47, PageID.748-750.
6. The Plaintiffs - Appellants filed their **Emergency Motion for Preliminary Injunction Pending Appeal and to Expedite Appeal** (Document: 3-1) in this Court on **March 9, 2026**.
7. The Motion was served on the undersigned by regular mail while the undersigned was still out of the continent and before the undersigned had actually appeared in this appellate case. The Plaintiffs - Appellants did not serve the Motion on Defendant - Appellee ChoiceOne Bank directly. Document 3-1.

8. On **March 17, 2026** the undersigned filed his Appearance (Document 5) and as directed by the Court's Clerk and Appeals Case Manager in their March 4, 2026 correspondence (LC ECF No. 47, PageID.748-750).
9. The undersigned believed, apparently erroneously, that the 10-day clock for responding to the Plaintiffs - Appellants' Motion would not begin to run until the undersigned had actually appeared in the appellate case as the Motion had never been directly served on ChoiceOne Bank.
10. The undersigned returned to work following his vacation on **March 24, 2026**.
11. Defendant - Appellee ChoiceOne Bank filed its Response to the Plaintiffs - Appellants' Motion on **March 27, 2026**. Doc 7.
12. There was insufficient time to respond to the Motion due to the undersigned's unavailability whilst on vacation and due to the apparently erroneous belief that the Response to the Motion was not due until **March 28, 2026**.

**FOR THESE REASONS**, the Defendant - Appellee **ChoiceOne Bank** respectfully requests that this Court Extend the allowable time for the Defendant -Appellee ChoiceOne Bank to respond to the Plaintiffs - Appellants' Emergency Motion for Preliminary Injunction Pending Appeal and to Expedite Appeal (Document: 3-1) to **March 27, 2026** so that the Response filed on that date will be deemed to be timely made.

Respectfully submitted,

WINEGARDEN, HALEY, LINDHOLM,  
TUCKER & HIMELHOCH, PLC  
Attorneys for Defendant - Appellee

Dated: March 31, 2026

By: /s/ John R. Tucker

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