
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF ILLINOIS

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

Case No.: 08-MC-16

Plaintiffs,

v.

Gailon Arthur Joy and Robert Pickle,

Defendants.

**STIPULATION TO CONTINUE HEARING ON MOTION TO QUASH
AND MOTION TO COMPEL**

The parties to this miscellaneous action hereby agree and stipulate as follows:

RECITAL OF FACTS

1. On June 16, 2008, Plaintiffs Three Angels Broadcasting Network, Inc. and Danny Lee Shelton commenced this miscellaneous action by filing a motion to quash or modify a third party subpoena that had been issued from the above-named Court and served by Defendants Gailon Arthur Joy and Robert Pickle upon Gray Hunter Stenn, LLP and one of its principals, Alan Lovejoy [Doc. No. 2]. The subpoena sought information for a lawsuit presently pending in the United States District Court for the District of Massachusetts (No. 07-40098-FDS).

2. On June 18, 2008, this Court issued an Order to Show Cause directing Defendants to show cause why the subpoena should not be quashed [Doc. No. 6].

3. On June 26, 2008, Gray Hunter Stenn, LLP moved to join in the motion to quash or modify the third-party subpoena [Doc. No. 9].

4. By order filed on June 30, 2008, this Court ordered a hearing on the motion to quash, to be held before the Court at its courtroom in Benton, Illinois, on July 24, 2008. The Court directed all parties to attend in person. [ECF Doc. 10].

5. By order filed on July 8, 2008, this Court granted Gray Hunter Stenn's motion to join in the motion to quash. [ECF Doc. 15].

6. In the parent lawsuit pending in the U.S. District Court for Massachusetts, Defendants filed a motion to compel on May 15, 2008, and Plaintiffs filed a motion for a protective order on June 25, 2008, which motions relate to some or all of the information sought in the subpoena at issue in this action. Both motions are presently pending in the Massachusetts court.

7. On July 11, 2008, the Massachusetts court issued an order setting a hearing on the parties' cross motions regarding discovery, to be held in Worcester, Massachusetts on the same day as the currently scheduled hearing before this Court, namely July 24, 2008.

8. The parties believe that the ruling of the Massachusetts court may render moot some or all of the issues raised in the motions pending before this Court. For example, the matter of the discoverability of Plaintiffs' tax and accounting records is at issue in the Massachusetts motions and will therefore probably be decided by that Court.

9. Therefore, the parties believe that the Massachusetts hearing should proceed, but that the hearing in this matter should be continued at least until the Massachusetts District Court issues a decision on the pending discovery motions.

10. The parties further believe that if it is necessary to reschedule the hearing before this Court, events in the Massachusetts proceeding may require further briefing to this Court. Therefore, if the hearing in this matter is rescheduled, the parties request that they each be

permitted to submit an additional brief, the timing and length of which shall be set by further order of the Court. The parties agree that in light of these developments, reply or opposition memoranda of Plaintiffs and Gray Hunter Stenn now due should not be filed unless and until a hearing is rescheduled in this matter.

STIPULATION

For the reasons stated above, the undersigned parties stipulate and agree as follows:

1. Good cause exists to continue indefinitely the hearing on the parties' motions which is now set for July 24, 2008.
2. Following the issuance of a decision by the U.S. District Court for the District of Massachusetts on the parties' respective motions to compel and for a protective order, either party may contact the Court in this matter and obtain a hearing date on the pending motions.
3. If the pending motions are rescheduled for hearing, the Court shall issue a new briefing schedule.

Dated: July 11, 2008

Three Angels Broadcasting Network, Inc. and
Danny Lee Shelton

By: /s/ M. Gregory Simpson
One of Their Attorneys

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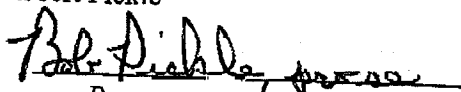
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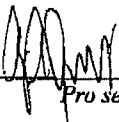
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