



several categories of documents they felt were relatively safe, and produced those to the neglect of others. For example, out of the 3,585 pages, 287 pertained to the purchase of printing services, office supplies like pens and sticky notes, and office furniture. Another 680 to 989 pages pertained to inventory. Another 367 pages pertained to fixed assets. Another 342 pages pertained to the four whistleblowers fired from 3ABN's Trust Services Department. 691 pages of the total were duplicative; for example, five copies of 3ABN's letter of termination to Pastor Ervin Thomsen were produced by the Plaintiffs.

4. The Plaintiffs in their Motion for a Protective order to Limit the Scope of Discovery contend that they will produce documents pertaining to specific transactions outside the 2001 to 2006 time period. Yet if this was truly so, they should have produced documents pertaining to very specific events referenced in my Requests to Produce.

5. As I have looked over the 3,585 pages belatedly produced by the Plaintiffs, I believe that the following list of deficiencies are accurate. The Plaintiffs' belated productions in response to my Requests to Produce contain:

a. No documents pertaining to the 1993 real estate transactions between Charles E. Lane and the Plaintiffs.

b. No documents pertaining to Shelton's purchase of a house from 3ABN for \$6,139, the calculation of that sales price, Shelton's sale of that house one week later for \$135,000, or the earlier granting of a life estate in that property by 3ABN to Shelton.

c. No documents pertaining to the purported gift of 40 or more acres by 3ABN to Shelton that occurred around September 2007. (The Plaintiffs assert that the board minutes that would presumably contain reference to this purported gift are privileged since discussion of the instant case also took place at that board meeting. The privilege log which makes that assertion is attached hereto as **Exhibit A.**)

d. No documents pertaining to Tammy Shelton Chance's purchase of 3ABN-owned items from 3ABN via eBay, or any other such purchases made by 3ABN personnel from 3ABN via eBay.

e. No documents pertaining to antique furniture owned by 3ABN that was purchased by Shelley Quinn.

f. No documents pertaining to personal, private legal services for Shelton or Tommy Shelton paid for by 3ABN (except that referred to in passing in Doc. 93 at pp. 33–35), including without limitation certain specified cease and desist letters, Shelton's divorce, Linda Shelton's separation agreement, and this lawsuit.

g. No documents pertaining to personal travel expenses paid for by 3ABN, including without limitation the plane tickets for Brenda Walsh and Linda Shelton's planned trip to Florida from April 4 through 9, 2004.

h. No documents pertaining to the change of accounting in 2004 whereby sales of books, videos, and CD's became items given away in exchange for donations.

i. No documents explicitly pertaining to allegations of embezzlement against Pete Crotser, Emma Lou Shelton, or others.

j. No documents pertaining to the failure of Shelton or others to document their expenditures with receipts, or pertaining to the failure to put non-documented expenditures on those individuals' W-2's.

k. No invoices pertaining to Nicholas Miller's allegation against Shelton of fraudulently altered billing records, or pertaining to 3ABN's allegations against Nicholas Miller of improper billing.

l. No documents pertaining to direct or indirect payments to Brandy Elswick Murray, who Shelton later married.

m. No documents pertaining to sexual misconduct by Tommy Shelton against Derrell Mundall or against others at 3ABN, or pertaining to any investigations into the child molestation allegations against Tommy Shelton, or pertaining to the employment or independent contractor history of Tommy Shelton, Herb Grimm, or Bill Cochran.

n. No documents pertaining to allegations of sexual misconduct against Tammy Shelton Chance, Tammy Larson, Melody Shelton Firestone, Kenny Shelton, or Plaintiff Shelton, or that corroborate Shelton's claim that Brandy Elswick Murray had been chasing him for 17 years.

o. No documents pertaining to instructions to 3ABN personnel on how to answer questions about certain allegations, including without limitation the allegation that Melody Shelton Firestone was pregnant out of wedlock.

p. No documents pertaining to the payment or hiring of surveillance of Linda Shelton from January 1, 2004, onward.

q. No audio recordings, video recording, phone card phone records, pictures of a watch, or pregnancy test kit receipt, or documents referencing such, that allegedly constitute evidence against Linda Shelton, and no documents pertaining to policies concerning who would and would not have access to such evidence.

r. No documents pertaining to the 2005 church discipline case of Linda Shelton, or pertaining to the unwillingness of any individual to allow Linda Shelton to testify in her own defense at that trial, or pertaining to the December 2005 refusal to allow Linda Shelton to speak to the 3ABN Board.

s. No cease and desist letters, including without limitation the cease and desist letters sent to Nicholas Miller and the former mayor of Thompsonville.

t. No documents or recordings pertaining to Walter Thompson or Shelton's

allegations made against those concerned about Shelton's conduct, which allegations have included without limitation that of lies, embezzlement, making threats on the lives of Plaintiff Shelton or his family, and posing as a doctor.

u. No documents pertaining to the authorship, approval, script, or notes of the December 31, 2006, televised tribute to alleged pedophile Tommy Shelton.

v. No documents pertaining to the authorship, approval, script, or notes of the August 10, 2006, televised broadcast that likened Shelton to Moses and John the Baptist, Dr. Arild Abrahamsen to King Herod, Linda Shelton to Herodias, and Alyssa Moore to Salome.

w. No documents pertaining to the cessation of appearances of David Gates, Barbara Kerr, or others on 3ABN.

x. No documents pertaining to the hindrance by 3ABN of the employment or future ministry of Barbara Kerr, Derrell Mundall, Linda Shelton, or others.

y. No correspondence pertaining to the Plaintiffs' negotiations with ASI regarding the proposed ASI tribunal, including the "Procedural Suggestions" of October 31, 2006, Harold Lance's January 24, 2007, statement, and other documents.

z. No documents pertaining to payments by 3ABN to ASI, or by ASI to 3ABN.

aa. No identifiable documents pertaining to the formation of 3ABN Books or similar entities, or the makeup of its committees.

ab. No invoices or purchase orders pertaining to purchases by 3ABN from either D & L Publishing (hereafter "D&L") or DLS Publishing (hereafter "DLS"), save a single invoice for \$25,000 from late 2001 that leaves \$50,000 worth of purchases by 3ABN in 2001 from D&L seemingly impossible to account for.

ac. No documents pertaining to royalty payments received by Shelton.

ad. No documents pertaining to the identification, history, or location of assets or inventory of D&L or DLS.

ae. No documents pertaining to 3ABN Music, Crossbridge Music, Inc., or the Avid Group.

af. No documents pertaining to investigations or proceedings by the Internal Revenue Service, by the Department of Justice, by the Illinois Department of Revenue, by the Federal Communications Commission, or in Franklin County Circuit Court.

ag. No documents pertaining to the replacement of Shelton by Jim Gilley, or Jim Gilley's refusal to investigate the multitude of allegations against Shelton.

ah. No documents pertaining to refusals to allow the Defendants to speak to the 3ABN Board.

ai. No documents pertaining to whether or not Shelton is a prophet or the Lord's anointed, whether he has had visions or dreams, or whether he can be subjected to correction by church or state.

aj. No documents pertaining to John Lomacang's teachings on the seven trumpets, or the reactions of Hal Steenson or others to those teachings.

ak. No minutes or documents of the 3ABN Board or Executive Committee prior to 2001 or after April 16, 2007.

al. No minutes or documents of the 3ABN Board for October 19, 2003, for September 19, 2004 (other than page 2), for May 29, 2005 (other than page 1), for October 2, 2005, and for January 29, 2006 (other than page 1).

am. No minutes or documents of the 3ABN Executive Committee for October 21, 2005.

an. No documents pertaining to the open letters of Tommy and Carol Shelton

sent to Dunn Loring, Virginia, in early 2007.

ao. No corporation documents pertaining to Three Angels Enterprises, LLC, Crossbridge Music, Inc., and other domestic and foreign organizations related to 3ABN.

ap. No employee handbooks other than the March 2005 edition.

aq. Insufficient documents containing policies regarding accounting, finance, fraud, and rental or sale of assets or things owned by or donated to 3ABN, and other issues.

ar. No documents, audio recordings, or video recordings containing the 3ABN Story, referencing a promised \$100,000 donation of video equipment by Hal Steenson, or acknowledging that that promised donation never took place.

as. No issues of *3ABN World*, *Catch the Vision*, or other newsletters or catalogs.

at. No complete, unredacted Form 990's for 3ABN, and no tax returns filed by Three Angels Enterprises, LLC, and Crossbridge Music, Inc.

au. No documents breaking down the figures for contributions on 3ABN's Form 990's into figures for sales revenue, revenue from trusts and charitable gift annuities, tithes, and other contributions.

av. Insufficient documents providing detail for "Cost of goods given away" or "Cost of goods sold" on the 2006 financial statement or Form 990, and no identifiable documents providing detail for these categories for other years.

aw. No identifiable or insufficient documents pertaining to detail associated with categories on the financial statements or Form 990's labeled as "Auto," "Bad debt," "Contract labor," "Credit card fees," "Interest" expense, "Love gifts," "Miscellaneous," "Music production," "noncash" contributions, "Other changes in net assets," (line 20 of Form 990), "Other" expenses, "Other revenue," "School subsidy," or "Special projects."

- ax. No documents pertaining to Request to Produce #10, other than engagement letters from Gray Hunter Stenn LLP.
- ay. No identifiable documents pertaining to contributions to 3ABN made by officers, directors, or members.
- az. Insufficient documents pertaining to Request to Produce #12.
- ba. No documents from attorneys or law firms pertaining to investigations or audits of 3ABN made by those attorneys or law firms.
- bb. No reports, recordings, photographs, or other documents from investigative firms employed by or on behalf of the Plaintiffs.
- bc. No documents pertaining to the impact Save3ABN.com had on Seventh-day Adventist church leaders.
- bd. No identifiable documents pertaining to donors who have reduced or stopped giving to 3ABN.
- be. No identifiable documents describing or listing all charitable gift annuities by state of origin.
- bf. No copies of all required state registrations for trust services related work.
- bg. No identifiable trust services logs recording trust services activity since January 1, 2000.
- bh. No identifiable documents pertaining to charitable gift annuities originating in the state of Washington or naming Lottie Wiedermann as an annuitant.
- bi. No invoices paid to Westphal Law Group or Lunsford & Westphal,
- bj. No identifiable documents pertaining to the trust file of May Chung.
- bk. No documents pertaining to the accounting procedures, policies, usage, scheduling, fees charged, or remuneration practices of the 3ABN Sound Center.



bl. No documents pertaining to the accounting procedures or policies regarding the use, sale, or disposal of donated items or assets, including without limitation the method of arriving at a fair market value or sales price of each item or asset, and the issuing of receipts to donors or buyers of such items or assets.

bm. No documents pertaining to items buried on 3ABN property.

bn. No invoices associated with the building of the school, gymnasium, or Angel Lane.

bo. No documents pertaining to reimbursements to 3ABN for the cost of legal, investigative, or surveillance expenses incurred since January 1, 2003.

bp. No invoices pertaining to purchases from Media Opportunities IPTV.

bq. No documents pertaining to the piano presumably sold to Tommy Shelton in 1998 for \$2000.

br. No documents supporting Shelton or Tommy Shelton's claims of health problems due to the allegations against them.

bs. No documents pertaining to Mollie Steenson's membership or tenure on the Executive Committee of the Illinois Conference of Seventh-day Adventists, or pertaining to the compensation John Lomacang directly or indirectly receives from 3ABN, or pertaining to Seventh-day Adventist schools on the 3ABN campus in regards to the presence of alleged pedophiles or convicted sex offenders in proximity to those schools.

bt. No documents pertaining to contributions of text pertaining to Plaintiff-related issues by 3ABN personnel, or their agents or relatives, to internet websites, and no correspondence with those making such contributions.

bu. No documents pertaining to 3ABN's anticipated merger with Amazing Facts.

bv. No applications filed with the FCC or documents pertaining to those applications, no documents pertaining to the purchase or sale of television or radio stations (other than an itemization of costs for WBLC), and no documents pertaining K16EI.

bw. No recordings of broadcasts from the May 2004 camp meeting, and the 3ABN Today LIVE's of August 10 and December 31, 2006, and February 15, 2007.

bx. No documents supporting certain claims found in the May 9, 2007, affidavits of Mollie Steenson and Larry Ewing.

by. No corporation documents pertaining to DLS.

bz. No tax returns, financial statements, accounting records, or bank statements pertaining to Shelton, D&L, or DLS.

ca. No proof of Shelton's payment for the house he bought from 3ABN in 1998.

cb. No proofs of receipt or payment of the loans or mortgages Shelton gave to the Fjarli Foundation or received from Jim Gilley.

cc. No proofs of payment to 3ABN for services Shelton received from 3ABN, including without limitation Shelton's use of the corporate jet to receive marriage counseling on April 15, 2004, and legal services pertaining to Shelton's divorce or this lawsuit.

cd. No identifiable documents pertaining to 3ABN items or assets subsequently in the possession of Shelton or one of his relatives, other than a single document referencing vans given or sold to Linda Shelton and Derrell Mundall.

ce. No invoices or other documents regarding materials or labor pertaining to any home Shelton has lived in since founding 3ABN.

cf. No emails authored or received by Shelton.

6. The proof of service for the subpoena served upon Ann Duenow of MidCountry

bank on January 16, 2008, is attached hereto as **Exhibit B**.

7. On August 8, 2008, Remnant Publications, Inc. (hereafter "Remnant") filed an appeal from Magistrate Judge Carmody's order to produce documents to the Defendants, based on the Plaintiffs' motion filed in this Court on June 25, 2008. Remnant's memorandum is attached hereto as **Exhibit C**. Barb Barr, Judge Enslin's case manager has informed me that a decision could be rendered a couple weeks after Judge Enslin's chambers received all the documents, which did not occur until after August 28, 2008. Thus, a decision could be rendered as early as the end of this week.

8. Plaintiffs' counsel represented that he opposed this motion to extend the time, and his email to that effect is attached hereto as **Exhibit D**. While Plaintiffs' counsel in the discovery conference of June 4-5, 2008, agreed to an extension of 90 days to all discovery deadlines, including the deadline of June 11, 2008, a date the Defendants had repeatedly stressed in the discovery conference. However, on June 6, 2008, Plaintiffs' counsel informed Defendant Pickle that he had not included an extension of the June 11 deadline in the proposed stipulation he had drafted.

9. Attached hereto as Exhibit E is the fax I received about 4:30 pm CDT on June 11, 2008, which would be about 5:30 pm EDT. The fax demanded that we withdraw our June 10 motion to extend the time. But doing so would have made untimely a later request to extend the time.

FURTHER DEPONENT TESTIFIES NOT.

Signed and sealed this 8th day of September, 2008.

/s/ Bob Pickle

Robert Pickle

Subscribed and sworn to me  
this 8th day of September, 2008.

/s/ Randall C. Aarestad

Notary Public—Minnesota

My Commission Expires Jan. 31, 2010