

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
Three Angels Broadcasting Network, Inc.,)	
an Illinois non-profit corporation, and)	
Danny Lee Shelton, individually,)	Case No.: 07-40098-FDS
)	
) Plaintiffs,)	
v.)	
)	
Gailon Arthur Joy and Robert Pickle,)	
)	
) Defendants.)	
_____)	

AFFIDAVIT OF ROBERT PICKLE

NOW COMES Robert Pickle of Halstad Township, Norman County, Minnesota, who deposes and testifies to the following under pain and penalty of perjury:

1. I appeared by telephone at the Rule 2004 examination of Gailon Arthur Joy (hereafter "Joy") held at Springfield, Massachusetts on September 9, 2008. Lizette Richards (hereafter "Richards"), George Roumeliotis (hereafter "Roumeliotis"), and Gregory Simpson (hereafter "Simpson") appeared on behalf of Three Angels Broadcasting Network, Inc. (hereafter "3ABN"), Danny Lee Shelton (hereafter "Shelton"), John Pucci (hereafter "Pucci"), or Fierst, Pucci & Kane, LLP (hereafter "FPK").

2. Simpson stated up front that he would not be asking questions during the Rule 2004 examination, and that he would be entering an appearance in the case in the near future.

3. Once the Rule 2004 examination began, it became clear that a Rule 7030 adversary proceeding deposition was also being conducted, even though the subpoena issued by

Roumeliotis had said nothing about a Rule 7030 deposition.

4. Richards asked questions pertaining to the adversary proceeding, presumably on behalf of Pucci and/or FPK. According to the PACER attorney reports for Case Nos. 07-43128, 07-04173, and 08-cv-40090, Richards is not an attorney in any of these proceedings, and Pucci is representing both Pucci and FPK in the adversary proceeding (07-04173 and 08-cv-40090).

5. Roumeliotis asked Joy to identify who paid for his groceries, and who paid for the gas that got put in the borrowed car Mrs. Joy drives. He also asked Joy about the particulars of domain names registered after Joy filed for bankruptcy. He also asked Joy if he would identify those who had reported 3ABN and Shelton to the IRS, and Joy's sources within 3ABN.

6. Roumeliotis claimed that 3ABN and Shelton were Joy's creditors, which is the whole basis for 3ABN and Shelton meddling in Joy's bankruptcy. Yet Roumeliotis never identified what exactly Joy owed 3ABN and Shelton, and the stipulated order of November 21, 2007, included the provision that 3ABN and Shelton would not "seek damages in the Civil Action on account of any pre-petition claim."

7. Attached hereto as **Exhibits A–B** are sample subpoenas for U.S. Attorney Courtney Cox and the Fjarli Foundation. Some parts are not completed since, for example, it is presently unknown where or when documents should be produced.

8. Attached hereto as **Exhibit C** is Jerrie Hayes' November 8, 2007, letter to Joy, which I referred to in the post that can be found at page 53 of Docket Entry #42. This letter documents that the Plaintiffs attempted to get Joy to send his equipment to Minnesota where he could not witness the imaging of his hard drive(s), that three copies would be made instead of one, and that a computer forensics expert would sign an agreement rather than physically seal the device containing the image with a seal that was signed by the parties or their representatives.

9. Attached hereto as **Exhibits D–J** are relevant pages from the Form 990-PF's of

the Garmar Foundation (hereafter “Garmar”), a foundation operated by Garwin McNeilus (hereafter “McNeilus”), his wife Marilee, and other family members (Ex. D pp. 2–3), for July 2000 through June 2007. From these Form 990-PF’s we can determine what gifts 3ABN received from the Garmar Foundation and how these grants declined by more than 93% over 6 years, with more than a 66% drop in the fiscal year immediately following Shelton’s June 25, 2004, divorce.

Table 1: Garmar Foundation Grants to 3ABN

Fiscal Year	Grants to 3ABN	% Decline
July 2000–June 2001	\$434,197	
July 2001–June 2002	\$350,000	20.39%
July 2002–June 2003	\$350,000	0%
July 2003–June 2004	\$265,000	24.29%
July 2004–June 2005	\$90,000	66.04%
July 2005–June 2006	\$61,000	32.22%
July 2006–June 2007	\$30,000	50.81%

10. Since the Defendants did not launch their investigations of the Plaintiffs until August 2006, the Defendants are not responsible for Garmar’s sizable decline in grants to 3ABN, which had already declined by 86.18% ($100 - (61,000 \div 434,197)$) by that point in time.

11. The March 1991 issue of *Corporate Report Minnesota* (hereafter “CRM”) carried an article critical of McNeilus, “a portrait of a man of seeming contradictions. A generous, religious man, McNeilus was accused time and time again of crippling his rivals, rather than competing with them. His critics charge him with everything from predatory pricing to industrial espionage,” including wiretapping. McNeilus then used Attorney Gerald Duffy and Siegel Brill of Minneapolis to retaliate with lawsuits against CRM and its sources. McNeilus tried to discover the identity of CRM’s confidential sources, but the court allowed CRM to protect their identity. (21 Media L. Rep. 2171, 2175 (Dodge Cty., Minn., Dist. Ct. 1993)). Attached hereto as **Exhibits K–M** are three Minneapolis *Star Tribune* articles about CRM’s article and the suits that followed.

12. The Defendants in the instant case reported on various allegations against Shelton that were circulating. Shelton was accused of illegally recording phone calls and of inappropriate retaliatory measures against his critics. Shelton used Attorney Gerald Duffy and Siegel Brill to retaliate with a lawsuit, and has endeavored to discover the identities of the Defendants' sources in the course of the litigation. Attached hereto as **Exhibit X** is a thread from BlackSDA.com, on page 7 of which is an email written by Shelton around June 2006 that claims that McNeilus would foot the bill if there was litigation.

13. Given the similarity of allegations against both McNeilus and Shelton, given their use of the same Minnesota law firm and attorney, given the same attempts to identify sources, and given Shelton's claim that McNeilus would foot the bill for litigation, it is hard to imagine that McNeilus was swayed by the Defendants into reducing his donations to 3ABN.

14. No identifiable documents pertaining to the IRS investigation have yet been produced to the Defendants by the Plaintiffs.

15. On September 5, 2008, Shelton publicly claimed that 3ABN, Remnant Publications, Inc. (hereafter "Remnant"), Gray Hunter Stenn LLP (hereafter "GHS"), and he were investigated by the IRS, that at least he and 3ABN ordered the IRS to destroy all the documents that he and 3ABN had produced to the IRS, and that "the IRS has destroyed all of the 100,000 plus documents." Shelton's public claim to this effect is attached hereto as **Exhibit O**.

16. On July 7, 2008, Doug Batchelor of Amazing Facts claimed that the IRS had concluded its audit of 3ABN and Shelton, and that the "verdict" was that there was "Not one infraction, not one discrepancy, not one fine!" Doug Batchelor denied that there was any fire amidst the smoke, and called the expression of concerns about Shelton's conduct a "smear campaign." He claimed that the source of his information regarding the conclusion of the IRS investigation was Jim Gilley's assertions regarding what the investigators told 3ABN's attorneys.

Doug Batchelor's email, which was widely circulated and forwarded, is attached hereto as

Exhibit P.

FURTHER DEPONENT TESTIFIES NOT.

Signed and sealed this 15th day of September, 2008.

/s/ Bob Pickle

Bob Pickle
Halstad, MN 56548
Tel: (218) 456-2568

Subscribed and sworn to me
this 15th day of September, 2008.

/s/ Randall C. Aarestad
Notary Public—Minnesota

My Commission Expires Jan. 31, 2010