
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.

MOTION FOR VOLUNTARY DISMISSAL
AND REQUEST FOR ORAL ARGUMENT

MOTION

Plaintiffs Three Angels Broadcasting Network, Inc. and Danny Shelton
hereby move the Court for an Order as follows:

1. Ordering dismissal of the above-captioned lawsuit without prejudice;
2. Ordering return to Plaintiffs of all materials supplied to Defendants that Plaintiffs designated as Confidential under the Confidentiality and Protective Order issued in this case on April 17, 2008 (ECF Doc 60), including but not limited to the records of MidCountry Bank which were delivered under under seal to, and remain in the custody of, Magistrate Judge Hillman and records of Remnant Publications produced directly to Defendants on September 22, 2008;
3. Ordering Defendants to dismiss any pending third party subpoenas that have been issued on the basis of this case; and

4. Staying discovery pending resolution of this motion, including but not limited to the pending obligation to respond to document requests served by the Defendants.

This Motion is based upon Plaintiffs' Motion for Voluntary Dismissal, Plaintiffs' Memorandum in Support of the same, and any affidavits filed herewith, the arguments of counsel and all other files, records and proceedings herein.

REQUEST FOR ORAL ARGUMENT

Plaintiffs respectfully request that this Honorable Court set a day and time for oral argument to be heard on this Motion, and further request that leave be granted for the parties to appear by telephone.

Respectfully Submitted:

**Attorneys for Plaintiffs Three Angels
Broadcasting Network, Inc. and
Danny Shelton**

Dated: October 23, 2008

FIERST, PUCCI & KANE, LLP
John P. Pucci, Esq., BBO #407560
J. Lizette Richards, BBO #649413
64 Gothic Street
Northampton, MA 01060
Telephone: 413-584-8067

-and-

SIEGEL, BRILL, GREUPNER,
DUFFY & FOSTER, P.A.

s/ M. Gregory Simpson

Gerald S. Duffy (MNReg. #24703)
M. Gregory Simpson (MN Reg. #204560)
Kristin L. Kingsbury (MNReg. #346664)
100 Washington Avenue South
Suite 1300
Minneapolis, MN 55401
Tel: 612-337-6100 / Fax: 612-339-6591

Local Rule 7.1 Certificate

Undersigned counsel hereby attests that Plaintiffs have complied with the requirements of Local Rule 7.1 by having, in good faith, through counsel and without success, conferred with Defendants in an attempt to resolve or narrow the issues raised in this motion.

Dated: October 23, 2008

/s/ M. Gregory Simpson
M. Gregory Simpson

Certificate of Service

I, M. Gregory Simpson, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 23, 2008.

Dated: October 23, 2008

/s/ M. Gregory Simpson
M. Gregory Simpson