

Ex. C

Subject: RE: Possible motion to be filed
From: "Gailon Arthur Joy"
Date: Wed, 29 Oct 2008 08:55:55 -0400
To: "Greg Simpson"
CC: "Bob", "Chris Penwell", "John Pucci",
"Lizette Richards"

Mr. Simpson,

In at least two of the telecommunications since the last status conference there has been discussion relating to proposing a "comprehensive settlement" proposal of all issues and included discussion of the feasibility of meeting with the Three Angels Broadcasting Board to mediate some issues. Those conversations were always with the three participants, Robert Pickle, Gailon Arthur Joy and Attorney Gregory Simpson.

I would also point out that you have twice contacted me directly related to your clients discovery confidentiality concerns, by telephone. You also have been able to communicate via e-mail.

YOU have not been in touch with me since those conversations to discuss any issue relating to "voluntary dismissal" or other issues collaterally considered.

You have unilaterally filed a Motion to Dismiss that specifically reserves the right to re-open the case and is obviously proposed to dismiss "without prejudice", clearly unacceptable and clearly prejudicial to the Defendants in this action.

Further, your supportive affidavit is a bold misrepresentation of the confidentiality concerns and is reprehensibly so. In fact, it is unethical, particularly in light of your very specific call to clarify your client's concerns regarding the ANYMAN, son of Dr. Walter Thompson, AdeventTalk post regarding the status of discovery documents.

Clearly, your client seems to have not understood the status of discovery documents and it would most certainly appear your client seeks to avoid discovery of documents that clearly favor the Defendants source claims and answers to the Plaintiff's complaint.

We are now well over eighteen months into this litigation and closing in on trial preparation on claims that your client will not be able to support, based upon the evidence. You most surely clearly understand the import of the documentation to the failure of the plaintiffs outrageous claims, given the weight of the evidence.

Now, you and your client affirm a further assertion we have made, that the claims by the Plaintiff's were a fraud upon the court, the claim was frivolously asserted and was a misuse of process. Further, since the inception of the suit, there has been a pattern of malicious prosecution and vexation, not to mention the clear demonstration that your client seems to be a "reluctant litigant" post filing, other than

for purposes of harassment and dubious public relations.

It is disconcerting to think that a firm of your caliber was so willing to use the Federal Bar to propagate these serious breaches on behalf of a Plaintiff that is best described as another example of a televangelist abusing their public trust to “fleece the sheep”. And Duffy’s letter confirming the clearly factually challenged Chairman of the Board and the former President’s assertion that your firm “confirmed” the allegations in the complaint and “exonerated” the officers and directors of Three Angels Broadcasting Network, Inc. with your firms due diligent investigation.

This process leaves one questioning your investigative capacity, given your “insider” position as counsel to the Plaintiff. Anyone simply hiring a forensic accountant would have been able to detect the most fundamental issues from the Website allegations and supporting documentation, largely in the public domain. You are left so wanton in your execution of this litigation it is difficult to believe you can provide adequate counsel to the officers and the directors of the network without clear conflicts of interest. But, you are left to your defenses.

In summary, the Motion to Dismiss is a further example of abuse by client and counsel and we will oppose your Motion to Dismiss as presently struck as clearly prejudicial to our defense, both now and in the future. As you well know, there is plenty of appellate case law to support the opposition regarding the elements the judiciary looks for to test the Plaintiff’s right to a dismissal at this very late stage in the process, particularly with the specific right to dismiss without prejudice.

Therefore, your Motion for a Voluntary dismissal must be seen as yet another fraud upon the court and any amount of effort by you to “spin” it otherwise Perpetuates a wanton position.

Respectfully Submitted,

Gailon Arthur Joy

From: Greg Simpson
Sent: Tuesday, October 28, 2008 10:59 AM
To: gailon@...
Cc: Bob; Chris Penwell; John Pucci; Lizette Richards
Subject: RE: Possible motion to be filed

Arthur:

I thought your position was sufficiently clear that I could certify to the Court your opposition to Plaintiffs' motion to dismiss. Let us now remedy any deficiency.

For the record: Do you agree or disagree that Plaintiffs should be allowed to voluntarily dismiss their lawsuit?

M. Gregory Simpson

Direct: (612) 337-6107

e-mail: gregsimpson@...

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From: gailon

Sent: Monday, October 27, 2008 10:18 PM

To: Greg Simpson

Cc: 'Bob'; Chris Penwell; 'John Pucci'; 'Lizette Richards'

Subject: RE: Possible motion to be filed

Mr. Simpson,

I have made it clear that we will be contesting your motion to dismiss. Given the case law we have found, I doubt the court will find for the motion to dismiss. It is so poorly conceived and so violative of the rules, it must be struck.

I am not aware I have ever granted a power of attorney to Robert Pickle and I will note that my phone records do not indicate any effort on your part to make any contact with me. You, sir, know better.

This motion is a frivolous attempt to avoid pending discovery issues and clearly demonstrates a misuse of process. It also demonstrates to the Honorable Court that the lawsuit was conceived frivolously and, based upon the evidence, I can safely say without foundation in fact. And, given your desire to keep litigation

an open option, given the age and health of some critical witnesses and the fragility of most documentation, such a move would clearly prejudice our defense in any future action. This and the case law require the vacating of even this frivolous Plaintiff's Motion to Dismiss.

Further, it is clear there are issues that would need to be addressed and require resolution and are best addressed at Bar. Further delay is not expedient for the pursuit of the adversarial issues at Bar. And what makes you believe that you can simply litigate for eighteen months and then pick up your toys, go home, and believe you can come back another day?

I would also point out that you have missed a critical production date and it is our intent to file a motion to show cause why your clients should not held in contempt. I remind you that you are not yet a member of the Federal Bar and there is no stay on discovery, as much as you would like to believe it.

Frankly, your affidavit in support of the Motion to Dismiss is so outrageous and so clearly takes the posting on AdventTalk so far out of context, you have crossed the line of reasonable ethics. I would note that you specifically called me regarding this e-mail and you have elected to void the clarity established.

Respectfully, I reject your extremely weak basis for failure to confer and it is clear that you do not seem to believe that the rules apply to you or your client. That does constitute an element of contempt.

I would recommend you and your client withdraw your frivolous motion to dismiss and promptly prepare to deliver your past due production.

Gailon Arthur Joy

From: Greg Simpson
Sent: Friday, October 24, 2008 1:43 PM
To: Gailon Arthur Joy
Cc: Chris Penwell; John Pucci; Lizette Richards; Bob
Subject: RE: Possible motion to be filed

Arthur-

I am unable to reach you by phone or to leave a message for you because your voice mailbox is full.

Last Friday, Bob said that he would convey the proposal of dismissal to you and get back to me on Monday. Your email indicates he did talk to you, and also indicates that you do not agree to a voluntary

dismissal. I don't see what another conference would have accomplished.

The meet and confer requirement is intended to ensure that a matter is contested before it is submitted to the judge. If you are saying that this matter is not truly contested, or that we may still be able to reach an agreement as to terms of dismissal, then call me and let's work it out and submit a stipulation to the court. Otherwise, let's not waste time splitting hairs.

Feel free to call me if you think we might be able to reach an agreement that would narrow the issues for the court.

M. Gregory Simpson

Direct: (612) 337-6107

e-mail: gregsimpson@...

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From: Gailon Arthur Joy

Sent: Friday, October 24, 2008 11:44 AM

To: Greg Simpson; 'Bob'

Cc: Chris Penwell; 'John Pucci'; 'Lizette Richards'

Subject: RE: Possible motion to be filed

Mr. Simpson,

My phone records indicate that I have not spoken with you since Tuesday the 14th at which time you purportedly recorded the Conversation.

I have not spoken with you since then, other than the conference call

with Magistrate Judge Frazier on Wednesday, October 22, 2008.

You clearly did not confer with me regarding the subject Motion to Dismiss and in fact, based upon the reports of that conversation, you Clearly had no intention of conferring with me.

You, sir, have crossed the line, both in the failure to confer and in the Incredible misrepresentations in your affidavit regarding the confidential Documents.

Therefore, I would suggest that any motion for sanctions will be met with A motion for sanctions.

Further, Mr Simpson, an opposed Motion makes NOTHING MOOT Until we have a decision from the Bench. YOU are not a member of the Bench. And, I suspect if you continue the current trend, it is reasonably unlikely you ever will be there.

Regardless, your motion to dismiss resolves nothing in this controversy And will inevitably result in a continuation of the case, if not here and now, Soon, very soon. The very specific request to dismiss without prejudice is Clearly a fraud upon the court.

I reject your continued threats as meaningless and as frivolous as your lawsuit.

Gailon Arthur Joy

From: Greg Simpson
Sent: Friday, October 24, 2008 11:43 AM
To: Bob
Cc: G. Arthur Joy; Chris Penwell; John Pucci; Lizette Richards
Subject: RE: Possible motion to be filed

Bob-

I would oppose it because I have certified that we met and conferred. Look at Doc. 120, page 3.

If you mean to imply that we did not actually meet and confer, please recollect our telephone conversation on Friday, Oct. 17, 2008, in which we discussed a variety of scenarios to end the case, including both settlement and voluntary dismissal, and the upshot was that you were not interested in ending the case on any terms but you and Mr. Joy would consider it and get back to me if there was any interest. You didn't get back to me. If you were to oppose my motion to voluntarily dismiss, it would merely affirm my

certification that you are not willing to agree to a voluntary dismissal on any terms.

I am contemplating a motion for sanctions against you for continuing to file motions after we have moved to voluntarily dismiss, which motions are moot and will cost my client money to oppose. My motion would include any motion that you file to strike Plaintiffs' motion to dismiss for failure to comply with local meet and confer rules. Would you oppose this motion?

M. Gregory Simpson

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From: Bob
Sent: Friday, October 24, 2008 8:38 AM
To: Greg Simpson
Cc: John Pucci; G. Arthur Joy
Subject: Possible motion to be filed

Counselor Simpson:

We are contemplating filing a motion to strike plaintiffs' motion to dismiss due to a failure to follow Local Rule 7.1(a)(2). Would you oppose or not oppose such a motion?

Bob Pickle, *pro se*