

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Three Angels Broadcasting Network, Inc., an Illinois non-profit corporation, and Danny Lee Shelton, individually,)	
)	
Plaintiffs,)	
v.)	
)	
Gailon Arthur Joy and Robert Pickle,)	
)	
Defendants.)	
)	

Case No.: 07-40098-FDS

**DEFENDANTS’ MOTION TO COMPEL
PLAINTIFFS’ COUNSEL TO RETURN THE MIDCOUNTRY RECORDS**

Pursuant to Fed. R. App. P. 11(a) and the court’s inherent power, Defendants move this Court to order Plaintiffs’ counsel to return the bank records produced by MidCountry Bank (“MidCountry records”) to this Court.

Defendants have designated the MidCountry records to be part of the record on appeal, and have requested these records to be forwarded to the Court of Appeals.

Contrary to this Court’s order of October 30, 2008, Plaintiffs’ counsel obtained the only copy of these sealed records from the federal courthouse in Worcester, Massachusetts. Plaintiffs’ counsel must therefore return the MidCountry records to the Court, certifying that the returned records do not differ in quantity or content from that which he/they received.

The clerk of court’s act of surrendering the Court’s sole copy of the MidCountry records to a party that did not own them, was not entitled to them, and had not paid for them, all contrary to this Court’s order of October 30, 2008, constituted a profound expropriation of Defendants’

property and a violation of the Fifth Amendment by the Court.

Since this Court's order of October 30, 2008, has never yet been executed by returning them "to the party that produced" them (Doc. 141 p. 13), that order should be stayed until the conclusion of Defendants' appeals, if a stay is required to prevent such return.

By this motion, Defendants do not waive their right to pursue other forms of redress.

WHEREFORE, Defendants pray the Court to compel Plaintiffs' counsel to return the MidCountry records to this Court, certifying that the returned records do not differ in quantity or content from that which he/they received; Defendants pray the Court to forward the MidCountry records to the Court of Appeals; Defendants pray the Court to stay the not yet executed order of October 30, 2008, if such a stay is required to prevent the return of the MidCountry records to MidCountry; and Defendants pray the Court to grant whatever further relief this Court deems equitable and just.

Respectfully submitted,

Dated: December 18, 2009

/s/ Gailon Arthur Joy, pro se
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and

/s/ Robert Pickle, pro se
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LOCAL RULE 7.1 CERTIFICATE

The undersigned hereby attests that the Defendants have complied with the requirements of Local Rule 7.1 by having, in good faith, through counsel conferred with Plaintiffs, and Plaintiffs' counsel indicated that he would not return the MidCountry records without a court order.

Dated: December 18, 2009

/s/ Bob Pickle

Bob Pickle

AFFIDAVIT OF SERVICE

Under penalty of perjury, I, Bob Pickle, hereby certify that this document, with accompanying memorandum, affidavit, and exhibits, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: December 18, 2009

/s/ Bob Pickle

Bob Pickle