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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.

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**AFFIDAVIT OF JERRIE M. HAYES**

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STATE OF MINNESOTA    )  
                                  )  
COUNTY OF HENNEPIN    )

ss

Jerrie M. Hayes, being first duly sworn upon oath, deposes and states as follows:

1. I am an attorney licensed in the State of Minnesota and admitted *pro hoc vice* to the Federal District Court of the District of Massachusetts. I represent Plaintiffs Three Angels Broadcasting and Danny Shelton in the above-entitled matter and I make this affidavit based upon my knowledge and information.
2. On August 7, 2007, attorney Laird Heal wrote to Plaintiffs' Counsel suggesting that Plaintiffs were required to produce, simultaneous with the service of their 26(a)(1) disclosures, the documents and materials identified in Section 2 of those disclosures and to make them immediately available for Defendants' inspection and copying. A true and correct copy of Attorney Heal's letter is attached as Exhibit B to the December 10

Affidavit of Robert Pickle. After I wrote a responsive letter to attorney Heal, dated August 8, 2007, a true and correct copy of which is attached as Exhibit C to the December 10 Affidavit of Robert Pickle, attorney Heal made no further efforts to obtain the production of, or to arrange the inspection and copying of, documents described in Plaintiffs' Rule 26(a)(1) Initial Disclosures.

3. In November of 2007, Defendant Pickle, now represented *pro se*, attempted to informally obtain discovery in the case, including the informal scheduling of depositions and the informal inspection of documents described in Plaintiffs' 26(a)(1) Initial Disclosures. Understanding Pickle was represented *pro se*, Plaintiff and counsel on their behalf made every effort to reasonably accommodate Pickle's informal requests.

4. When Pickle insisted on learning the date of 3ABN's January Board meeting, for the purpose of scheduling Board member depositions at or near the time of that meeting, I informed Pickle that such a schedule would be logistically and procedurally inappropriate and I asked him to provide me with a list of deponents and proposed dates for their depositions. When Pickle insisted on obtaining the date of the January Board meeting, I ended efforts to informally schedule those depositions.

5. When Pickle insisted on informally inspecting, reviewing and copying Plaintiffs' highly sensitive trade secret, financial and business information, Plaintiffs refused to informally provide that information without a mutually negotiated Confidentiality Agreement in Place. Defendant Pickle refused to acknowledge the sensitive nature of the confidential information and refused outright to attempt to negotiate a mutually agreement Confidentiality Order.

6. Defendant Pickle served formal Requests for Production of Documents on Plaintiff 3ABN that were received by Plaintiffs on December 4, 2007. Although those Requests were dated November 29, 2007, the certificate of service by mail is not notarized. Defendant Pickle served formal Requests for Production of Documents on Plaintiff Shelton that were received by Plaintiffs on December 12, 2007. Although those requests were dated December 4, 2007, the certificate of service by mail is not notarized.

7. Attached hereto as **Exhibit A** is a true and correct copy of an e-mail correspondence from Robert Pickle to Jerrie Hayes dated November 14, 2007.

8. Attached hereto as **Exhibit B** is a true and correct copy of an e-mail correspondence from Robert Pickle to Jerrie Hayes dated November 14, 2007.

9. Attached hereto as **Exhibit C** is a true and correct copy of a letter to Robert Pickle from Jerrie Hayes dated November 14, 2007.

10. Attached hereto as **Exhibit D** is a true and correct copy of an e-mail correspondence from Jerrie Hayes to Robert Pickle dated November 14, 2007.

11. Attached hereto as **Exhibit E** is a true and correct copy of an e-mail correspondence from Robert Pickle to Jerrie Hayes dated November 14, 2007.

12. Attached hereto as **Exhibit G** is a true and correct copy of an e-mail correspondence from Robert Pickle to Jerrie Hayes dated November 14, 2007.

13. Attached hereto as **Exhibit H** is a true and correct copy of an e-mail correspondence from Robert Pickle to Jerrie Hayes dated November 14, 2007.

14. Attached hereto as **Exhibit I** is a true and correct copy of an e-mail correspondence from Robert Pickle to Jerrie Hayes dated November 14, 2007.

14. Attached hereto as **Exhibit J** is a true and correct copy of a letter to Robert Pickle from Jerrie Hayes dated November 14, 2007.

15. Attached hereto as **Exhibit K** is a true and correct copy of an e-mail correspondence from Robert Pickle to Jerrie Hayes dated November 16, 2007.

16. Attached hereto as **Exhibit L** is a true and correct copy of an e-mail correspondence from Robert Pickle to Jerrie Hayes dated November 19, 2007.

17. Attached hereto as **Exhibit M** is a true and correct copy of an e-mail correspondence from Robert Pickle to Jerrie Hayes dated November 21, 2007.

18. Attached hereto as **Exhibit N** is a true and correct copy of an e-mail correspondence to Robert Pickle from Jerrie Hayes dated November 28, 2007.

19. Attached hereto as **Exhibit O** is a true and correct copy of an e-mail correspondence from Robert Pickle to Jerrie Hayes dated November 30, 2007.

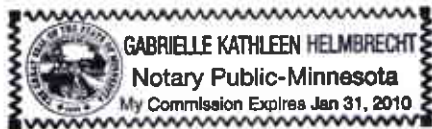
FURTHER YOUR AFFIANT SAYETH NOT.

Dated: Dec 26, 2007

  
\_\_\_\_\_  
Jerrie M. Hayes, Esq.

Subscribed and sworn to me  
this 26<sup>th</sup> day of December, 2007.

  
\_\_\_\_\_  
Notary Public



**Jerrie Hayes**

---

**From:** Bob [bob@pickle-publishing.com]  
**Sent:** Wednesday, November 14, 2007 9:01 AM  
**To:** Jerrie Hayes  
**Cc:** G. Arthur Joy  
**Subject:** Location for depositions - receipt requested

Greetings, Ms. Hayes.

Hope your morning is going well.

I was conferring with Gailon last night, and we would like to suggest that we save some expense for Danny Shelton and 3ABN by scheduling your depositions of both of us in southern Illinois.

There are a number of advantages in doing so. We would take depositions of the employees of 3ABN at the same time, and having all the depositions done at the same time and in the same place would greatly reduce the costs of both travel and time incurred by any or all of the six attorneys representing either and both plaintiffs, and thus reduce the costs that Danny and 3ABN must ultimately pay.

Would you be able to make a location available in southern Illinois, like perhaps the Bos Auditorium or worship center at 3ABN? I understand that it has lots of rooms, including guest rooms, and the sound or video equipment scattered around would not bother us.

Would it be possible for you to make a location such as this available?

Bob Pickle



A

**Jerrie Hayes**

---

**From:** Bob [bob@pickle-publishing.com]  
**Sent:** Wednesday, November 14, 2007 9:15 AM  
**To:** Jerrie Hayes  
**Cc:** G. Arthur Joy  
**Subject:** Judge's Order & Local Rules

Hello Ms. Hayes.

On July 24, 2007, Judge Saylor issued an order that included the following:

"Any party who reasonably believes that a status conference will assist in the management or resolution of the case may request one from the court upon reasonable notice to opposing counsel."

Correct me if I am wrong, as I do not have as much experience as you do in these matters, but I believe that there should have been some notice given to opposing counsel regarding the motion for a status conference prior to its filing. Neither Gailon nor Mr. Heal recall receiving any such notice.

It seems to me that as we move along in this process, all parties should endeavor to follow the orders of the court, even in such details.

From the Local Rules of the United States District Court for the District of Massachusetts 5.1(a)(2), something I found in the last week or two:

"All papers, except discovery requests and responses, shall be double-spaced except for the identification of counsel, title of the case, footnotes, quotations and exhibits. Discovery requests and responses shall be single-spaced."

I note that the requests I received from you and the responses I returned were double-spaced, except maybe the exceptions mentioned above. Perhaps the fact that such discovery requests and responses were not filed with the court makes a difference as to the required form, but I would think it best if all parties ensure that all such requests and responses from now on adhere to this local rule.

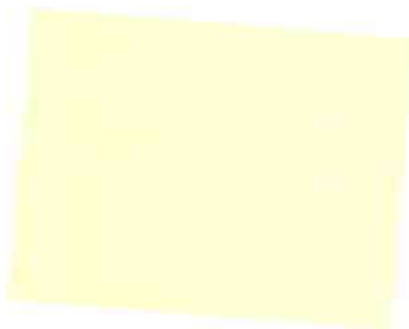
If I am incorrect on either point, I welcome your correction.

Sincerely,

Bob Pickle



12/13/2007



1300 Washington Square  
100 Washington Avenue South  
Minneapolis, Minnesota 55401  
T (612) 337-6100 F (612) 339-6591  
siegelbrill.com

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

JERRIE M. HAYES  
612-337-6142  
jerrichayes@sbgdf.com

November 14, 2007

VIA FACSIMILE / U.S. MAIL

Mr. Robert Pickle  
1354 County Highway 21  
Halstad, MN 56548

**Re: Three Angels Broadcasting Network, Inc. and Danny Lee Shelton vs.  
Gailon Arthur Joy and Robert Pickle  
Court Docket No. 07-40098-FDS  
Our File No. 24,681-D-002**

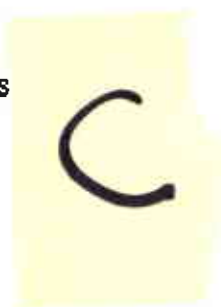
Dear Mr. Pickle:

I am in receipt of your e-mail of November 14, 2007 concerning Judge's Order and Local Rules.

Judge Saylor's July 24 scheduling order does not require the parties to meet and confer before the filing of a request for status conference, merely that the party requesting a status conference provide the other side with reasonable notice that they have made such a request. Mr. Heal, on your behalf, was provided with a notice of Plaintiffs' request by being given a copy of Plaintiffs' motion at the time it was filed. No other notice is required by the Federal Rules, the Local Rules, or Judge Saylor's order.

Your comment concerning the Local Rule regarding spacing of discovery requests and responses is noted. Since discovery requests and responses are typically not filed with the court, I question the relevance of this rule, particularly since the double-spacing of discovery requests and responses, which can be quite textually dense, make for far easier reading. Nonetheless, it is our practice to adhere to all rules of Court and we intend to do so with respect to the formatting of all future discovery requests and responses.

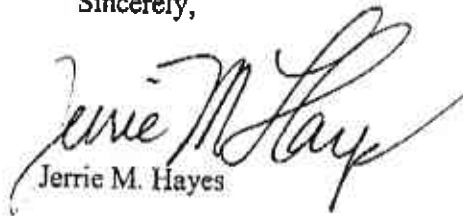
This may be a good time to discuss your new status as counsel *pro se*. While attorneys, as officers of the Court, are expected to treat *pro se* counsel professionally and with some recognition of their often less-than-sophisticated understanding of the law, attorneys are not expected to provide guidance, direction or legal advice to *pro se* litigants. In your letter you stated "correct me if I am wrong, as I do not have as much experience as you do in these matters



Robert Pickle  
November 14, 2007  
Page 2

but I believe...." and "If I am incorrect on either point, I welcome your correction." I want you to understand that my refusal to respond to such requests now and in the future is not due to uncooperativeness or rudeness, but due to my obligations as an advocate for my client. If you do not intend to replace Mr. Heal with substitute counsel, I would strongly suggest you avail yourself of whatever self-help tools are available through the Court for *pro se* parties.

Sincerely,



Jerrie M. Hayes

JMH/cg

cc: Gailon A. Joy (via fax / U.S. Mail)



**Jerrie Hayes**

---

**From:** Jerrie Hayes  
**Sent:** Wednesday, November 14, 2007 9:47 AM  
**To:** 'Bob'  
**Cc:** G. Arthur Joy  
**Subject:** RE: Location for depositions - receipt requested

Mr. Pickle;

I write concerning your e-mail of Wednesday, November 14, 2007.

First, I would strongly recommend that all correspondence to me or any other attorney for Plaintiffs 3ABN and Danny Shelton be sent by United States Mail. While you may certainly send a courtesy copy of correspondence via email, electronic mail is simply not as reliable as U.S. mail and in my experience FAR fewer disputes concerning whether correspondence was sent or received occur when such communication is sent via US Mail. A courtesy copy sent by facsimile can also be helpful and my fax number is 612-339-6591. In the future, however, I prefer all correspondence between us to be by Mail.

Second, your cooperative efforts are appreciated and I will discuss with my clients your suggestion that we conduct your deposition in Southern Illinois. I am assuming you will personally undertake all costs and expenses associated with your appearance there, including travel and lodging. If that is not the case, Plaintiffs will continue to plan to take your deposition in Moorehead, Minnesota at a date and time to be determined. If you are covering your costs of appearance in Southern Illinois, my clients will provide a neutral location near, but not at, 3ABN for the taking of your deposition. You will be expected to provide the neutral location for your deposition of any 3ABN witnesses. Please advise as to your intentions regarding the costs and expenses at issue.

Finally, Mr. Joy is currently precluded from participating in discovery in this matter due to his bankruptcy. If that situation changes, we will discuss the location of his deposition directly with him.

Sincerely;

Jerrie M. Hayes  
Siegel, Brill, Greupner, Duffy & Foster, PA  
612-337-6142

-----Original Message-----

From: Bob [mailto:bob@pickle-publishing.com]  
Sent: Wednesday, November 14, 2007 9:01 AM  
To: Jerrie Hayes  
Cc: G. Arthur Joy  
Subject: Location for depositions - receipt requested

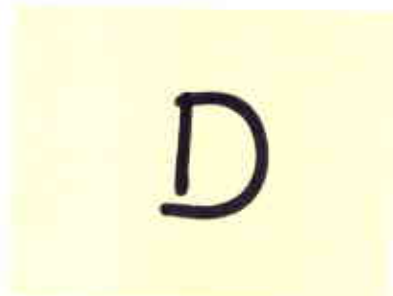
Greetings, Ms. Hayes.

Hope your morning is going well.

I was conferring with Gailon last night, and we would like to suggest that we save some expense for Danny Shelton and 3ABN by scheduling your depositions of both of us in southern Illinois.

There are a number of advantages in doing so. We would take depositions of the employees of 3ABN at the same time, and having all the depositions done at the same time and in the same place would greatly reduce the costs of both travel and time incurred by any or all of the six attorneys representing either and both plaintiffs, and thus reduce the costs that Danny and 3ABN must ultimately pay.

Would you be able to make a location available in southern Illinois, like perhaps the Bos Auditorium or worship center at 3ABN? I understand that it has lots of rooms, including



guest rooms, and the sound or video equipment scattered around would not bother us.

Would it be possible for you to make a location such as this available?

Bob Pickle

**Jerrie Hayes**

---

**From:** Bob [bob@pickle-publishing.com]  
**Sent:** Wednesday, November 14, 2007 10:43 AM  
**To:** Jerrie Hayes  
**Cc:** G. Arthur Joy  
**Subject:** Inspecting and copying auto-discovery

Ms. Hayes:

I note from FRCP 26(a)(1)(B) that the plaintiffs are required to produce in auto-discovery

"a copy of, or a description by category and location of, all documents, electronically stored information, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment;"

We chose to provide "a copy of," and you chose to provide "a description by category and location of." But I do not think that your choice sends the proper message to 3ABN supporters.

I do not have a copy of what Gailon provided you with in auto-discovery, but I note that I have provided you with two editions of mine thus far, and that the second edition consisted of a DVD which had an image amounting to 3,373,150,364 bytes. That DVD contained a number of email files, one particularly large. That large email file contained 4500+ emails and amounted to 306,816,447 bytes.

For comparison, all the files in my 2004 *Encyclopedia Britannica* Ultimate Reference Suite directory, a program which includes the entire text of the print edition of that encyclopedia, contain 1,505,004,523 bytes. (Of course, for a number of technical reasons, this is an imperfect comparison.)

Regarding the plaintiffs' auto-discovery materials, I have yet to receive one byte or one piece of paper.

You have every right to demand that I travel to Minneapolis and/or Massachusetts, and Illinois (the locations specified in the plaintiffs' auto-discovery) to inspect and copy the plaintiffs' auto-discovery documents, but this is no different than the position of John Lomacang on September 8, 2006, when I was told that I would have to travel to 3ABN to see something that he said I could see.

This gives the impression to 3ABN supporters that Danny Shelton and 3ABN are still trying to hide the truth, even though 3ABN sources have repeatedly claimed that the reason for going to court in the first place is so that the truth can come out. It all suggests that duplicity is or remains the order of the day, with 3ABN claiming to want to bring out the truth while simultaneously trying to conceal the truth, whether or not this truly is the case.

Would it at all be possible to forward to me a copy of all the documents in the plaintiffs' auto-discovery rather than require me to travel as much as 3,674 miles to as many as three different locations?

If it is not possible to send a signal that a new era of openness and transparency has begun at 3ABN, please advise as to how much prior notice either law office or either plaintiff must have before my arrival, and whether that amount of prior notice would be applicable at any time that falls within the deadlines laid out by the court.

Thanks so much.

Bob Pickle



12/13/2007

**Jerrie Hayes**

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**From:** Bob [bob@pickle-publishing.com]  
**Sent:** Wednesday, November 14, 2007 11:18 AM  
**To:** Jerrie Hayes  
**Cc:** G. Arthur Joy  
**Subject:** Re: Location for depositions - receipt requested

Thank you for your reply, Ms. Hayes.

I realize that there are a lot of disputes over the reception of correspondence, and I will plan on sending copies of all correspondence via US Mail as well.

As far as your replies or other correspondence go, I would ask that you send a courtesy copy via email, which could consist of a text-based PDF if you prefer. The reason for this is that it makes much more efficient the citation of your reply. A paper-only copy or fax, or a graphic-based PDF gives the impression that one is playing games in order to make life difficult for the other side, and since the other side professes to be a supporting ministry of the Seventh-day Adventist Church, such an impression would not be helpful or wise.

I am more than willing to send you an acknowledgment of receipt of any communications you send via email or fax, to avoid the possibility of my raising an unnecessary dispute over such matters.

My fax number is (206) 203-3751.

Regarding the location for depositions, I would expect to cover my own costs of travel and lodging. However, if we must come to 3ABN to inspect and copy the auto-discovery documents, and if the court orders that the form of discovery of electronically-stored information will be byte-by-byte copies of hard drives, we will already have to be on the premises of 3ABN for a very long time. If it will take as many as 24 work hours for Mark Lanterman to copy drives from 5 computers, 3 of which are inoperable, how long will it take for us to copy every last hard drive at 3ABN? So because of the location chosen by you for the auto-discovery documents, and because of this unresolved question about the "form of discovery," I wonder why there is a need for finding a neutral location.

Yet if even these considerations cannot surmount whatever problems there are in your mind regarding having the depositions at 3ABN, we will seek to find a neutral location.

Bob Pickle  
(218) 456-2568

Jerrie Hayes wrote:

- > Mr. Pickle;
- >
- > I write concerning your e-mail of Wednesday, November 14, 2007.
- >
- > First, I would strongly recommend that all correspondence to me or any
- > other attorney for Plaintiffs 3ABN and Danny Shelton be sent by United
- > States Mail. While you may certainly send a courtesy copy of
- > correspondence via email, electronic mail is simply not as reliable as
- > U.S. mail and in my experience FAR fewer disputes concerning whether
- > correspondence was sent or received occur when such communication is
- > sent via US Mail. A courtesy copy sent by facsimile can also be
- > helpful and my fax number is 612-339-6591. In the future, however, I
- > prefer all correspondence between us to be by Mail.
- >
- > Second, your cooperative efforts are appreciated and I will discuss
- > with my clients your suggestion that we conduct your deposition in
- > Southern Illinois. I am assuming you will personally undertake all
- > costs and expenses associated with your appearance there, including
- > travel and lodging. If that is not the case, Plaintiffs will continue
- > to plan to take your deposition in Moorehead, Minnesota at a date and



> time to be determined. If you are covering your costs of appearance  
> in Southern Illinois, my clients will provide a neutral location near,  
> but not at, 3ABN for the taking of your deposition. You will be  
> expected to provide the neutral location for your deposition of any  
> 3ABN witnesses. Please advise as to your intentions regarding the costs and expenses at  
issue.

>  
> Finally, Mr. Joy is currently precluded from participating in  
> discovery in this matter due to his bankruptcy. If that situation  
> changes, we will discuss the location of his deposition directly with him.

> Sincerely;

>  
> Jerrie M. Hayes  
> Siegel, Brill, Greupner, Duffy & Foster, PA  
> 612-337-6142

> -----Original Message-----

> From: Bob [mailto:bob@pickle-publishing.com]  
> Sent: Wednesday, November 14, 2007 9:01 AM  
> To: Jerrie Hayes  
> Cc: G. Arthur Joy  
> Subject: Location for depositions - receipt requested

> Greetings, Ms. Hayes.

> Hope your morning is going well.

> I was conferring with Gailon last night, and we would like to suggest  
> that we save some expense for Danny Shelton and 3ABN by scheduling  
> your depositions of both of us in southern Illinois.

> There are a number of advantages in doing so. We would take  
> depositions of the employees of 3ABN at the same time, and having all  
> the depositions done at the same time and in the same place would  
> greatly reduce the costs of both travel and time incurred by any or  
> all of the six attorneys representing either and both plaintiffs, and  
> thus reduce the costs that Danny and 3ABN must ultimately pay.

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> like perhaps the Bos Auditorium or worship center at 3ABN? I  
> understand that it has lots of rooms, including guest rooms, and the  
> sound or video equipment scattered around would not bother us.

> Would it be possible for you to make a location such as this available?

> Bob Pickle

**Jerrie Hayes**

---

**From:** Bob [bob@pickle-publishing.com]  
**Sent:** Wednesday, November 14, 2007 11:51 AM  
**To:** Jerrie Hayes  
**Cc:** G. Arthur Joy  
**Subject:** Re: Judge's Order & Local Rules  
**Attachments:** FAX206203375111\_.TIF

Ms. Hayes:

Your reply is noted.

My apologies for the misunderstanding that I was asking for legal advice. I was merely seeking a courteous way of saying the same sort of thing that you said in your letter to Mr. Heal of September 13:

"If your client's interpretation of the bankruptcy code differs from ours, I would appreciate you providing us with Mr. Joy's understanding as to his ongoing involvement in the 3ABN v. Joy and Pickle matter and all statutory and case law authority in support of his understanding."

Since you expressed your opinion and then asked for his if his differed, I got the impression that this is what you customarily expect. But in the future I shall seek to word such things differently.

Bob Pickle



H

**Jerrie Hayes**

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**From:** Bob [bob@pickle-publishing.com]  
**Sent:** Wednesday, November 14, 2007 6:22 PM  
**To:** Jerrie Hayes  
**Cc:** G. Arthur Joy  
**Subject:** Depositions of the board -- added to

Added the question at the end

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Ms. Hayes:

When will the 3ABN Board of Directors be meeting in January? Is it the third Sunday? I would like to do depositions while they are there in Illinois, preferably at 3ABN.

A Sunday would be just fine, through Tuesday or Wednesday or Thursday, depending on cooperative testimony and the production of supportive documents prior to these depositions. Each director may take two to four hours, and there are fifteen or so as of last count. Perhaps we could do two or three on Sunday afternoon and evening, and continue on Monday and Tuesday, morning, afternoon, and evening, doing three to six each day.

I would like to do Walt and Danny last, and they could take four to eight hours apiece. The big question will be how talkative Danny will end up being. He can go on and on and on, from what I hear. Of course, I can talk a bit as well, and being talkative isn't necessarily a bad thing. But perhaps that will mean that we will need to do Walt Thompson on Wednesday and Danny Shelton on Thursday.

Would such a schedule be workable for your clients?

Bob Pickle

I

1300 Washington Square  
100 Washington Avenue South  
Minneapolis, Minnesota 55401  
T (612) 337-6100 F (612) 339-6591  
siegelbrill.com

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

JERRIE M. HAYES  
612-337-6142  
jerriehayes@sbgdf.com

November 14, 2007

VIA FACSIMILE / U.S. MAIL

Mr. Robert Pickle  
1354 County Highway 21  
Halstad, MN 56548

**Re: Three Angels Broadcasting Network, Inc. and Danny Lee Shelton vs.  
Gailon Arthur Joy and Robert Pickle  
Court Docket No. 07-40098-FDS  
Our File No. 24,681-D-002**

Dear Mr. Pickle:

I am in receipt of your correspondences of November 14, 2007 concerning auto-discovery and board depositions.

As was disclosed in Plaintiffs' Rule 26(a)(1) submission, responsive documents are contained at the offices of Plaintiffs' counsel in Minneapolis, Minnesota and at 3ABN headquarters in West Frankfort, Illinois. If you would like to personally inspect those documents, we would ask for a minimum one-week notice of any inspection at the Siegel, Brill, Greupner, Duffy & Foster law office and a minimum two-week notice of inspection at 3ABN's headquarters. If you would prefer to forego personal inspection and simply want us to send a copy of all responsive documents, we will need approximately two weeks turn-around time in order to image all the documents and provide you with copies. We will get an estimate for the copying cost and will expect pre-payment prior to having the copies made. If the actual costs of copying are less than the estimate, we will return the difference. If it costs more, we will expect the rest C.O.D. Please let me know how you prefer to proceed with respect to Plaintiffs' 26(a)(1) materials.

Regarding your deposing 3ABN witnesses, it would be far too disruptive to 3ABN's operations, not to mention highly irregular, to conduct depositions at the company's offices. The standard practice would be to conduct the depositions at the law offices of one of the parties' counsel, or at an otherwise "neutral" location, such as a courthouse conference room or hotel meeting room. Plaintiffs will provide such a venue for their depositions of you; you will be expected to do the same for your depositions of Plaintiffs and their representatives.

J



Robert Pickle

November 15, 2007

Page 2

As far as timing of the depositions, your willingness to accommodate the witnesses' schedules is appreciated. If you would like to try informally arranging a schedule of depositions, please provide me with a list of those 3ABN personnel you wish to depose, as well as a suggested date and time for each witnesses' deposition and we can work from there. Otherwise, we will await formal Notices of Deposition and will respond as warranted.

Let me close by saying that this firm takes very, very seriously the suggestions in your e-mail that we or any of Plaintiffs' counsel are in any way involved in "trying to hide the truth" or have engaged in "concealment" or "duplicitous" conduct. Such allegations constitute a threat to our professional licensure, not to mention a personal affront, and we simply will not tolerate any further unsupported, unsubstantiated and, frankly, untrue aspersions on our professional conduct. Though you are one of the parties in this litigation, you are also serving as a *pro se* lawyer in this matter. As such, we expect you to treat us and all of Plaintiffs' counsel with the same respect and professionalism we would receive from a licensed attorney and we will, of course, return the courtesy. Let's please keep all future correspondence on a strictly factual, impersonal, and professional plane. You should be aware that if you cross the line in your comments again, at a minimum we will ask the Court for appropriate sanctions. If any of your current comments are published beyond your recent e-mail to us, we will look at other remedies available to us to redress your wholly inaccurate and defamatory innuendo.

Sincerely,

A handwritten signature in black ink that reads "Jerrie M. Hayes". The signature is written in a cursive, flowing style with a long, sweeping underline that extends to the right.

Jerrie M. Hayes

JMH/cg

FAXFID  
NOV 15 2007  
BY 331 cag

1300 Washington Square  
100 Washington Avenue South  
Minneapolis, Minnesota 55401  
T (612) 337-6100 F (612) 339-6591  
siegelbrill.com

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

DATE: November 15, 2007  
TO: Robert Pickle FAX NO.: 206-203-3751  
FROM: Jerrie M. Hayes  
RE: Three Angels Broadcasting FILE NO.: 24,681-D-002  
Network, Inc., et al. v. Gailon  
A. Joy, et al.

**PLEASE FIND 3 PAGES, INCLUDING THIS COVER.  
IF YOU DID NOT RECEIVE ALL PAGES, PLEASE CONTACT CAROLYN AT (612) 337-6100.**

FOR YOUR:  Information  Review  Response

ORIGINAL TO FOLLOW BY MAIL:  Yes  No

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the U.S. postal service.

COMMENTS:

**Jerrie Hayes**

---

**From:** Bob [bob@pickle-publishing.com]  
**Sent:** Friday, November 16, 2007 11:07 AM  
**To:** Jerrie Hayes  
**Cc:** G. Arthur Joy  
**Subject:** Board meeting date, Auto-discovery, Miscontrued or misunderstood

Dear Ms. Hayes:

Your reply of November 15, 2007, is noted.

As far as suggesting dates and times for the depositions of board members, I will not be able to do that with certainty until you answer my question as to when the board meeting is. Please note the first two sentences of what I believe was my last communication of the 14th: "When will the 3ABN Board of Directors be meeting in January? Is it the third Sunday?" Thus, is it January 20?

As far as the auto-discovery documents go, not knowing what the actual costs might be, I think we will opt for doing the personal inspection after all. It never dawned on me that I could require payment for the copy I sent of my auto-discovery to you folk, and even if it had, I think I still would have sent it to you gratis. And I think I will continue to do so as I update it.

Lastly, I did not appreciate your threats in your final paragraph, nor your twisting and misconstruing of my words. To be specific, you make three excerpts from my communication, a communication which suggested that you reciprocate by providing a copy of the Plaintiffs' auto-discovery materials, since we provided you with our voluminous auto-discovery long ago. I quote three paragraphs from my communication, bolding the words I wrote which you quoted or paraphrased in your reply, and which served as the basis for your threat:

"You have every right to demand that I travel to Minneapolis and/or Massachusetts, and Illinois (the locations specified in the plaintiffs' auto-discovery) to inspect and copy the plaintiffs' auto-discovery documents, but this is no different than the position of John Lomacang on September 8, 2006, when I was told that I would have to travel to 3ABN to see something that he said I could see.

"This gives the impression to 3ABN supporters that Danny Shelton and 3ABN are still **trying to hide the truth**, even though 3ABN sources have repeatedly claimed that the reason for going to court in the first place is so that the truth can come out. It all suggests that **duplicity** is or remains the order of the day, with 3ABN claiming to want to bring out the truth while simultaneously trying to **conceal** the truth, whether or not this truly is the case.

"Would it at all be possible to forward to me a copy of all the documents in the plaintiffs' auto-discovery rather than require me to travel as much as 3,674 miles to as many as three different locations?"

As anyone can plainly see, my use of those seven words refers explicitly to your clients, not to you and your colleagues, and my choice of initial word for the first paragraph above, namely "You," is due to my



reading of the Federal Rules, which does give Plaintiffs' counsel the right to demand that I travel "as much as 3,674 miles to as many as three different locations." It is a simple fact that individuals associated with 3ABN have claimed that the purpose for going to court is so that the truth can come out, and that is what I referred to. I do not recall either you or your colleagues making such a claim.

Further, my use of the words "whether or not this truly is the case" clearly shows a desire to give everyone the benefit of the doubt wherever possible, and to suggest that the impression being given was totally unintentional and simply an innocent mistake.

Keeping this on a strictly factual basis, as you requested, you either misunderstood or misconstrued my words, and you did so either intentionally or unintentionally. I see no other possibilities, and I believe an apology is in order.

My understanding is that you would have received notice that Mr Joy filed adversarial proceedings in bankruptcy court against you for breaching the automatic stay. If you were concerned at having to give notice of such proceedings to your carrier, I would suggest that you take that up with Mr. Joy rather than take it out on me.

Sincerely,

Bob Pickle, Pro Se

cc: Gailon Arthur Joy, via email

**Jerrie Hayes**

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**From:** Bob [bob@pickle-publishing.com]  
**Sent:** Monday, November 19, 2007 11:04 AM  
**To:** Jerrie Hayes  
**Cc:** G. Arthur Joy  
**Subject:** Dates for inspecting auto-discovery

Ms. Hayes:

I'm contemplating coming by your offices on December 7, 2007, to inspect and copy the auto-discovery materials, and coming by 3ABN for the same purposes on December 5, 6, 10, and/or 11, 2007.

Two questions that would assist me in planning this trip would be to know the quantity and form of the auto-discovery materials. What volume of paper documents, video and audio recordings, electronically-stored information, and whatever else are being held at these offices? In what precise form have the video and audio recordings, the electronically stored information, and whatever else been produced in?

Is whatever is held at the law office in Massachusetts merely duplicative of what is held at your office?

Thank you in advance for your reply, and for your communicating to me the date of the 3ABN board meeting in January.

Bob Pickle



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**Jerrie Hayes**

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**From:** Bob [bob@pickle-publishing.com]  
**Sent:** Wednesday, November 21, 2007 5:49 AM  
**To:** Jerrie Hayes  
**Cc:** G. Arthur Joy; GerryDuffy; Chris Penwell; Kristin Kingsbury; Lizette Richards; John Pucci  
**Subject:** Board meeting date, copying on Dec. 7th, fax number

Ms. Hayes:

Your reply of November 20 is deficient. I have now asked three times when the board meeting is in January. It is important to me that I obtain this information in order to properly schedule the depositions. I have a number of possible locations lined up in southern Illinois.

I need to know the name of each board member that would be too new to have knowledge of the facts of this case, and why that would be so.

I would remind you that all directors are the only members of Three Angels Broadcasting, Inc., and are therefore litigants against me.

Now as to the less than 500 pages of auto-discovery materials, I will be by your office on December 7 to inspect and copy those materials. It is my recollection that the court has turned back three separate attempts to impound the case, discovery, and documents. I will therefore be by your office on December 7 to inspect and copy all auto-discovery documents in your possession.

Would a copier be made available for my use? If so, at what cost? Or should I plan on bringing my own equipment?

Since all correspondence needs to be CC'd to Mr. Joy anyway, I see no problem in your continuing to use my fax number, (206) 203-3751.

I look forward to your reply.

Bob Pickle, *pro se*



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1300 Washington Square  
100 Washington Avenue South  
Minneapolis, Minnesota 55401  
T (612) 337-6100 F (612) 339-6591  
siegelbrill.com

SIEGEL BRILL  
GREUPNER DUFFY  
& FOSTER P.A.

JERRIE M. HAYES  
612-337-6142  
jerriehayes@sbgdf.com

November 28, 2007

VIA FACSIMILE / U.S. MAIL

Mr. Robert Pickle  
1354 County Highway 21  
Halstad, MN 56548

**Re: Three Angels Broadcasting Network, Inc. and Danny Lee Shelton vs.  
Gailon Arthur Joy and Robert Pickle  
Court Docket No. 07-40098-FDS  
Our File No. 24,681-D-002**

Dear Mr. Pickle:

I am writing in response to your correspondence of November 21, 2007.

First, the only plaintiffs in this case are Danny Shelton and 3ABN, which is an Illinois non-profit corporation. 3ABN's Board Members are not "litigants against" you. To the extent any Board Member has knowledge of the facts and circumstances underlying the Complaint or your Answer thereto, they may be witnesses in the case, and potentially subject to deposition, but they are decidedly not parties to this lawsuit.

Second, as I have previously stated, the dates of 3ABN Board Meetings are irrelevant and not necessary to the scheduling of the various depositions in this matter. I do not intend to disclose to you the dates and times of my client's private board meetings and you need not repeat your request for the information. Since it appears you will not provide me with the names and proposed dates and locations of the Board Members you wish to depose, I will discontinue my efforts to facilitate the informal scheduling of those depositions and will simply await your formal Depositions Notices.

Third, Plaintiffs will not authorize either the inspection or production of the extremely sensitive, confidential business and commercial information which constitutes the bulk of their 26(a)(1) disclosures without a Protective Order in place that maintains the confidentiality of that information. If you are unwilling to agree to the terms of the Protective Order that Plaintiffs have already proposed and are unwilling to alternatively negotiate an otherwise mutually agreeable Protective Order, Plaintiffs will await the Court's ruling on the Protective Order that

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Robert Pickle

November 28, 2007

Page 2

was submitted to it as part of Plaintiffs' 26(f) Report. There is no need to appear at my office for document inspection on December 7, 2007, or to discuss any details concerning copying of materials, unless this matter has been resolved.

Finally, as Plaintiffs have been granted relief from the automatic stay in Joy's bankruptcy matter, I will take your last correspondence as written authorization that facsimile service upon you may be made through Mr. Joy's facsimile (206-203-3751) and will send all future facsimiles to you at that number until notified otherwise.

Sincerely,



Carrie M. Hayes

JMH/cg



**Jerrie Hayes**

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**From:** Bob [bob@pickle-publishing.com]  
**Sent:** Friday, November 30, 2007 11:44 AM  
**To:** Jerrie Hayes  
**Cc:** G. Arthur Joy; GerryDuffy; Chris Penwell; Kristin Kingsbury; John Pucci; Lizette Richards  
**Subject:** Board members, new board members, Rule 26(a)(1) materials

Ms. Hayes:

Your reply of November 28, 2007, comes at a bit of surprise.

First of all, you state that "you will not provide me with the names and proposed dates and locations of the Board Members you wish to depose." And yet I already made it clear that I wanted to depose all the board members in southern Illinois during the week of the January board meeting. And that is why I need to know the date of the January board meeting.

Regarding my query as to which board members you felt were too new to know anything, you neglected to reply. I will simply remind you that the Plaintiffs' initial disclosures listed 12 board members as witnesses, including the name of the new board member Larry Romrell. It is clear that your clients have no problem calling new board members to testify.

And certainly new board members Stan Smith and Garwin McNeilus are not less knowledgeable than Mr. Romrell. Mr. Smith is listed as a board member on 3ABN's Form 990 for 1998, the same year Danny Shelton bought a house from 3ABN for about \$6,100 and sold it a week later for \$135,000. And Mr. McNeilus is one who purportedly was involved in the surveillance of Linda Shelton in 2004.

Regarding the Plaintiffs' refusal to authorize the inspection or production of Rule 26(a)(1) materials, despite no motions being filed seeking protective orders for particular documents, and your unwillingness to further "discuss any details concerning copying of materials," I suppose the next step is to bring this matter to the attention of the court.

Lastly, perhaps you did not understand my final paragraph. (206) 203-3751 was my fax number long before Mr. Joy or I became aware of the scandals at 3ABN, and he uses my fax number at my permission, not vice versa.

Bob Pickle

P.S. It is a puzzle to me why the defendants have not received any "written demand for settlement" from the plaintiffs, even though the plaintiffs' Rule 26(f) Conference report said they would make such a written demand by August 31, 2007. Did I miss something?

