

DISMISSED

**United States Bankruptcy Court  
District of Massachusetts (Worcester)  
Adversary Proceeding #: 07-04173**

*Assigned to:* Judge Joel B. Rosenthal

*Date Filed:* 11/14/07

*Related BK Case:* 07-43128

*Related BK Title:* Gailon Arthur Joy

*Related BK Chapter:* 7

*Demand:* \$35000000

*Nature[s] of Suit:* 71 Injunctive relief - reinstatement of stay

**Plaintiff**

**Gailon Arthur Joy, Plaintiff-Debtor**

P.O. Box 1425  
Sterling, MA 01564  
SSN: xxx-xx-8419

represented by **Laird J. Heal**

Laird J. Heal, Esq.  
78 Worcester Road  
P. O. Box 365  
Sterling, MA 01564  
978-422-0135  
Fax : 978-422-0463  
Email: LJHeal@conversent.net  
*LEAD ATTORNEY*

V.

**Defendant**

**Danny Lee Shelton, Defendant Danny Shelton**

2954 New Lake Road  
West Frankfort, IL 62896

represented by **George I. Roumeliotis**

Hendel & Collins, P.C.  
101 State Street  
5th Floor  
Springfield, MA 01103-2006  
(413) 734-6411  
Email: groumeliotis@hendelcollins.com

**Three Angels Broadcasting Network, Inc., Defendant 3ABN**

3391 Charley Good Road  
West Frankfort, IL 62896  
Tax id: 37-1179056

represented by

**George I. Roumeliotis**  
(See above for address)

**John P. Pucci**

Fierst, Pucci & Kane, LLP  
64 Gothic Street  
Northampton, MA 01060  
413-584-8067

represented by **John Pucci**

Fierst, Pucci & Kane LLP  
64 Gothic Street  
Northampton, MA 01060  
413-584-8067

		Greupner Duffy & Foster P.A.; and Three Angels Broadcasting Network, Inc. Answers Due 12/17/2007. (mbd, USBC) (Entered: 11/15/2007)
11/20/2007	34	Motion filed by Defendants Danny Lee Shelton, Three Angels Broadcasting Network, Inc. to Dismiss Adversary Proceeding (Re: 1 Complaint... ) with certificate of service filed by Defendants Danny Lee Shelton, Three Angels Broadcasting Network, Inc. (Roumeliotis, George) (Entered: 11/20/2007)
11/28/2007	35	Summons Service Executed on Siegel Brill Greupner Duffy & Foster P.A. 11/17/2007. filed by Plaintiff Gailon Arthur Joy, Defendant Siegel Brill Greupner Duffy & Foster P.A. (Heal, Laird) (Entered: 11/28/2007)
11/28/2007	36	Summons Service Executed on Jerrie M. Hayes 11/17/2007. filed by Plaintiff Gailon Arthur Joy, Defendant Jerrie M. Hayes (Heal, Laird) (Entered: 11/28/2007)
11/28/2007	37	Summons Service Executed on Gerald S. Duffy 11/17/2007. filed by Plaintiff Gailon Arthur Joy, Defendant Gerald S. Duffy (Heal, Laird) (Entered: 11/28/2007)
11/28/2007	38	Summons Service Executed on Danny Lee Shelton 11/17/2007. filed by Plaintiff Gailon Arthur Joy, Defendant Danny Lee Shelton (Heal, Laird) (Entered: 11/28/2007)
11/28/2007	39	Summons Returned Unexecuted Re: John P. Pucci. filed by Plaintiff Gailon Arthur Joy, Defendant John P. Pucci (Heal, Laird) (Entered: 11/28/2007)
11/28/2007	310	Summons Service Executed on Fierst, Pucci & Kane, LLP. 11/17/2007. filed by Plaintiff Gailon Arthur Joy, Defendant Fierst, Pucci & Kane, LLP. (Heal, Laird) (Entered: 11/28/2007)
11/28/2007	311	Summons Service Executed on Three Angels Broadcasting Network, Inc. 11/17/2007. filed by Plaintiff Gailon Arthur Joy, Defendant Three Angels Broadcasting Network, Inc. (Heal, Laird) (Entered: 11/28/2007)
11/30/2007	312	Request from Laird J. Heal Plaintiff Gailon Arthur Joy <i>for Alias Summons to Issue</i> with certificate of service.. filed by Plaintiff Gailon Arthur Joy (Heal, Laird) (Entered: 11/30/2007)
11/30/2007	313	Alias Summons Issued on John P. Pucci Answer Due 12/31/2007 Modified on 11/30/2007 To Better Reflect Document Filed. (jk, USBC). (Entered: 11/30/2007)

11/30/2007	14	Hearing Scheduled for 1/24/2008 at 02:30 PM Worcester Courtroom 3 - JBR on 4 Motion of Defendants, Danny Lee Shelton and Three Angels Broadcasting Network, Inc. to Dismiss Adversary Proceeding or, in the Alternative, to Treat Adversary Proceeding as a Contested Matter Under Federal Rule of Bankruptcy Procedure 9014. (hm, USBC) (Entered: 11/30/2007)
11/30/2007	15	Opposition with certificate of service filed by Plaintiff Gailon Arthur Joy Re: 4 Motion filed by Defendants Danny Lee Shelton, Three Angels Broadcasting Network, Inc. to Dismiss Adversary Proceeding (Re: 1 Complaint,... ) with certificate of service (Heal, Laird) (Entered: 11/30/2007)
11/30/2007	16	Brief/Memorandum In Support of <i>Opposition to Motion to Dismiss</i> [#4] (Re: 15 Opposition, ). filed by Plaintiff Gailon Arthur Joy (Attachments: # 1 Exhibit A, Letter of Jerrie Hayes, Esq. to Debtor# 2 Exhibit B, Letter of Jerrie Hayes, Esq. to Debtor# 3 Exhibit C, Electronic Order to Stay Debtor's Production# 4 Exhibit D, Trustee's Report of No Distribution# 5 Exhibit E, Electronic Order Denying Motion for Further Status Conference# 6 Exhibit F, Trustee's Withdrawal of Report of No Distribution) (Heal, Laird) (Entered: 11/30/2007)
12/02/2007	17	BNC Certificate of Mailing - Hearing. RE: 14 Hearing Scheduled, Service Date 12/02/2007. (Admin.) (Entered: 12/03/2007)
12/03/2007	18	Certificate of Service of Notice of Hearing (Re: 4 Motion to Dismiss Adversary Proceeding, ). filed by Defendants Danny Lee Shelton, Three Angels Broadcasting Network, Inc. (Roumeliotis, George) (Entered: 12/03/2007)
12/18/2007	19	Answer to 1 Complaint filed by Gerald S. Duffy , Fierst, Pucci & Kane, L.L.P. , Jerrie M. Hayes , John P. Pucci , Siegel Brill Greupner Duffy & Foster P.A. (mbd, USBC) (Entered: 12/18/2007)
12/20/2007	20	Motion filed by Defendants Danny Lee Shelton, Three Angels Broadcasting Network, Inc. to Continue Hearing (Re: 4 Motion to Dismiss Adversary Proceeding, ) with certificate of service filed by Defendants Danny Lee Shelton, Three Angels Broadcasting Network, Inc. (Roumeliotis, George) (Entered: 12/20/2007)
12/20/2007	21	Endorsed Order Dated 12/20/07 Granting 20 Motion filed by Defendants Danny Lee Shelton, Three Angels Broadcasting Network, Inc. to Continue Hearing Re: 4 Motion to Dismiss Adversary Proceeding. ALLOWED. HEARING RESCHEDULED TO 1/31/08 AT 10:30 A.M. (mbd, USBC) (Entered: 12/20/2007)
01/31/2008		Hearing Held Re: 4 Motion filed by Defendants Danny Lee Shelton,

		Three Angels Broadcasting Network, Inc. to Dismiss Adversary Proceeding. (mbd, USBC) (Entered: 01/31/2008)
01/31/2008	22	Order Dated 1/31/08 Regarding 4 Motion filed by Defendants Danny Lee Shelton, Three Angels Broadcasting Network, Inc. to Dismiss Adversary Proceeding. TAKEN UNDER ADVISEMENT. (mbd, USBC) (Entered: 01/31/2008)
02/01/2008	23	Order Granting 4 Motion filed by Defendants Danny Lee Shelton, Three Angels Broadcasting Network, Inc. to Dismiss Adversary Proceeding. #4 GRANTED. PLAINTIFF HAS FAILED TO ALLEGE ALL ELEMENTS OF 11 U.S.C. 362 (k) UNDER THE STANDARD SET FORTH IN THE SUPREME COURT BELL ATLANTIC CASE. PLAINTIFF SHALL HAVE UNTIL FEBRUARY 11, 2008 TO FILE AN AMENDED COMPLAINT. (jk, USBC) (Entered: 02/01/2008)
02/11/2008	24	Amended Complaint <i>with certificate of service</i> by Laird J. Heal on behalf of Gailon Arthur Joy against all defendants. (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3# 4 Exhibit 4# 5 Exhibit 5# 6 Exhibit 6, Letter of Jerrie Hayes, Sept. 13, 2007) (Heal, Laird) (Entered: 02/11/2008)
02/21/2008	25	Motion filed by Defendants Danny Lee Shelton, Three Angels Broadcasting Network, Inc. to Dismiss Adversary Proceeding (Re: 24 Amended Complaint, ) <i>or in the Alternative, to Treat Adversary Proceeding as a Contested Matter Under Federal Rule of Bankruptcy Procedure 9014</i> with certificate of service filed by Defendants Danny Lee Shelton, Three Angels Broadcasting Network, Inc. (Roumeliotis, George) (Entered: 02/21/2008)
02/22/2008	26	Motion filed by Defendants Fierst, Pucci & Kane, LLP., John P. Pucci to Dismiss Adversary Proceeding (Re: 24 Amended Complaint, ) <i>or in the Alternative, to Treat Adversary Proceeding as a Contested Matter Under Federal Rule of Bankruptcy Procedure 9014</i> with certificate of service filed by Defendants Fierst, Pucci & Kane, LLP., John P. Pucci (Pucci, John) (Entered: 02/22/2008)
02/22/2008	27	Answer to Complaint of Defendant's Pucci, Hayes, Duffy, Fierst Pucci & Kane LLP, and Siegel Brill Greupner Duffy & Foster PA to Plaintiff-Petitioner Joy's Amended 24 Adversarial Complaint with certificate of service filed by Gerald S. Duffy, Fierst, Pucci & Kane, LLP., Jerrie M. Hayes, John P. Pucci, Siegel Brill Greupner Duffy & Foster P.A.. (Pucci, John) CORRECTIVE ENTRY: Added Linkage to Related Document 24. Modified on 2/25/2008 (mbd, USBC). (Entered: 02/22/2008)
02/25/2008	28	Notice of Corrective Entry Re: 27 Answer to Complaint of

		Defendant's Pucci, Hayes, Duffy, Fierst Pucci & Kane LLP, and Siegel Brill Greupner Duffy & Foster PA to Plaintiff-Petitioner Joy's Amended 24 Adversarial Complaint with certificate of service filed by Gerald S. Duffy, Fierst, Pucci & Kane, LLP., Jerrie M. Hayes, John P. Pucci, Siegel Brill Greupner Duffy & Foster P.A., (Pucci, John) CORRECTIVE ENTRY: Added Linkage to Related Document 24. (mbd, USBC) (Entered: 02/25/2008)
02/29/2008	29	Objections Due 3/25/2008 at 04:30 PM. Hearing Scheduled for 4/3/2008 at 11:30 AM Worcester Courtroom 3 - JBR on 25 Motion of Defendants, Danny Lee Shelton and Three Angels Broadcasting Network, Inc., to Dismiss 24 Amended Complaint, Or, In The Alternative, To Treat Adversary Proceeding As A Contested Matter Under Federal Rule of Bankruptcy Procedure 9014. (hm, USBC) (Entered: 02/29/2008)
02/29/2008	30	Objections Due 3/25/2008 at 04:30 PM. Hearing Scheduled for 4/3/2008 at 11:30 AM Worcester Courtroom 3 - JBR on 26 Motion of Defendants, John P. Pucci, Esquire and Fierst, Pucci & Kane, LLP to Dismiss 24 Amended Complaint. Or, In The Alternative, To Treat Adversary Proceeding As A Contested matter Under Federal Rule Of Bankruptcy Procedure 9014. (hm, USBC) (Entered: 02/29/2008)
03/02/2008	31	BNC Certificate of Mailing - Hearing. RE: 29 Hearing Scheduled. Service Date 03/02/2008. (Admin.) (Entered: 03/03/2008)
03/02/2008	32	BNC Certificate of Mailing - Hearing. RE: 30 Hearing Scheduled. Service Date 03/02/2008. (Admin.) (Entered: 03/03/2008)
03/03/2008	33	Certificate of Service of Notice of Hearing (Re: 26 Motion to Dismiss Adversary Proceeding,, 25 Motion to Dismiss Adversary Proceeding, ). filed by Attorney Joseph B Collins (Collins, Joseph) (Entered: 03/03/2008)
03/13/2008	34	Motion filed by Defendants Fierst, Pucci & Kane, LLP., John P. Pucci, Danny Lee Shelton, Three Angels Broadcasting Network, Inc. to Continue Hearing (Re: 26 Motion to Dismiss Adversary Proceeding,, 25 Motion to Dismiss Adversary Proceeding, ) with certificate of service (Roumeliotis, George) (Entered: 03/13/2008)
03/17/2008	35	Endorsed Order Dated 3/14/08 Granting 34 Motion filed by Defendants Fierst, Pucci & Kane, LLP., John P. Pucci, Danny Lee Shelton, Three Angels Broadcasting Network, Inc. to Continue Hearing Re: 26 Motion to Dismiss Adversary Proceeding and 25 Motion to Dismiss Adversary Proceeding. THE HEARINGS ON DEFENDANTS' MOTION TO DISMISS (DOCKET NOS. 25 AND 26) ARE BOTH CONTINUED TO 5/8/08 AT NOON. OBJECTIONS TO BE FILED NO LATER THAN 4/25/08 AT 4:30

		P.M. (mbd, USBC) (Entered: 03/17/2008)
04/25/2008	36	Objection to Motion to Dismiss filed by Plaintiff Gailon Arthur Joy Re: 26 Motion filed by Defendants Fierst, Pucci & Kane, LLP., John P. Pucci to Dismiss Adversary Proceeding (Re: 24 Amended Complaint, ) or in the Alternative, to Treat Adversary Proceeding as a Contested Matter Under Federal Rule of Bankruptcy Procedure, 25 Motion filed by Defendants Danny Lee Shelton, Three Angels Broadcasting Network, Inc. to Dismiss Adversary Proceeding (Re: 24 Amended Complaint, ) or in the Alternative, to Treat Adversary Proceeding as a Contested Matter Under Federal Rule of (Heal, Laird) (Entered: 04/25/2008)
05/02/2008		Transcript of Hearing Held on 1/31/08 RE: 33 Motion to Sell filed by Trustee Janice G. Marsh, 54 Motion for Contempt and for Sanctions filed by Trustee Janice G. Marsh ; AP07-4173 4 Motion of Defendants , Danny Lee Shelton, Three Angels Broadcasting Network, Inc. to Dismiss Adversary Proceeding. SEE DOCUMENT #78 IN MAIN CASE # 07-43128 (ld, USBC) (Entered: 05/02/2008) (Entered: 05/02/2008)
05/08/2008		Hearings Held RE: 25 Motion filed by Defendants Danny Lee Shelton, Three Angels Broadcasting Network, Inc. to Dismiss 24 Amended Complaint or in the Alternative, to Treat Adversary Proceeding as a Contested Matter Under Federal Rule of Bankruptcy Procedure 9014 and 26 Motion filed by Defendants Fierst, Pucci & Kane, LLP., John P. Pucci to Dismiss 24 Amended Complaint or in the Alternative, to Treat Adversary Proceeding as a Contested Matter Under Federal Rule of Bankruptcy Procedure 9014. (mbd, USBC) (Entered: 05/09/2008)
05/09/2008	37	Order Dated 5/9/08 Regarding 25 Motion filed by Defendants Danny Lee Shelton, Three Angels Broadcasting Network, Inc. to Dismiss 24 Amended Complaint or in the Alternative, to Treat Adversary Proceeding as a Contested Matter Under Federal Rule of Bankruptcy Procedure 9014. TAKEN UNDER ADVISEMENT. (mbd, USBC) (Entered: 05/09/2008)
05/09/2008	38	Order Dated 5/9/08 Regarding 26 Motion filed by Defendants Fierst, Pucci & Kane, LLP., John P. Pucci to Dismiss 24 Amended Complaint or in the Alternative, to Treat Adversary Proceeding as a Contested Matter Under Federal Rule of Bankruptcy Procedure 9014. TAKEN UNDER ADVISEMENT. (mbd, USBC) (Entered: 05/09/2008)
05/12/2008	39	Request for Withdrawal of Refernce by the Court. (mbd, USBC) (Entered: 05/12/2008)

05/12/2008	40	Certification of Transmittal of Reference to U.S. District Court Re: 39 Motion for Withdrawal of Reference. (mbd, USBC) (Entered: 05/12/2008)
------------	----	---



Certified to be a true and correct copy of the original  
James M. Lynch, Clerk  
U.S. Bankruptcy Court  
District of Massachusetts

By: Madelyn Bedard  
Deputy Clerk  
Date: 5/12/08