

No. 08-2457; No. 09-2615

IN THE
UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

THREE ANGELS BROADCASTING NETWORK, INC.,
an Illinois Non-Profit Corporation;
DANNY LEE SHELTON,

Plaintiffs-Appellees,

v.

GAILON ARTHUR JOY; ROBERT PICKLE,

Defendants-Appellants.

On Appeal from the United States District Court
for the District of Massachusetts
Case No. 07-40098

DEFENDANTS' SIXTH STATUS REPORT

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This Court's August 19, 2009, order set forth Defendants' obligation to inform this Court every sixty days of the status of motions below that impede the progress of Defendants' appeals here. Defendants therefore file this status report.

On December 9, 2009, Defendants moved the lower court to forward to this Court documents produced by MidCountry Bank ("MidCountry") ("MidCountry records"). ([Record on Appeal Docket Entry \("RA"\) 204](#)). The MidCountry records had been filed in the lower court by order of the District of Minnesota. ([RA 63-36](#) p. 2¹; [RA 231](#) p. 7). Also on December 9, 2009, Defendants moved this Court to "hold in abeyance ... Defendants' appeals until this Court receives a certified supplemental record from the district court consisting of a copy of the MidCountry records."

After being informed by the clerk of the lower court that the court no longer possessed copies of the MidCountry records, and after being informed by Plaintiffs' counsel that Plaintiffs were in possession of those records and would not return them, Defendants moved the lower court to compel Plaintiffs to return those records to the lower court, and to stay the lower court's yet unexecuted order to return those records to MidCountry. ([RA 210](#); [RA 141](#) p. 13).

Defendants' motions below were referred to the magistrate judge who, on January 29, 2010, denied those motions without comment. Defendants

¹Due to a software upgrade to the PACER system, the document identified as Doc. 63-36 when the record was forwarded to this Court is now identified as Doc. 63-35. The original designation for this document is used above.

subsequently filed objections to those orders on February 3, 2010. ([RA 229](#)).

Defendants' objections to the magistrate judge's orders are still pending in the lower court.

Defendants continue to request that this Court hold Defendants' appeals in abeyance until the MidCountry records are forwarded to this Court as part of the record on appeal, properly certified pursuant to the Federal Rules of Evidence.

Respectfully submitted,

Dated: October 4, 2010

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CERTIFICATE OF SERVICE

I, Bob Pickle, hereby certify that on October 4, 2010, I served copies of this status report on the following registered parties via the ECF system:

John P. Pucci, J. Lizette Richards
*Attorneys for Danny Lee Shelton
and Three Angels Broadcasting Network, Inc.*

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And on the following parties by way of First Class U.S. Mail:

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Dated: October 4, 2010

s/ Bob Pickle
Bob Pickle