

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.)	
_____)	

AFFIDAVIT OF ROBERT PICKLE

NOW COMES Robert Pickle of Halstad Township, Norman County, Minnesota, who deposes and testifies to the following under pain and penalty of perjury:

1. I have been involved in printing, publishing, and book resale since the early 1990's, and thus am familiar with various facets of the layout, manufacture, distribution, marketing, and retail of books.

2. "ISBN" stands for "International Standard Book Number." R.R. Bowker LLC ("Bowker") is a company that is the exclusive provider of ISBN's in the United States. ISBN's are 10 or 13 characters long, are paid for and obtained by publishers, and identify each specific book (or book edition) and which specific publisher published it. Distributors and bookstores use ISBN's, which are typically printed on a book's back cover, to identify and order books.

3. Attached hereto as **Exhibit A** is a web page from Bowker's website which outlines the rules for ISBN's. Pages 2-3 make it clear that the holder of an ISBN "cannot sell,

give away or transfer one of their ISBNs” to someone else. Only when the company holding the ISBN is bought by another company, or when an estate is inherited, can a transfer be made. But in those cases all ISBN’s are transferred, not just one or some. (*Id.*). In other words, when an author chooses a new publisher, that new publisher must affix its own ISBN to the republished book, not the same ISBN used by the previous publisher.

4. Bowker provides a database called “Books in Print” by which one can search for book, publisher, and author information. The printouts from this database in this filing are of searches I made during the last week using North Dakota State University’s Books in Print subscription. Bowker allows one to search for in-print, out-of-print, and/or forthcoming books, and I specifically searched for all three at one time.

5. Attached hereto as **Exhibits B–C** is Bowker’s list of items authored or performed by Danny Lee Shelton (“Shelton”), identified in the list as “Danny Shelton.” Exhibit B is sorted by title, and Exhibit C is sorted by date.

6. Attached hereto as **Exhibit D** are pages from AdventistBookCenter.com describing all the booklets offered for sale that are authored by Shelton, as of this filing. AdventistBookCenter.com is owned in part by Pacific Press Publishing Association (“PPPA”). (Ex. D p. 19). All of the eight titles listed, except *Antichrist Agenda*, are identified as being published by PPPA. Three of the titles are Spanish editions of three English booklets published in 2001 and 2002 (*Forgotten Commandment*, *Can We Eat Anything?*, and *Does God Love Sinners Forever?*), and two of those Spanish editions are copyrighted 2005. A fourth booklet, *After the Storm*, is also identified as being published by PPPA, and is copyrighted 2005.

7. Attached hereto as **Exhibit E** are pages from Bowker’s database for items identified in Exhibits B–D, arranged in alphabetical order. Additional information is included for some titles, such as “Publisher Information” and “Other Formats.”

8. Of interest is the fact that Three Angel's Broadcasting Network, Inc. ("3ABN") and PPPA both have separate ISBN's for a number of the PPPA booklets, which likely reflects the fact that 3ABN and PPPA are by contract co-publishers of the three English booklets published in 2001 and 2002. (Doc. 96-11 pp. 1-3 at ¶ 8).

9. Attached hereto as **Exhibits F-G** is Bowker's list of 115 items published by Remnant Publications, Inc. ("Remnant"). Exhibit F is sorted by title, and Exhibit G is sorted by date. None of the titles of Shelton's PPPA booklets are found among this list of Remnant's published titles, but they should be listed if Remnant had ever published any of those booklets.

10. In the last week, I searched by author and title (the titles listed in Exhibits B-D) on Remnant's website for materials authored by Shelton. Attached hereto as **Exhibit H** are printouts of all the results of that search. Shelton's PPPA booklets cannot be found, for sale or otherwise, on Remnant's website, even though they should be if Remnant was the publisher.

11. Attached hereto as **Exhibit I** are printouts from Bowker's database of company details for PPPA, 3ABN, and Remnant. Of particular interest is that Bowker identifies on these pages what ISBN prefixes each company possesses. The prefix is what identifies the publisher of a book. PPPA has the ISBN prefix 978-0-8163, while Remnant has the prefixes 978-1-883012, 978-1-933291, and 978-0-9777445. The "978" in front is used in a 13-digit ISBN, but not in a 10-digit ISBN. Since the ISBN's given in Exhibit D for the books identified as being published by PPPA all begin with "08163," PPPA must be the publisher.

12. The documents Remnant produced to Defendants in response to Defendants' subpoena were organized into six categories. The first category was "Contracts & Memos - Shelton." I have carefully looked at this category of documents, and I can say with certainty that there are no contracts or agreements or memos regarding any of Shelton's booklets which were published by PPPA. Thus, Remnant could not have been the publisher for any of them.

13. As a publisher and book retailer, it is clear to me that PPPA has always been the publisher for the PPPA booklets, and that Remnant never has been the publisher for those booklets. Remnant doesn't even offer them for sale on their website. While Plaintiffs' counsel alleged that Remnant had begun publishing the PPPA booklets in 2005, in reality 2005 was the year that PPPA first published *After the Storm*, as well as Spanish editions for two of the first three English booklets. This is contrary to what would be expected if Shelton had switched from PPPA to Remnant in 2005.

14. Attached hereto as **Exhibit J** is a post I made on BlackSDA.com on September 23, 2007, seeking help in obtaining the three missing *3ABN World* issues. This was about two months or more before I served my requests to produce upon 3ABN and Shelton.

15. Attached hereto as **Exhibit K** are returns of service for four subpoenas issued by the District of Massachusetts and served on November 30, 2007, and December 4, 10, and 11, 2007. These subpoenas sought documents from Remnant, Grey Hunter Stenn LLP, MidCountry Bank, and Century Bank and Trust. The first three were later reissued from the correct court. Attached hereto as **Exhibit L** is the return of service for the reissued subpoena served upon MidCountry Bank on January 16, 2008.

16. The subpoena served upon Glenn Dryden seeking documents pertaining to child molestation allegations against Tommy Shelton, former pastor of the Community Church of God, was issued from the Western District of Virginia. An earlier subpoena had been issued from the District of Massachusetts and sent to the chairman of the board of trustees of the Community Church of God on December 12, 2007. That email along with the subpoena is attached hereto as **Exhibit M**.

17. Thus, the only subpoena which was not initially served prior to January 20, 2008, was the one served upon Kathy Bottomley.

18. I have been working with computers and the internet for many years. I know how to identify the IP address that an email was sent from, and how to find the geographical location of that IP address.

19. Walter Thompson (“Thompson”), chairman of the 3ABN Board, personally sent me five emails from November 23 to 27, 2006, and three more on February 23, 2007. I have personally checked the headers of these emails, and each one contains a header identifying the IP address of the sender as being 69.23.205.204.

20. According to <http://ip-lookup.net/>, 69.23.205.204 corresponds to the host CPE-69-23-205-204.wi.res.rr.com. The “wi” in the host name suggests a location in Wisconsin. According to <http://www.ip2location.com/free.asp> and <http://www.dnsstuff.com/>, 69.23.205.204 is located in Lake Geneva, Wisconsin, which is where 3ABN states that Thompson’s home is located. (Doc. 127-44 p. 2). Attached hereto as **Exhibit N** are printouts from those two websites giving the information on July 15, 2008, for 69.23.205.204.

21. On January 7, 2008, I was forwarded an email which Thompson sent to a C.H. on January 5, 2008. That email was filed in this case as Doc. 171-21. I have checked the headers of that email, and the pertinent ones are as follows:

```
Received: from waltPC ([69.23.205.204]) by hrndva-omta04.mail.rr.com
with SMTP
id <20080105231838.EZMW17668.hrndva-omta04.mail.rr.com@waltPC>
for <*****@gmail.com>; Sat, 5 Jan 2008 23:18:38 +0000
Message-ID: <4083A20BCEC1466A884C5FBE333B62A7@waltPC>
From: "Walter Thompson" <walttmd@*****>
```

Since that email was sent from the IP address 69.23.205.204, using the same email address Thompson used when emailing me, there can be no doubt that it was sent from Thompson’s home in Lake Geneva, Wisconsin, by someone with access to Thompson’s email account.

22. Attached hereto as **Exhibit O** is the order approving the sale of Save3ABN.com and Save3ABN.org, which Judge Rosenthal signed on January 31, 2008, and filed the next day

on February 1. Attached hereto as **Exhibit P** are docket entries pertaining to that order which show filing and entry dates of February 1, 2008.

23. Doc. 171-22 and 171-23 are the case closure letters the California Department of Fair Employment and Housing (“DFEH”) and the EEOC sent to Kathy Bottomley on December 15, 2006, and March 20, 2008, respectively. On June 27, 2008, 3ABN produced the DFEH letter and four copies of a similar letter from the DFEH to Ervin Thomsen (two copies of which were missing a page) in response to my requests to produce. 3ABN assigned Bates numbers to these letters of TABN002651, TABN002705, TABN002707, TABN002741, and TABN002743. 3ABN stamped all of these letters “Confidential.” Based on my indexing of the documents Plaintiffs produced, I can say that no similar case closure letters from the EEOC were produced by Plaintiffs.

FURTHER DEPONENT TESTIFIES NOT.

Signed and sealed this 17th day of July, 2009.

/s/ Bob Pickle

Bob Pickle
Halstad, MN 56548
Tel: (218) 456-2568

Subscribed and sworn to me
this 17th day of July, 2009.

/s/ Randall C. Aarestad
Notary Public—Minnesota

My Commission Expires Jan. 31, 2010