
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. _____
07-40098FDS

***EX PARTE* MOTION FOR PRELIMINARY IMPOUNDMENT AND
REQUEST FOR A HEARING ON THE ISSUE OF PERMANENT IMPOUNDMENT**

Pursuant to Local Rule 7.2, Plaintiffs Three Angels Broadcasting Network, Inc. and Danny Lee Shelton move this Court *ex parte* for a preliminary order impounding the attached Complaint as well as Defendants' Answers or other responsive pleadings and request a subsequent hearing with all parties present on the issue of whether these materials should be permanently impounded as follows:

1. Plaintiffs' Complaint alleges various causes of action, including defamation, as described in greater detail in the attached Memorandum.

2. With their Complaint, Plaintiffs file this *Ex Parte* Motion, the purpose of which is to preserve the issue of whether these materials should be permanently impounded in order to prevent this litigation from resulting in the republication of the defamatory statements about Plaintiffs as detailed in their Complaint, as well as the publication of additional defamatory statements about Plaintiffs in Defendants' responsive pleadings, until such time as the Court has

an opportunity to examine the pleadings and conduct a hearing on the issue of permanent impoundment.

3. Plaintiffs seek this preliminary order of impoundment in advance of serving the Complaint on Defendants.

4. If this preliminary relief is granted, Plaintiffs will serve the Complaint, this Motion and the supporting Memorandum on Defendants, along with a copy of the Preliminary Order of Impoundment, a draft of which is attached.

5. At the hearing, Plaintiffs will seek an order permanently impounding these materials until the conclusion of this litigation, whereupon the materials may be retrieved by the parties or their respective counsel.

6. As grounds for this Motion, Plaintiffs submit the attached Memorandum.

7. Undersigned counsel are available to appear on an *ex parte* basis before the Court at its convenience if the Court should deem such an appearance necessary.

WHEREFORE, Plaintiffs move this Court *ex parte* to order that the Complaint and Defendants' Answers or other responsive pleadings be preliminarily impounded until such time as the Court has an opportunity to conduct a hearing with all parties present on the issue of permanent impoundment and that the Court, following said hearing, order that these materials be permanently impounded until the conclusion of this litigation.

RESPECTFULLY SUBMITTED,
For the Plaintiffs Three Angels Broadcasting
Network, Inc. and Danny Shelton,
By their attorneys,

Dated: April 5, 2007



John P. Pucci, BBO#407560
J. Lizette Richards BBO#649413
Fierst, Pucci & Kane, LLP
64 Gothic Street
Northampton, MA 01060
Tel: 413-584-8067
Fax: 413-585-0787