

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Three Angels Broadcasting Network, Inc.,  
an Illinois non-profit corporation, and  
Danny Lee Shelton, individually,

Case No.: 4:07-cv-40098 FDS

Plaintiffs,

v.

Gailon Arthur Joy and Robert Pickle,

Defendants.

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**PLAINTIFFS' MOTION FOR A STATUS CONFERENCE**

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NOW COME Plaintiffs Three Angels Broadcasting Network, Inc., and Danny Lee Shelton and request that this Honorable Court schedule a status conference in this matter as follows:

1. Plaintiffs seek access to Defendants' electronically stored information in its original, native format in order to perform a non-invasive, byte-by-byte imaging of Defendants' computer drives.
2. The Parties appeared before the Honorable Timothy S. Hillman on August 9, 2007 for a hearing on the issue of electronic discovery. The Court took testimony, heard argument and took the matter under advisement.
3. Thereafter, on August 14, 2007, Defendant Gailon Arthur Joy, the registered administrator of the [www.save3ABN.com](http://www.save3ABN.com) website, filed for bankruptcy protection. Defendant

Joy has listed “electronic office equipment” as a personal property asset. *See* attached Joy Bankruptcy Petition, at p. 9, line 28.

4. To the extent such electronic equipment includes Defendant Joy’s computers, as it almost certainly does, there is a very real possibility that the computer equipment, if determined non-exempt by the bankruptcy court, will be seized and sold by the Trustee in satisfaction of Mr. Joy’s obligations. It is thus imperative that Plaintiffs’ counsel be granted authorization to image the computer hard-drives in question as soon as can be arranged.

5. In this regard, the bankruptcy petition reveals, in direct contradiction to repeated representations made by Defendant Joy to this Honorable Court, that Defendant Joy does not have any customer lists or other compilations containing personally identifiable information on those computers. *See* Joy Bankruptcy Petition at p. 9, line 24. Therefore, Mr. Joy’s primary argument against Plaintiffs’ request for native format access has been, by his own attestation, proven false.

6. Defendant Joy’s bankruptcy proceedings raise an additional issue regarding a potential conflict of interest. While Defendant Joy is proceeding *pro se* in this matter, he is represented by Attorney Laird Heal in the bankruptcy proceedings. Attorney Heal represents co-defendant Robert Pickle in the instant matter. Plaintiffs’ counsel has contacted Attorney Heal regarding the issue of a conflict of interest arising from the fact that his client in bankruptcy, Defendant Joy, seeks to discharge any and all liability to Plaintiffs, which would have the effect of shifting full liability for damages onto his other client, Defendant Pickle. Attorney Heal has failed to respond in any way.

WHEREFORE, in light of these facts and circumstances, Plaintiffs request that this Honorable Court schedule a status conference in this matter and renew their request for native format access to Defendants' electronically-stored information.

**Attorneys for Plaintiffs Three Angels  
Broadcasting Network, Inc. and Danny Shelton,**

Dated: October 24, 2007

/s/ John P. Pucci

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Certificate of Service

I, John P. Pucci, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 24, 2007.

Dated: October 24, 2007

/s/ John P. Pucci

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John P. Pucci