



adversarial proceedings and appeal.” He began making arrangements with Mrs. Hayes for the copying ordered by the Court. See Exhibit C.

4. Attorney Hayes continued communications with Mr. Joy on November 8 and 9, 2007, as they negotiated an acceptable time and place for both parties. See Exhibits D-E. Attorney Hayes’ preferred location and type of seal appears to contradict the order of this Court, the number of copies she proposed went beyond that order, and, according to her discussion, the initial copy to be made was not going to be sealed, which would have violated this Court’s order.

5. Attorney Pucci in his emergency motion alleges that the status conference of November 13, 2007, was held “solely to address issues of the preservation of electronic evidence.” He alleges this in spite of the fact that ¶ 6 of his October 24, 2007, motion which led to the status conference raised the issue of conflict of interest as well.

6. On November 13, 2007, a status conference was held which covered the issue of preservation of electronic data, and no mention was made by Plaintiffs’ counsel during that conference that they were concerned about either the breach of the automatic stay or possible adversarial proceedings, though Mr. Joy and Attorney Heal noted for the record that they believed the automatic stay had been breached.

7. The Bankruptcy Court in the hearing of November 16, 2007, made clear that the adversarial proceedings in that Court would not interfere with any U.S. District Court proceedings, and would not interfere with any existing orders. See Exhibit F. It would therefore not interfere with the scheduled copying of Mr. Joy’s hard drives, and the scheduled copying may indeed go forward as planned. Therefore, there is no need for a status conference.

8. Attorney Pucci seeks reversal of what he previously asked for and was granted, in a case in which he now has a clear conflict of interest. Someone without such conflicts should be the one filing this motion.

WHEREFORE, Defendant Pickle respectfully requests that this emergency motion for a status conference be denied.

Dated: November 16, 2007

/s/ Robert Pickle, Pro Se

Robert Pickle, Pro Se  
1354 County Highway 21  
Halstad, MN 56548  
Tel: 218-456-2568  
Fax: 206-203-3751

### **CERTIFICATE OF SERVICE**

I, Robert Pickle, do certify that I am over the age of 18 years of age and on this day I have caused service of this document to the Court and have served by first class mail, postage prepaid, a copy of this document and this Certificate of Service to Plaintiffs' counsel at Siegel, Brill, Greupner, Duffy & Foster, and Fierst, Pucci & Kane, LLP.

Dated: November 16, 2007

/s/ Robert Pickle, Pro Se

Robert Pickle, Pro Se