

# **EXHIBIT A**

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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' RULE 26(a)(1) INITIAL DISCLOSURES

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**TO: Defendant Gailon A. Joy, pro se, P.O. Box 1425, Sterling, MA 01564, and Defendant Robert Pickle and his counsel of record, Laird Heal, Esq., 3 Clinton Road, P.O. Box 365, Sterling, MA 01564.**

Pursuant to Federal Rule of Civil Procedure 26(a)(1) and Local Rule 26.2(A), Plaintiffs

Three Angels Broadcasting, Inc. and Danny Shelton hereby make the following required disclosures:

**1. The name, and if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.**

**Witness**

**Subject of Information**

Dr. Walter Thompson 2747 Walden Lane Lake Geneva, WI 53147 (630) 370-9733	As 3ABN Board Chair, has information concerning the falsity of certain statements concerning 3ABN published by Defendants, damages suffered by 3ABN as a result of Defendants' defamation, and general information about the operation and administration of 3ABN during the relevant time period.
Danny Shelton 3ABN P.O. Box 220	As Founder and President of 3ABN, has information concerning the falsity of certain statements concerning himself and 3ABN published by Defendants, damaged suffered by himself and 3ABN

West Frankfort, IL 62896 (618) 627-4651	as a result of Defendants' defamation, and general information about the operation and administration of 3ABN during the relevant time period.
May Chung 155 Manchester Lane San Bernadino, CA 92408 (909) 824-7011	As a member of 3ABN's Board of Directors, has information concerning the falsity of certain statements concerning 3ABN published by Defendants, damages suffered by 3ABN as a result of Defendants' defamation, and general information about the operation and administration of 3ABN during the relevant time period.
Kenneth Denslow 619 Plainfield Road Suite 200 Willowbrook, IL 60527 (630) 856-2888	As a member of 3ABN's Board of Directors, has information concerning the falsity of certain statements concerning 3ABN published by Defendants, damages suffered by 3ABN as a result of Defendants' defamation, and general information about the operation and administration of 3ABN during the relevant time period.
Merlin Fjarli 670 Mason Way Medford, OR 97501 (541) 773-4046	As a member of 3ABN's Board of Directors, has information concerning the falsity of certain statements concerning 3ABN published by Defendants, damages suffered by 3ABN as a result of Defendants' defamation, and general information about the operation and administration of 3ABN during the relevant time period.
Bill Hulsey Box 596 Collegedale, TN 37315 (423) 396-9303	As a member of 3ABN's Board of Directors, has information concerning the falsity of certain statements concerning 3ABN published by Defendants, damages suffered by 3ABN as a result of Defendants' defamation, and general information about the operation and administration of 3ABN during the relevant time period.
Ellsworth McKee P.O. Box 750 Collegedale, TN 37315 (800) 251-6346	As a member of 3ABN's Board of Directors, has information concerning the falsity of certain statements concerning 3ABN published by Defendants, damages suffered by 3ABN as a result of Defendants' defamation, and general information about the operation and administration of 3ABN during the relevant time period.
Wintley Phipps P.O. Box 8008 Vero Beach, FL 32963 (410) 772-7143	As a member of 3ABN's Board of Directors, has information concerning the falsity of certain statements concerning 3ABN published by Defendants, damages suffered by 3ABN as a result of Defendants' defamation, and general information about the operation and administration of 3ABN during the relevant time period.
Larry Romrell 441 Russelville Rd. Franktown, CO 80116 (303) 814-1454	As a member of 3ABN's Board of Directors, has information concerning the falsity of certain statements concerning 3ABN published by Defendants, damages suffered by 3ABN as a result of Defendants' defamation, and general information about the operation and administration of 3ABN during the relevant time period.
Dr. Carmelita Troy	As a member of 3ABN's Board of Directors, has information

<p>Andrews University 100 Old U.S. 31 Berrien Springs, MI 49104 (269) 471-7771</p>	<p>concerning the falsity of certain statements concerning 3ABN published by Defendants, damages suffered by 3ABN as a result of Defendants' defamation, and general information about the operation and administration of 3ABN during the relevant time period.</p>
<p>Larry Welch 11264 Route 37 Marion, IL 62959 (618) 997-6192</p>	<p>As a member of 3ABN's Board of Directors, has information concerning the falsity of certain statements concerning 3ABN published by Defendants, damages suffered by 3ABN as a result of Defendants' defamation, and general information about the operation and administration of 3ABN during the relevant time period.</p>
<p>Larry Ewing 3ABN P.O. Box 220 West Frankfort, IL 62896 (618) 627-4651</p>	<p>As Chief Financial Officer of 3ABN, has information concerning the falsity of certain statements concerning 3ABN published by Defendants, damages suffered by 3ABN as a result of Defendants' defamation, and general information about the financial operation and administration of 3ABN during the relevant time period.</p>
<p>Mollie Steenson 3ABN P.O. Box 220 West Frankfort, IL 62896 (618) 627-4651</p>	<p>As General Manager of 3ABN, has information concerning the falsity of certain statements concerning 3ABN published by Defendants, damages suffered by 3ABN as a result of Defendants' defamation, and general information about the operation and administration of 3ABN during the relevant time period.</p>
<p>Leonard Westphal 3ABN Stewardship and Trust Services P.O. Box 7148 Loma Linda, CA 92354</p>	<p>As Director of 3ABN's Trust Services Division, has information concerning the falsity of certain statements concerning 3ABN published by Defendants, damages suffered by 3ABN as a result of Defendants' defamation, and general information about the financial operation and administration of 3ABN during the relevant time period.</p>
<p>Gailon A. Joy P.O. Box 1425 Sterling, MA 01564 (978) 422-3464 (508) 414-3267</p>	<p>As owner and operator of the <a href="http://www.Save3ABN.com">www.Save3ABN.com</a> website and publisher of various statements concerning 3ABN and Danny Shelton, has information concerning the <a href="http://save3ABN.com">save3ABN.com</a> and <a href="http://save3ABN.org">save3ABN.org</a> websites, the publication of various statements about Danny Shelton and 3ABN, the investigation conducted by him as to the truth or falsity of statements published about 3ABN and Danny Shelton, and information as to the defenses alleged in Defendants' Joint Answer to Plaintiffs' Complaint.</p>
<p>Robert Pickle 1354 County Road 21 Halstad, Minnesota 56548 (218) 456-2568</p>	<p>As operator and contributor to the <a href="http://www.Save3ABN.com">www.Save3ABN.com</a> website and publisher of various statements concerning 3ABN and Danny Shelton, has information concerning the <a href="http://save3ABN.com">save3ABN.com</a> and <a href="http://save3ABN.org">save3ABN.org</a> websites, the publication of various statements about Danny Shelton and 3ABN, the investigation conducted by him as to the truth or falsity of statements published about 3ABN and Danny Shelton, and information as to the defenses alleged in Defendants' Joint Answer to Plaintiffs' Complaint.</p>
<p>Gregory Matthews</p>	<p>Has information concerning statements made by Defendants about 3ABN and Danny Shelton, has information concerning actions taken by Defendants related to the publication of defamatory</p>

	statements concerning 3ABN and Danny Shelton, the operation of the Save3ABN web site, and defenses alleged by Pickle and Joy in Defendants' Joint Answer, and has information concerning his own publication of statements concerning 3ABN and Danny Shelton.
Linda Shelton 2125 Renwick Dr. Springfield, IL 62704	As co-founder and a former board member, has information related to the falsity of various statements about 3ABN and Danny Shelton that have been published by Defendants, and has information about Defendants' publication of statements about 3ABN and Danny Shelton.
Laird Heal 3 Clinton Road P.O. Box 365 Sterling, MA 01564	As counsel and computer technology expert for Defendant Robert Pickle, has information concerning Pickle's publication of various statements concerning 3ABN and Danny Shelton, has information concerning Pickle's operation and use of various computer technologies to publish those statements, and information concerning the defenses alleged by Pickle in Defendants' Joint Answer to Plaintiffs' Complaint.

2. A copy of, or description by category and location of, all documents, data compilations and tangible things in the possession, custody or control of the party, and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

Category

Location

Save3ABN webpages – hard copy print-outs of various pages from the website “www.Save3ABN.com”	Office of Plaintiffs' counsel
BlackSDA webpages – hard copy print-outs of various pages from the website “www.BlackSDA.com”	Office of Plaintiff's Counsel
Martime-SDA webpages – hard copy print-outs of various pages from the website “www.maritime-sda-online.com”	Office of Plaintiff's Counsel
Adventist Today documents – documents, including printouts of on-line internet material – from California publication <i>Adventist Today</i> .	Office of Plaintiff's Counsel
Correspondence to Defendants – various correspondence to Defendants concerning the claims and issues in the instant suit, including, but not limited to, cease and desist demands	Office of Plaintiff's Counsel
Correspondence to Defendants – various correspondence involving Defendants as sender or recipient	Office of Plaintiffs' Counsel

Correspondence to 3ABN – various correspondence to 3ABN from viewers, donors, patrons, supporters and others concerning Defendants’ defamatory statements and ministry support	3ABN Offices
Correspondence within 3ABN – various correspondence between employees and/or officers of 3ABN concerning Defendants’ actions and damages related thereto	3ABN Offices
Administrative records – various documents relating to the operation and administration of 3ABN, including ministry and mission formation and implementation information, business planning information, board of director records, and employee governance and human resource materials.	3ABN Offices
Outreach materials – various documents, recordings and materials relating to the ministry and mission of 3ABN, including educational information, inspirational materials, programming information, broadcast programs and recorded messages, and donation and support materials.	3ABN Offices
Financial records – various documents relation to the financial operation and administration of 3ABN, including bookkeeping and accounting information, independent auditor information and reports, and contribution and donation information.	3ABN Offices

**3. A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.**

Plaintiff has not yet fully computed its damages, nor can it do so absent discovery, as various documents and information required for Plaintiffs’ computation are in the exclusive possession and control of Defendants or Third Parties and are as yet unavailable to Plaintiffs. Plaintiffs reserve the right to supplement this disclosure, and to make all documents and evidentiary material associated with such supplementation available to Defendants’ for inspection and copying pursuant to Rule 34, as discovery commences.

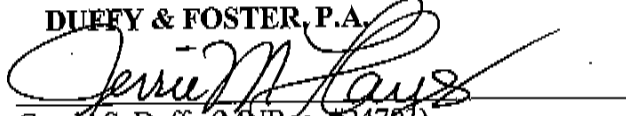
**4. Any insurance agreement under which any person carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in the action to indemnify or reimburse for payments made to satisfy the judgment.**

Not applicable.

**RESPECTFULLY SUBMITTED BY:**

Date: Aug 3, 2007

**SIEGEL, BRILL, GREUPNER,  
DUFFY & FOSTER, P.A.**



Gerald S. Duffy (MNReg. #24703)  
W/ Christopher Penwell (MNReg. #161847)  
Jerrie M. Hayes (MNReg. #282340)  
Kristin L. Kingsbury (MNReg. #346664)

100 Washington Avenue South  
Suite 1300  
Minneapolis, MN 55401  
(612) 337-6100  
(612) 339-6591 – Facsimile

and

**FIERST, PUCCI & KANE, LLC**

John P. Pucci, Esq.  
Lizette Richards, Esq.  
64 Gothic Street  
Northampton, MA 01060  
Telephone: 413-584-8067

**COUNSEL FOR PLAINTIFFS 3ABN AND  
DANNY SHELTON**

**AFFIDAVIT OF SERVICE**

STATE OF MINNESOTA

COUNTY OF HENNEPIN

Carolyn J. Larson Glover, of the State of Minnesota, County of Pine, being duly sworn on oath says that on the 3rd day of August, 2007, she served Plaintiff's Rule 26(a)(1) Initial Disclosures upon:

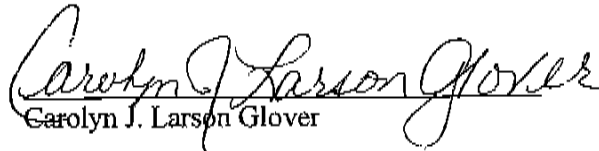
Laird Heal, Esq.  
3 Clinton Road  
P.O. Box 365  
Sterling, MA 01564

Gailon A. Joy  
P.O. Box 1425  
Sterling, MA 01564-1425

Facsimile No.: 978-422-0463

206-203-3751

by faxing and mailing to them a copy thereof, enclosed in an envelope, postage prepaid, and by depositing same in the post office at Minneapolis, Minnesota.

  
Carolyn J. Larson Glover

Subscribed and sworn to before me  
this 3rd day of August, 2007.

  
Notary Public





# **EXHIBIT B**

Laird J. Heal, Esq.  
Attorney at Law  
Admitted to practice in Massachusetts,  
New Hampshire and Illinois

3 Clinton Rd., P. O. Box 365  
Sterling, MA 01564  
Telephone: (978) 422-0135  
Telecopier: (978) 422-0463

August 7, 2007

John P. Pucci,  
Fierst, Pucci & Kane, LLC  
64 Gothic Street  
Northampton, MA 01060

Re: **3ABN and Shelton v. Pickle and Joy, USDC (D. Central Mass) 07-40098-FDS**

By First Class Mail and facsimile to 413-585-0787

Dear Attorney Pucci,

I made brief mention in my last letter to you of the deficiencies in "Plaintiffs' Disclosures", namely that each plaintiff did not file a separate disclosure. Pursuant to Local Rule 7.1 (a) (2), I must certify that we have conferred regarding the issues before bringing a motion regarding the deficiencies.

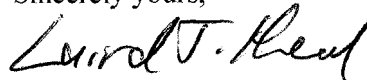
I also note that I am listed as a Plaintiffs' Witness. This is totally inappropriate and unacceptable. There should be no further need to discuss this issue. If you do not remove this listing, I will brief the matter and you can respond in kind.

After the agreement during the August 1 telephone conference that electronic discovery would be provided on CD form for the automatic disclosures, none is listed in the "Plaintiffs' Disclosure". It is truly being demonstrated that the agreements and assurances of these counsel cannot be relied upon. The omission is singularly peculiar given the emphasis being placed on the form of electronic discovery, and the absence of even those electronic documents already filed with the Court in redacted form confirms the impression that it is intentional.

I have spoken with Mr. Joy on the topic of the availability for inspection and copying of documents enumerated by category. While we have different philosophies on this, and there is scant reference to failing to send copies of disclosed documents, I refer you (and him) to Henry's Marine Service, Inc. v. Fireman's Fund Insurance Co. and New York Marine and General Insurance Co., E.D. Louisiana 02-3682 and the opinion issued February 10, 2004 as document number 61, available at [https://ecf.laed.uscourts.gov/cgi-bin/show\\_case\\_doc?61,14732,,,,,82](https://ecf.laed.uscourts.gov/cgi-bin/show_case_doc?61,14732,,,,,82)

See page 6 for reference. In that line of guidance, kindly specify a time for the inspection and copying of the documents, and if necessary, give good reasons why it cannot be tomorrow.

Sincerely yours,



Laird J. Heal, Esq.

cc: Gailon Arthur Joy  
Robert Pickle

# **EXHIBIT C**

1300 Washington Square  
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Minneapolis, Minnesota 55401  
T (612) 337-6100 F (612) 339-6591  
siegelbrill.com

SIEGEL BRILL  
GREUPNER DUFFY  
& FOSTER P.A.

JERRIE M. HAYES  
612-337-6142  
jerriehayes@sbgdf.com

August 8, 2007

VIA FACSIMILE / U.S. MAIL

Laird Heal, Esq.  
3 Clinton Road  
P.O. Box 365  
Sterling, MA 01564

**Re: Three Angels Broadcasting Network, Inc. and Danny Lee Shelton vs.  
Gailon Arthur Joy and Robert Pickle  
Court Docket No. 07-40098-FDS  
Our File No. 24,681-D-002**

Mr. Heal:

I write concerning your letter of August 7, 2007.

First, your letter of August 3, 2007, to which you refer in the first sentence of the August 7 correspondence, did not mention any deficiencies in Plaintiffs' Disclosures, nor suggest that you believed there to be any. Your August 3 correspondence merely asked whether your assumption, that the Plaintiffs would not be serving separate Disclosures, was correct. In response to that question, yes. Because both Plaintiffs' disclosures were identical, Plaintiffs served a joint 26(a)(1) document.

To the extent that your August 7, 2007 letter now raises (for the first time) a complaint that a Joint Disclosure is inherently deficient, I must respectfully disagree. You have cited absolutely no authority for this proposition, and in a fairly exhaustive review of the Federal Rules of Civil Procedure, the Local Rules of the District Court, and Moore's *Federal Practice*, I find absolutely nothing prohibiting the preparation, service, or filing of jointly authored and executed pleadings or discovery materials. In fact, such a practice, which Defendants' themselves engaged in via the filing of a Joint Answer in response to Plaintiffs' Complaint, would appear to serve the goals of efficiency and conservation of judicial resources. Though I

August 8, 2007

Page 2

do not believe you have grounds to bring a motion concerning Plaintiffs' Rule 26(a)(1) Disclosure, or that further conference is necessary concerning your dispute, if you are in possession of authority you have not yet shared in support of your position, I would be happy to review it and respond.

Your inclusion on Plaintiffs' 26(a)(1) witness disclosure is a reflection of your representation, both to Magistrate Hillman during the July 26 telephone conference and to the parties during the August 1, 2006 expert conference, that you would be serving as Defendant Pickle's computer and e-discovery expert, a role which, to our understanding, has involved or will involve assisting that party with the capture, inventory, and production of electronically stored evidence as well as proffering opinions related to drive imaging, bit-for-bit data capture, and means and methods of data sorting and confidentiality maintenance. While the inclusion of counsel of record in a Rule 26 Disclosure witness list is admittedly unusual, the situation is of your own creation. If we are informed that Mr. Pickle has retained a different computer expert, we will certainly substitute that name for yours on the list.

The only agreement that was reached during the August 1 conference relating to providing e-discovery in CD format was that, if a party planned to produce copies of electronic documents, they could be provided in whatever form that party desired to produce them. Plaintiffs have complied with that agreement, having chosen, instead of producing copies of documents, to describe the documents in their possession by category and location. Defendants were free to do the same.

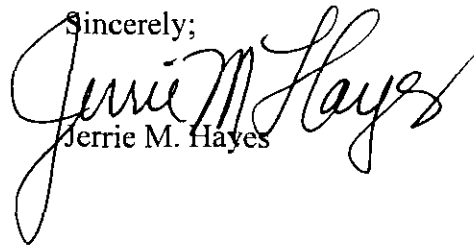
As to the issue of inspection and copying, the Federal Rules and related practice guides make clear that only insurance agreements and damage computation documents, if available, need be produced for inspection and copying as part of the 26(a)(1) initial disclosures. We have already indicated that Plaintiffs have no applicable insurance documents to produce. We have also disclosed that Plaintiffs do not yet have all materials necessary for them to accurately calculate their damages, since such materials are currently in the exclusive control of either Defendants or Third Parties, from whom the materials must be requested via discovery or subpoenas. Thus, Plaintiffs have no documents to produce for inspection or copying at this time, but will, as we are cognizant the rules require, inform Defendants when we are in possession of such materials so that Defendants may request a day and time for the inspection. Such a course of action was determined entirely appropriate in the unpublished Louisiana case you cited, Henry's Marine Service, Inc. v. Fireman's Fund Insurance Co., E.D.La. 02-3682 (Feb. 10, 2004), where the court noted that "Contrary to defendant's assertion, plaintiff was not required to physically produce documents at the time that it made its initial disclosures." Moreover, even if there were any documents in Plaintiffs' possession that they were required to make available for inspection and copying at the time of their Rule 26 disclosures, Defendants' demand that the inspection occur within 24 hours is unreasonable and abusive in any event.

August 8, 2007

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Finally, your practice of sending communication related to this case only to attorneys at the Fierst, Pucci & Kane offices—when you know full well Plaintiffs are also represented by attorneys with Siegel, Brill, Greupner, Duffy & Foster—is unacceptable. In the future, it is expected that all counsel for Plaintiffs, whose names have all been previously made available to you, will receive copies of all pleadings and correspondence from you or Mr. Pickle related to this case.

Sincerely;



Handwritten signature of Jerrie M. Hayes in cursive script.

Jerrie M. Hayes

JMH/cg

cc: Gailon A. Joy (via fax and mail)

# **EXHIBIT D**

Inspecting and copying auto-discovery

1 of 2

**Subject:** Inspecting and copying auto-discovery  
**From:** Bob <bob@\*\*\*>  
**Date:** Wed, 14 Nov 2007 10:42:36 -0600  
**To:** Jerrie Hayes <jerriehayes@\*\*\*>  
**CC:** "G. Arthur Joy" <gailon@\*\*\*>

Ms. Hayes:

I note from FRCP 26(a)(1)(B) that the plaintiffs are required to produce in auto-discovery

"a copy of, or a description by category and location of, all documents, electronically stored information, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment;"

We chose to provide "a copy of," and you chose to provide "a description by category and location of." But I do not think that your choice sends the proper message to 3ABN supporters.

I do not have a copy of what Gailon provided you with in auto-discovery, but I note that I have provided you with two editions of mine thus far, and that the second edition consisted of a DVD which had an image amounting to 3,373,150,364 bytes. That DVD contained a number of email files, one particularly large. That large email file contained 4500+ emails and amounted to 306,816,447 bytes.

For comparison, all the files in my 2004 *Encyclopedia Britannica* Ultimate Reference Suite directory, a program which includes the entire text of the print edition of that encyclopedia, contain 1,505,004,523 bytes. (Of course, for a number of technical reasons, this is an imperfect comparison.)

Regarding the plaintiffs' auto-discovery materials, I have yet to receive one byte or one piece of paper.

You have every right to demand that I travel to Minneapolis and/or Massachusetts, and Illinois (the locations specified in the plaintiffs' auto-discovery) to inspect and copy the plaintiffs' auto-discovery documents, but this is no different than the position of John Lomacang on September 8, 2006, when I was told that I would have to travel to 3ABN to see something that he said I could see.

This gives the impression to 3ABN supporters that Danny Shelton and 3ABN are still trying to hide the truth, even though 3ABN sources have repeatedly claimed that the reason for going to court in the first place is so that the truth can come out. It all suggests that duplicity is or remains the order of the day, with 3ABN claiming to want to bring out the truth while simultaneously trying to conceal the truth, whether or not this truly is the case.

Would it at all be possible to forward to me a copy of all the documents in the plaintiffs' auto-discovery rather than require me to travel as much as 3,674 miles to as many as three different locations?

If it is not possible to send a signal that a new era of openness and transparency has begun at 3ABN, please advise as to how much prior notice either law office or either plaintiff must have before my arrival, and whether that amount of prior notice would be applicable at any time that falls within the deadlines laid

12/2/2007 6:36 PM



Inspecting and copying auto-discovery  
out by the court.

2 of 2

Thanks so much.

Bob Pickle

# **EXHIBIT E**

1300 Washington Square  
100 Washington Avenue South  
Minneapolis, Minnesota 55401  
T (612) 337-6100 F (612) 339-6591  
siegelbrill.com

**SIEGEL BRILL  
GREUPNER DUFFY  
& FOSTER P.A.**

JERRIE M. HAYES  
612-337-6142  
jerriehayes@sbgdf.com

November 14, 2007

**VIA FACSIMILE / U.S. MAIL**

Mr. Robert Pickle  
1354 County Highway 21  
Halstad, MN 56548

**Re: Three Angels Broadcasting Network, Inc. and Danny Lee Shelton vs.  
Gailon Arthur Joy and Robert Pickle  
Court Docket No. 07-40098-FDS  
Our File No. 24,681-D-002**

Dear Mr. Pickle:

I am in receipt of your correspondences of November 14, 2007 concerning auto-discovery and board depositions.

As was disclosed in Plaintiffs' Rule 26(a)(1) submission, responsive documents are contained at the offices of Plaintiffs' counsel in Minneapolis, Minnesota and at 3ABN headquarters in West Frankfort, Illinois. If you would like to personally inspect those documents, we would ask for a minimum one-week notice of any inspection at the Siegel, Brill, Greupner, Duffy & Foster law office and a minimum two-week notice of inspection at 3ABN's headquarters. If you would prefer to forego personal inspection and simply want us to send a copy of all responsive documents, we will need approximately two weeks turn-around time in order to image all the documents and provide you with copies. We will get an estimate for the copying cost and will expect pre-payment prior to having the copies made. If the actual costs of copying are less than the estimate, we will return the difference. If it costs more, we will expect the rest C.O.D. Please let me know how you prefer to proceed with respect to Plaintiffs' 26(a)(1) materials.

Regarding your deposing 3ABN witnesses, it would be far too disruptive to 3ABN's operations, not to mention highly irregular, to conduct depositions at the company's offices. The standard practice would be to conduct the depositions at the law offices of one of the parties' counsel, or at an otherwise "neutral" location, such as a courthouse conference room or hotel meeting room. Plaintiffs will provide such a venue for their depositions of you; you will be expected to do the same for your depositions of Plaintiffs and their representatives.

Robert Pickle  
November 15, 2007  
Page 2

As far as timing of the depositions, your willingness to accommodate the witnesses' schedules is appreciated. If you would like to try informally arranging a schedule of depositions, please provide me with a list of those 3ABN personnel you wish to depose, as well as a suggested date and time for each witnesses' deposition and we can work from there. Otherwise, we will await formal Notices of Deposition and will respond as warranted.

Let me close by saying that this firm takes very, very seriously the suggestions in your e-mail that we or any of Plaintiffs' counsel are in any way involved in "trying to hide the truth" or have engaged in "concealment" or "duplicitous" conduct. Such allegations constitute a threat to our professional licensure, not to mention a personal affront, and we simply will not tolerate any further unsupported, unsubstantiated and, frankly, untrue aspersions on our professional conduct. Though you are one of the parties in this litigation, you are also serving as a *pro se* lawyer in this matter. As such, we expect you to treat us and all of Plaintiffs' counsel with the same respect and professionalism we would receive from a licensed attorney and we will, of course, return the courtesy. Let's please keep all future correspondence on a strictly factual, impersonal, and professional plane. You should be aware that if you cross the line in your comments again, at a minimum we will ask the Court for appropriate sanctions. If any of your current comments are published beyond your recent e-mail to us, we will look at other remedies available to us to redress your wholly inaccurate and defamatory innuendo.

Sincerely,



Jerrie M. Hayes

JMH/cg

# **EXHIBIT F**

Dates for inspecting auto-discovery

1 of 1

**Subject:** Dates for inspecting auto-discovery  
**From:** Bob <bob@\*\*\*>  
**Date:** Mon, 19 Nov 2007 11:04:15 -0600  
**To:** Jerrie Hayes <jerriehayes@\*\*\*>  
**CC:** "G. Arthur Joy" <gailon@\*\*\*>

Ms. Hayes:

I'm contemplating coming by your offices on December 7, 2007, to inspect and copy the auto-discovery materials, and coming by 3ABN for the same purposes on December 5, 6, 10, and/or 11, 2007.

Two questions that would assist me in planning this trip would be to know the quantity and form of the auto-discovery materials. What volume of paper documents, video and audio recordings, electronically-stored information, and whatever else are being held at these offices? In what precise form have the video and audio recordings, the electronically stored information, and whatever else been produced in?

Is whatever is held at the law office in Massachusetts merely duplicative of what is held at your office?

Thank you in advance for your reply, and for your communicating to me the date of the 3ABN board meeting in January.

Bob Pickle

12/2/2007 6:39 PM

# **EXHIBIT G**

1300 Washington Square  
100 Washington Avenue South  
Minneapolis, Minnesota 55401  
T (612) 337-6100 F (612) 339-6591  
siegelbrill.com

**SIEGEL BRILL  
GREUPNER DUFFY  
& FOSTER P.A.**

JERRIE M. HAYES  
612-337-6142  
jerriehayes@sbgdf.com

November 20, 2007

**VIA FACSIMILE / U.S. MAIL**

Mr. Robert Pickle  
1354 County Highway 21  
Halstad, MN 56548

**Re: Three Angels Broadcasting Network, Inc. and Danny Lee Shelton vs.  
Gailon Arthur Joy and Robert Pickle  
Court Docket No. 07-40098-FDS  
Our File No. 24,681-D-002**

Dear Mr. Pickle:

I am in receipt of your correspondence of November 16 and 19, 2007 and I write in response thereto.

As to the 26(a)(1) documents, all materials held by Siegel, Brill are duplicates of the materials held by Plaintiffs and by Massachusetts counsel. You may perform an in-person inspection at any of the three locations, but it would not be necessary to do an inspection at more than one. All Plaintiffs' 26(a)(1) materials are in hard-copy, paper form. Not including the printed pages of the various websites upon which statements about Plaintiffs have been published—all of which are publicly available and would undoubtedly be less expensive for you to access and print yourself than to obtain as copies from our offices—the total volume of 26(a)(1) materials is less than 500 pages. These materials, however, include extremely sensitive and confidential business information and will not be disclosed by Plaintiffs without a protective order in place.

Plaintiffs circulated a proposed protective order as part of their proposed 26(f) Report. Please review it and let me know if you are in agreement as to its terms and will stipulate to it governing this case. If not, we will need to negotiate a mutually agreeable protective and confidentiality order prior to your inspection of and prior to Plaintiffs' disclosure of the materials at issue. Please let me know if you no longer have a copy of Plaintiffs' proposed Protective Order and I will forward another for your review.



Robert Pickle  
November 20, 2007  
Page 2

As to the depositions your wish to arrange, the date of 3ABN's Board meetings would not constitute a productive place to begin the scheduling of those depositions. First, not all board members attend the Board meetings. Second, since there are a number of new Board members, not all Board members attending any given meeting will have knowledge of the facts at issue in this dispute and those personnel would not be relevant witnesses subject to deposition. Third, Board members travel to West Frankfort and attend Board meetings for the purpose of conducting ministry business and are often on tight transportation schedules that do not allow for full- or even half-day depositions. It would make far more sense for each relevant witness to be specifically made available for their deposition, so as to respect the purpose of the meeting and to avoid unnecessary distraction.

We intend to make every relevant party witness available for deposition according to the Federal Rules. If you would like to schedule the depositions informally, please provide the name of each witness you seek to depose and a proposed date, time and location for that person's deposition. As I have already mentioned, no depositions will be scheduled at 3ABN headquarters.

As far as the final paragraph of my last communication, I do not agree that your letter of November 15, indirectly implicating Plaintiffs' counsel as complicitous with 3ABN in active efforts to cover up certain truths, was in any fashion misconstrued. The statement that any future correspondence from you containing direct or indirect accusations of professional misconduct against Plaintiffs' counsel will be swiftly taken to the Court for resolution, was not a threat but a fact. However, if you wish to avoid such statements, accusations and innuendo in the future, there is nothing more that need be discussed.

Finally, it has come to my attention that the fax number we have for you (206-203-3751), is the same fax number as Gailon Joy. In light of Mr. Joy's adversarial complaint in the bankruptcy matter, we do not intend to send correspondence to you through Mr. Joy's fax. Please provide an alternate fax number where information and materials may be sent directly to you as counsel *pro se*.

Sincerely,



Terrie M. Hayes

JMH/cg

# **EXHIBIT H**

1300 Washington Square  
100 Washington Avenue South  
Minneapolis, Minnesota 55401  
T (612) 337-6100 F (612) 339-6591  
siegelbrill.com

**SIEGEL BRILL  
GREUPNER DUFFY  
& FOSTER P.A.**

JERRIE M. HAYES  
612-337-6142  
jerriehayes@sbgdf.com

November 28, 2007

**VIA FACSIMILE / U.S. MAIL**

Mr. Robert Pickle  
1354 County Highway 21  
Halstad, MN 56548

**Re: Three Angels Broadcasting Network, Inc. and Danny Lee Shelton vs.  
Gailon Arthur Joy and Robert Pickle  
Court Docket No. 07-40098-FDS  
Our File No. 24,681-D-002**

Dear Mr. Pickle:

I am writing in response to your correspondence of November 21, 2007.

First, the only plaintiffs in this case are Danny Shelton and 3ABN, which is an Illinois non-profit corporation. 3ABN's Board Members are not "litigants against" you. To the extent any Board Member has knowledge of the facts and circumstances underlying the Complaint or your Answer thereto, they may be witnesses in the case, and potentially subject to deposition, but they are decidedly not parties to this lawsuit.

Second, as I have previously stated, the dates of 3ABN Board Meetings are irrelevant and not necessary to the scheduling of the various depositions in this matter. I do not intend to disclose to you the dates and times of my client's private board meetings and you need not repeat your request for the information. Since it appears you will not provide me with the names and proposed dates and locations of the Board Members you wish to depose, I will discontinue my efforts to facilitate the informal scheduling of those depositions and will simply await your formal Depositions Notices.

Third, Plaintiffs will not authorize either the inspection or production of the extremely sensitive, confidential business and commercial information which constitutes the bulk of their 26(a)(1) disclosures without a Protective Order in place that maintains the confidentiality of that information. If you are unwilling to agree to the terms of the Protective Order that Plaintiffs have already proposed and are unwilling to alternatively negotiate an otherwise mutually agreeable Protective Order, Plaintiffs will await the Court's ruling on the Protective Order that

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was submitted to it as part of Plaintiffs' 26(f) Report. There is no need to appear at my office for document inspection on December 7, 2007, or to discuss any details concerning copying of materials, unless this matter has been resolved.

Finally, as Plaintiffs have been granted relief from the automatic stay in Joy's bankruptcy matter, I will take your last correspondence as written authorization that facsimile service upon you may be made through Mr. Joy's facsimile (206-203-3751) and will send all future facsimiles to you at that number until notified otherwise.

Sincerely,

A handwritten signature in black ink, appearing to read "Terrie M. Hayes". The signature is written in a cursive, flowing style with a long, sweeping tail on the final letter.

Terrie M. Hayes

JMH/cg

# **EXHIBIT I**

**Subject:** Re: Trip to 3ABN to see phone records  
**From:** Bob <bob@\*\*\*>  
**Date:** Tue, 17 Oct 2006 21:09:06 -0500  
**To:** Pastor Lomacang <pastorlomacang@\*\*\*>  
**BCC:** danrev <danrev@\*\*\*>

Hi Pastor Lomacang.

I got word from Mollie Steenson today that seeing the phone records is not allowed. Was there a change in policy, or were you mistaken back on September 1 when you indicated otherwise?

I passed on to her my question about whether the hundreds of hours of phone calls were actual time spent or billed units. We'll see what reply she sends.

I did suggest to her that from a PR, damage control, and apologetic perspective, it seems to me that going about these matters differently would be a great blessing to 3ABN. It seems to me that it is very important that 3ABN comes across as if they aren't trying to hide anything. That's how God has handled the Great Controversy, and in the end everyone's questions about Him will be answered. But long-delayed replies and not answering a simple question about whether the hundreds of hours were actual time spent or billed units doesn't give the right impression, and 3ABN surely doesn't need any more of that.

God bless.

Bob

----- Original Message -----

**Subject:** Re: Trip to 3ABN to see phone records  
**Date:** Mon, 16 Oct 2006 18:14:18 -0500  
**From:** Bob <bob@\*\*\*>  
**To:** Pastor Lomacang <pastorlomacang@\*\*\*>

Hi Pastor Lomacang.

I've tried contacting Mollie twice now, and am about to try a third time. Still haven't heard back from her, even though tomorrow makes two weeks. What should I do? Is there someone else I should contact?

We're now less than a week from when we'll be passing by, and it's been 5 and a half weeks since I wrote you saying that we might be able to take you up on your offer of coming by to see the phone records. Is more of an advanced notice required?

Did you have any thoughts on my suggestion below?

Were you able to verify that the hundreds of hours were actual time spent rather than billed phone card units?

God bless.

Bob

----- Original Message -----

**Subject:** Re: Trip to 3ABN to see phone records

**Date:** Tue, 10 Oct 2006 18:38:44 -0500

**From:** Bob <[bob@\\*\\*\\*](mailto:bob@***)>

**To:** Pastor Lomacang <[pastorlomacang@\\*\\*\\*](mailto:pastorlomacang@***)>

Hi Pastor Lomacang.

I tried contacting Mollie Steenson, but haven't heard anything back from her yet. Do you know if she got my message?

Did you have any thoughts on my suggestion below?

Have you been able to verify yet that the hundreds of hours of phone calls were indeed actual time spent on the phone rather than billed phone card units?

Bob

----- Original Message -----

**Subject:** Re: Trip to 3ABN to see phone records

**Date:** Tue, 03 Oct 2006 07:17:04 -0500

**From:** Bob <[bob@\\*\\*\\*](mailto:bob@***)>

**To:** Pastor Lomacang <[pastorlomacang@\\*\\*\\*](mailto:pastorlomacang@***)>

Hi Pastor Lomacang.

I just thought of something. When we talked a month ago you made it quite clear that you are an employee of the Illinois Conference rather than of 3ABN. As such I would think that even if Mollie does not approve the meeting, you would be able, as pastor of the Thompsonville Church, to show me the phone records yourself as promised. As pastor you do have them or some other concrete evidence on file, don't you? I would think that in such a high profile situation involving matters that are subject to church discipline, the pastor or the church would have some sort of concrete evidence on file.

Of course, in matters of church discipline, some things must not be divulged. But since you felt the existence of the phone records did not fall into that category, then they presumably do not fall into that category.

And since they are Linda's phone records rather than Danny's, if permission must be obtained, Linda's permission would be all that is required. But since they allegedly reveal Linda's guilt, obtaining her permission may be a bit tricky. Then again, if she refuses to give permission to you for me to see these phone records, then that would suggest that she is trying to hide something.

Your thoughts?

Bob

----- Original Message -----

**Subject:** Re: Trip to 3ABN to see phone records

**Date:** Tue, 03 Oct 2006 05:18:41 -0500

**From:** Bob <[bob@\\*\\*\\*](mailto:bob@***)>

**To:** Pastor Lomacang <[pastorlomacang@\\*\\*\\*](mailto:pastorlomacang@***)>

Hi John.

Thanks for your reply. I will contact Mollie.

Were you able to confirm that the "hundreds of hours" of phone card calls that you spoke about with me were actual time spent on the phone versus billed units? A quick answer should suffice if you are short on time.

When we talked, you spoke of my being able to come and see the phone records as being a dead certainty. Were you mistaken, and is it possible that Mollie will not allow this?

Bob

----- Original Message -----

**Subject:** Re: Trip to 3ABN to see phone records

**Date:** Mon, 2 Oct 2006 22:57:19 -0500 (GMT-05:00)

**From:** Pastor Lomacang <[pastorlomacang@\\*\\*\\*](mailto:pastorlomacang@***)>

**Reply-To:** Pastor Lomacang <[pastorlomacang@\\*\\*\\*](mailto:pastorlomacang@***)>

**To:** Bob <[bob@\\*\\*\\*](mailto:bob@***)>

Hello Bob,

I received your email. You will need to contact the general manager of 3ABN to make an appointment. Her name is Mollie Steenson. If she approves then your trip will occur. She will determine the usefulness and necessity of your meeting. You can call her at 618-627-4651.

God Bless,  
Pastor Lomacang

-----Original Message-----

From: Bob <[bob@\\*\\*\\*](mailto:bob@***)>

Sent: Oct 2, 2006 6:04 AM

To: Pastor John Lomacang <[pastorlomacang@\\*\\*\\*](mailto:pastorlomacang@***)>

Subject: Trip to 3ABN to see phone records



Hi Pastor Lomacang.

I trust you got the email below that I sent you several weeks ago. At this point it does look like I will be coming right by there sometime on October 23, and so I can take you up on your offer to stop by and see the phone records of calling card calls to Norway you spoke of. It looks like Thompsonville is about 950 miles into our journey home, and so if we leave early Sunday, we should be there sometime on Monday the 23rd.

Does that sound good to you? Who will I need to speak with once I arrive? Where will I need to go?

Also, has anyone been able to find an answer to the question I asked below? Whether the hundreds of hours were actual time spent on the phone, or were units billed?

God bless.

Bob

----- Original Message -----

Subject: Quick question on phone card records.  
Date: Fri, 08 Sep 2006 14:16:05 -0500  
From: Bob <[bob@\\*\\*\\*](mailto:bob@***)>  
To: Pastor Lomacang <[pastorlomacang@\\*\\*\\*](mailto:pastorlomacang@***)>

Hello Pastor Lomacang.

Thanks so much for talking to me last week. I appreciate the courtesy you showed me.

Someone has raised a question about the phone records that might be good to clarify. When you spoke of seeing hundreds of hours of phone card phone records that were placed prior to March 9, 2004, was that actual time spent on the phone or the minutes that were billed? Since phone cards being used for making calls to foreign countries are charged multiple minutes for every minute actually spent, this question was raised. For example, one fellow told me that when he made calls to Canada, every minute of time actually cost him three minutes. So on the records that you saw, were the hundreds of hours actual time spent?

I am not sure at this point, but I may be passing by 3ABN on October 23, and could take you up on your offer to stop by and see the phone records. There is a good chance I'll be returning from my brother's wedding on that day.

Have a good Sabbath, and God bless.

Bob



# **EXHIBIT J**

**Subject:** RE: Appointment to see phone records  
**From:** Bob <bob@\*\*\*>  
**Date:** Tue, 17 Oct 2006 20:22:06 -0500  
**To:** Mollie Steenson <mollie.steenson@\*\*\*>  
**BCC:** danrev <danrev@\*\*\*>

Hi Mollie.

Thanks for your reply. Here are three short, follow-up questions.

- 1) Has there been a change of policy since September 1, when Pastor Lomacang promised that we could see the phone card phone records if we came by? He indicated that that wasn't his decision. Or was he somehow totally mistaken?
- 2) Pastor Lomacang indicated that these records showed hundreds of hours of phone calls, but I have thus far been unable to confirm from him that these hundreds of hours are actual time spent on the phone rather than billed phone card units. Can you confirm this?
- 3) What group of respected church leaders has the matter been turned over to? Who are they?
- 4) Will they be making public the evidence that supports their findings, or will they only make public their findings?

I ask this last question because from a damage control and apologetic perspective, the only real way to put all the rumors to rest once and for all is to come across as if 3ABN has nothing to hide.

Take for example these phone records, which Pastor Lomacang stated emphatically that he had personally seen. After he promised that we could see them if we stopped by, it has taken more than five weeks to discover that 3ABN will not allow this, and that gives the impression that they either do not exist or that they do not say what he claimed they say.

This is even more so the case since I asked him on September 8 and October 2 and October 3 and October 10 and October 16 whether the hundreds of hours were actual minutes or billed minutes, and though I did get a short reply from him on October 2, he has yet to answer that simple question. The definite impression being given is that there never were hundreds of hours spent on the phone.

I think a lot of these rumors could have been easily avoided or dispelled if 3ABN had handled these PR matters differently. Along these lines, I would suggest that great care be taken in the selection of which respected church leaders examine all the evidence. If it is perceived that the panel is stacked in favor of 3ABN from the very beginning, it will not settle the questions in people's minds, especially if none of the evidence is ever made public. Whether the panel is stacked or not is not as important at this point as how it is all perceived if the goal is to dispel all the rumors, in my opinion.

God bless.

Bob

----- Original Message -----

**Subject:** RE: Appointment to see phone records

**Date:** Tue, 17 Oct 2006 09:33:21 -0500

**From:** Mollie Steenson <[mollie.steenson@\\*\\*\\*](mailto:mollie.steenson@***)>

**To:** Bob <[bob@\\*\\*\\*](mailto:bob@***)>

Hi Bob,

Rather than making the evidence available to individuals, which 3ABN has that validate the basis for the actions we have had to take in this matter, we have turned this matter over to a group of respected church leaders who will be looking at all the evidence, not just portions of it, and they will publicly give their findings in the near future.

You are still very welcome to visit 3ABN and have a tour of the facilities. We are available to give tours from 9:00 AM to 4:30 PM Monday – Thursday and from 9:00 AM to 11:00 PM on Friday.

Have a great day,

Mollie Steenson  
3ABN GM

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**From:** Bob [[mailto:bob@\\*\\*\\*](mailto:bob@***)]  
**Sent:** Monday, October 16, 2006 6:25 PM  
**To:** Mollie Steenson  
**Subject:** Re: Appointment to see phone records

Hi Mollie.

It's now less than a week from when we are scheduled to be driving by 3ABN on October 23, returning from my brother's wedding.

Back on September 1 Pastor John Lomacang promised that if we came by we would be able to see the hundreds of hours of phone card phone records of calls to Norway that prove that Linda was having an affair. He indicated on October 2 that I ought to contact you.

My apologies if three weeks is too short of notice for you. I had originally told Pastor Lomacang on September 8 that we could possibly take him up on his offer next week, but I did not hear back from him until October 2, and so I did not know until then that I was supposed to contact you as well as him.

Do we just plan on stopping by next week whenever we get there? What do you suggest?

God bless.

Bob

----- Original Message -----

**Subject:**Re: Appointment to see phone records

**Date:**Tue, 10 Oct 2006 18:41:20 -0500

**From:**Bob <[bob@\\*\\*\\*](mailto:bob@***)>

**To:**Mollie Steenson <[mollie.steenson@\\*\\*\\*](mailto:mollie.steenson@***)>

Hello Mollie.

Did you get my email below? How do we go about taking Pastor Lomacang up on his promise that I could see these phone records?

God bless.

Bob

----- Original Message -----

**Subject:**Appointment to see phone records

**Date:**Tue, 03 Oct 2006 09:57:15 -0500

**From:**Bob <[bob@\\*\\*\\*](mailto:bob@***)>

**To:**Mollie Steenson <[mollie.steenson@\\*\\*\\*](mailto:mollie.steenson@***)>

Greetings, Mollie.

Back in August Pastor Lomacang responded to a fellow named Jonathan about his concerns, and Pastor Lomacang invited him and anyone else who had questions to call him. Jonathan shared that reply with me and I therefore decided to call Pastor Lomacang in early September.

In our conversation Pastor Lomacang mentioned two pieces of concrete evidence which he felt definitively proves Linda to be an adulteress, one being phone card phone records consisting of hundreds of hours of phone calls made to Norway prior to March 9, records which he had personally examined, and a recording of a presentation by Linda on the air in which she refers to a special friend.

One thing I have specialized in is apologetics, and I really enjoy defending the Adventist church and its various entities and doctrines against criticism and slander, but doing that requires presenting concrete, indisputable evidence. Obviously, what Pastor Lomacang told me was quite helpful, but it wouldn't be indisputable in the minds of critics out there. Especially is this so since I can't tell anyone that I've seen the evidence for myself, and that I have personally verified that hundreds of hours were spent on the phone talking to the doctor in

Norway when Linda's son was not there.

I therefore told Pastor Lomacang in that phone conversation that I would like to see those phone records and that recording, and he replied that I would definitely be able to see them if I came down to 3ABN. I told him I thought that it was unrealistic to require people to drive hundreds of miles on their own nickel just to see phone records, and he indicated that that wasn't his decision. So I assume that it was 3ABN's board or management that determined that those interested in seeing this evidence can indeed see it if they come to 3ABN.

At any rate, I emailed him the following week and again yesterday telling him that I would be able to take him up on his offer after all, since I will be going right by Thompsonville on my way back from my brother's wedding around October 23. My email yesterday asked him where I should go and who I need to contact when I arrive, and he just replied that I need to contact you to arrange everything.

So how do we proceed in order for me to take Pastor Lomacang up on his offer of seeing these phone records and the recording?

God bless.

Bob Pickle