
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. The Plaintiffs served their responses to my Requests to Produce on January 9, 2008.
2. On February 6 or 7, 2008, Plaintiff Shelton filed a motion to quash my third-party subpoena *duces tecum* in U.S. District Court in the District of Minnesota. He simultaneously filed a motion to stay the enforcement of the subpoena until the Motion for a Protective Order could be heard in Massachusetts. I was unaware of these motions until February 11, and did not file my opposition to them until February 25, 2008.
3. In the status conference of December 14, 2007, the Honorable Judge Saylor explicitly stated that there would be no stay of discovery pending a hearing on a motion for a protective order.

4. A hearing on Plaintiff Shelton's motions was held in the District of Minnesota on March 4, 2008. Magistrate Judge Boylan took the matter under advisement, requesting Plaintiff's counsel to report within 5 days of the hearing in this Court regarding the Motion for a Protective Order. Magistrate Judge Boylan specifically stated that he expected the March 7 hearing in Massachusetts to cover the matter in Minnesota.

5. MidCountry Bank, N.A. has informed the Defendants that it will take six weeks to produce the documents requested in the subpoena *duces tecum*. Yet a second, narrowly tailored subpoena will need to be issued after analyzing the documents produced. The current discovery schedule does not allow for the inordinate delays caused by the Plaintiffs by their filing of motions for overbroad protective orders and motions to stay.

6. While Attorney Lizette Richards has brought the correct meaning of Local Rule 7.1(b) to my attention by filing her motion to strike, I must add that none of Plaintiffs' counsel contacted me about that motion to strike before filing it, in violation of Local Rule 7.1(a)(2).

FURTHER DEPONENT TESTIFIES NOT.

Signed and sealed this 5th day of March, 2008.

/s/ Bob Pickle
Bob Pickle

Subscribed and sworn to me
this 5th day of March, 2008.

/s/ Deanna Zimmerman
Notary Public

My commission expires Jan. 31, 2010