

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.)	
_____)	

DEFENDANTS’ OPPOSITION TO PLAINTIFFS’ MOTION FOR PROTECTIVE ORDER LIMITING SCOPE AND METHODS OF DISCOVERY

Defendants oppose the Plaintiff’s Motion for Protective Order as frivolous, untimely, and obstructive of the discovery process as the Defendants prepare their defense against the reluctant Plaintiffs’ clear inability to document a sound and truthful basis for Plaintiffs’ allegations. Their apparently condemning production of documents would support the Defendants defense in this outrageous misuse of process by the Plaintiffs.

Further, Plaintiffs’ Motion is a clear effort to deferentially detract from the Defendant’s Motion to Compel Production of Documents requested six months ago and to further attempt to handcuff the Defendants’ ongoing discovery process, even when Plaintiffs’ efforts clearly violate the Federal Rules of Civil Procedure in both timeliness and standing.

Plaintiffs’ have failed to document sufficient basis for the presumption that the Defendants simply made claims without basis or without substantial reliance on reliable sources involved in various parts of Plaintiff 3ABN’s administration and financial processes or actual witnesses to the events reported, and have repeatedly tried to obstruct the discovery of evidence

that would substantially prove that Plaintiffs' allegations have sustainable support by going so far as to violate the Honorable Court's clear rules relating to redaction and a redaction log.

Plaintiffs clearly have a propensity to overstate their clearly deficient production and compliance, and steadfastly refuse to index or identify in any way the relevance of many produced documents or how that production is responsive to specific requests to produce.

Plaintiffs also have a propensity to abuse the Confidentiality Order of this Court to the degree that it constitutes a contempt of the Honorable Court's order and will require separate Defendants' Motion to address these abuses.

Plaintiffs routinely attempt to transfer the process of production correction or replacement, such as the production of documents that are insufficiently visible or otherwise deficient, to the Defendants.

Plaintiffs have repeatedly, inappropriately challenged the relevance of production and discovery when Plaintiffs' allegations clearly establish the relevance, and Plaintiffs have failed to amend their complaint to moot such discovery, an effort that repeatedly borders on Rule 11 violations.

Plaintiffs have also worked overtime to interfere in any third-party discovery, most particularly relevant and essential financial, auditing, and tax documents critical to the evaluation by Defendants' auditing and forensic accounting experts to defend against the Plaintiffs' masterfully articulated allegations of defamation *per se*, a clear critical foundation for Plaintiffs to prevail and a critical defense for the Defendants based upon actual documentation in support of the clear errors reported on the Plaintiffs' tax returns.

Wherefore, the Defendants oppose the Plaintiffs' outrageous effort to limit scope and methods of discovery clearly supported by the Federal Rules of Civil Procedure, grossly designed to handcuff the Defendants' lawful discovery process essential to the development of a

defense against the Plaintiffs' allegations, and to establish the Defendants' affirmative defenses and counterclaims.

WHEREFORE, the Defendants pray the Honorable Court for such sanctions as deemed appropriate, and to recover the costs of opposing this frivolous motion.

Respectfully submitted,

Dated: July 9, 2008

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and

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AFFIDAVIT OF SERVICE

Under penalty of perjury, I, Bob Pickle, 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) on July 9, 2008.

Dated: July 9, 2008

/s/ Bob Pickle