
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

Three Angels Broadcasting Network, Inc.,)	
an Illinois non-profit corporation, and)	
Danny Lee Shelton, individually,)	Case No.: 1:08-mc-03
)	
Plaintiffs,)	
v.)	
)	
Gailon Arthur Joy and Robert Pickle,)	
)	
Defendants.)	

**DEFENDANT PICKLE’S MEMORANDUM IN SUPPORT OF HIS
EMERGENCY MOTION FOR LEAVE TO APPEAR BY VIDEO OR TELEPHONE**

SUMMARY OF THE RECORD OF THIS MISCELLANEOUS CASE

The Plaintiffs seek to deprive the Defendants of their property, in part because of the Defendants’ investigative reports about the revenue of Three Angels Broadcasting Network, Inc. (hereafter “3ABN”) inuring to the benefit of private persons through lucrative book deals [Doc. 3 at p. 3]. Credible sources have implicated Remnant Publications, Inc. (hereafter “Remnant”) as a conduit through which these funds flowed, the details of which were allegedly kept secret from the 3ABN Board [Doc. 3 at p. 7].

In order to provide an adequate defense, the Defendants seek documents from Remnant which establish the direct or indirect flow of money from 3ABN to 3ABN officers, directors, employees, or their relatives. Form 990’s filed with the Internal Revenue Service by Remnant and 3ABN, as well as 3ABN’s audited financial statements, indicate that some sort of flow along these lines did indeed occur [Doc. 3 at pp. 4–6, Table 3].

Dwight Hall, president of Remnant, initially told Defendant Pickle that he would not make it difficult for the Defendants to procure the documents they need [Doc. 3–1 at ¶ 2]. But Remnant’s counsel later told the Defendants that a motion to compel would be required [*Id.*].

ARGUMENT

The Fifth Amendment to the United States Constitution says in part, “No person shall be ... deprived of life, liberty, or property, without due process of law.” While driving more than 1720 miles round trip (*see* Affidavit of Robert Pickle (hereafter (“Pickle Aff.”) at ¶ 1) in order to attend a single motion hearing is not entirely prohibitive, repeated trips for all the hearings the various related cases will involve would become too costly and time consuming. With Defendant Pickle’s vehicle having more than 353,000 miles on it, breakdowns are a definite possibility. *See* Pickle Aff. at ¶ 2. Requiring appearances in person would therefore eventually deprive the Defendants of their due process rights if they are not permitted to appear by video or telephone.

Fed. R. Civ. P. 1 states in part, “These rules ... should be construed and administered to secure the just, speedy, and inexpensive determination of every action and proceeding.” Thus the federal judicial system is intended to provide justice for all parties as inexpensively as possible.

While the Plaintiffs and their supporters have millions of dollars in assets with which to wage a retaliatory and frivolous war in the civil courts, drawn out much longer than necessary, the Defendants do not. The Defendants must take advantage of the provision of Fed. R. Civ. P. 1 that the determination of the pending motion to compel be done as inexpensively as possible, as well as as just as possible.

In fact, Defendant Gailon Arthur Joy is even now recovering from a Petition for Bankruptcy resulting from a collapsed mortgage industry, and his appearance would be de facto prohibited without leave to appear via telephone or video conference.

CONCLUSION

The Defendants therefore seek the privilege of appearing by telephone or video at the hearing on the pending motion to compel, as has already been permitted in U.S. District Court in the District of Minnesota and the District of Massachusetts. *See* Pickle Aff. at ¶¶ 3–4.

Respectfully submitted,

Dated: June 10, 2008

/s/ Robert Pickle

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