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April 1, 2008

G. Arthur Joy  
3 Clinton Road  
Box 1425  
Sterling, MA 01564

Robert Pickle  
1354 County Highway 21  
Halstad, MN 56548

**Re: Remnant Publications, Inc.  
Subpoena for records in Case No. 07-40098-FDS  
United States District Court for the Central District of Massachusetts  
United States District Court for the Western District of Michigan**

Dear Mr. Joy and Mr. Pickle:

As you know, I represent Remnant Publications, Inc. in responding to your subpoena which was served upon Daniel Hall at Remnant Publications on Monday, March 31, 2008.

Under FRCP 45(c)(2)(B) Remnant Publications, Inc. objects to the subpoena because it is overbroad in the scope of the documents it seeks; it is burdensome; and it calls for the disclosure of confidential financial business records of a proprietary nature.

A party is not entitled to discovery that exceeds the scope of the case at issue. Also, a party is not entitled to rummage through files of documents having no bearing on his or her allegations simply to determine whether anything of interest might be found. According to your letter to Dwight Hall, you need these documents to “defend yourself” from allegations of defamation. If your “informed sources” do not have a factual basis for the allegations they have made, you are not going to find any records from Remnant Publications which prove or disprove opinions.

Your subpoena demands the production of “all contracts,” “all ledgers,” “all records of money,” “all manuscripts,” and “all documents containing detail for royalty expenses” for relationships between Remnant Publications, approximately a dozen corporations and more than a dozen individuals, including “all officers, directors, employees, or volunteers of Three Angels Broadcasting Network, Inc.”

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There is nothing to suggest in the Federal Rules of Civil Procedure that they are designed to open the floodgates for uncontrolled, excessively time consuming searches and flows of words and documents, simply because a lawsuit has been filed. Even if relevant material is sought, the burden of producing this enormous volume of paper which you seek exceeds the value any such material may have to you, and requires a more narrow focus pointed to the allegations in the lawsuit itself (See *Lawrence v First Kansas Bank & Trust Co.*, 169 FRD 657, 662-663 (Kan. 1996).

Under FRCP 45(c)(2)(B)(i), following my objection, you are required to make a motion to compel and obtain an order to compel the production or inspection of the documents you have requested. If you make such a motion, and only until you make such a motion, Remnant Publications will answer that motion in court, by legal representation, whether the matter is heard in the United States District Court for the Central District of Massachusetts or the United States District Court for the Western District of Michigan.

I responded to your subpoena from the United States District Court for the Central District of Massachusetts, which was issued on November 28, 2007 with the same objection that I am raising here today. There is no substantive difference between that subpoena and the subpoena you have recently caused to be issued from the Federal District Court in the Western District of Michigan.

I believe you have already been advised by the court that you are required to follow the Federal Rules of Civil Procedure in obtaining discovery and in moving to compel the production of discovery once it has been objected to. It is a waste of judicial resources and contemptible for you to move from federal court to federal court obtaining subpoenas to have non-parties produce documents which have been objected to, arising from other subpoenas, without following the rules for the issuances of orders which serve your purposes, and at the same time failing to protect the non-parties who have custody and control of various documents.

It is not the court's responsibility, and it is not the non-party's responsibility to educate you in the substantive rules and procedural rules for the conduct of litigation in federal court.

It will take a protective order from the court to properly identify the scope of permissible documents from Remnant Publications, and it will also require a protective order that the disclosure of the documents be limited to you and your attorneys as you prepare for trial.

BIRINGER, HUTCHINSON, LILLIS,  
BAPPERT & ANGELL, P.C.

s/ Charles R. Bappert  
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Charles R. Bappert