

analysis are found below.

3. The 11,422 pages on CD #1, with the exception of six pages of material Plaintiffs' counsel agreed were improperly disclosed, consisted entirely of printouts from BlackSDA.com, six pages being blank since they were scanned backwards. 1312 pages (11.5%) of the total consisted of second copies of 23 documents already included in the 11,422 pages. 5345 pages (46.8%) were of documents that did not appear to contain any postings by the Defendants.

4. The 1153 pages on CD #2 included 850 pages (172 documents) of printouts from Save3ABN.com, and 55 pages (24 documents) used by the Plaintiffs as exhibits in what appear to be Docket entries 1-4, 3-2, and 10-4. Another 168 pages (10 documents) consisted of publicly available IRS Form 990's and audited financial statements, 136 pages of which can be easily downloaded off the internet and were included in the Defendants' Rule 26(a)(1) disclosures. At least 11 of the remaining 19 documents are publicly available, more than 33 pages of which are easily downloadable from the internet. At least 22 documents containing 73 pages were duplicates of documents already on the CD, not including the duplicative documents used by the Plaintiffs as exhibits.

5. Table 1 gives a breakdown of the Plaintiffs' Rule 26(a)(1) materials, and demonstrates that the vast majority was of documents readily available to any member of the public, and which the Defendants already had.

TABLE 1: Analysis of Plaintiffs' Rule 26(a)(1) Materials

CD #	Description	# of Docs	# of Pages	Duplicative		Publicly Avail. and/or Already Had
				Docs	Pages	
CD #1	<u>BlackSDA.com</u> Threads/Listings	329	11,410	23	1312	Publicly Avail., Already Had
CD #1	Blank (scanned backwards)	1	6			?
CD #1	Extraneous (returned)	2	6			No

CD #2	<u>Save-3ABN.com</u> web pages	172	850	20	64	Publicly Avail., Already Had
CD #2	Linda Shelton's Separation Agreement	1	3			Publicly Avail., Already Had
CD #2	2001-2005 Form 990's & Financial Statements	10	168			Publicly Avail., Already Had
CD #2	Exhibits Already Used by the Plaintiffs	24	55			Publicly Avail., Already Had
CD #2	Articles of Incorporation	2	10	1	5	Publicly Avail., Already Had
CD #2	Copyright Reg. of Tribute to Tommy Broadcast	1	2			
CD #2	<i>Adventist Today</i> Tommy Article Posted on Yahoo	1	12			Publicly Avail., Already Had
CD #2	Other <i>Adventist</i> <i>Today</i> Articles	5	22			Publicly Avail. / Already Had
CD #2	Spectrum Blog Postings	2	8	1	4	Publicly Avail.
CD #2	Misc. Stuff of Questionable Value	7	23			Varies
CD #3	Maritime Forum Postings	26	250			Publicly Avail., Already Had
Totals		583	12,825	45	1385	

6. In her affidavit of May 29, 2008, Ms. Hayes falsely stated that I was served an additional 2500 pages of discovery information on April 25, 2008 (Doc. 68 ¶ 25), when the unindexed PDF file I received on CD #3 contained only 250 pages and was served on April 8.

7. Table 2 gives a summary of the documents on CD #3, which were taken in their entirety from Maritime-SDA-Online.org. Table 1 demonstrates that of the 26 threads, 15 threads representing 69 pages of the 250 contain no posts written by the Defendants in this action.

TABLE 2: Contents of Plaintiffs' Rule 26(a)(1) Materials, CD #3

Doc. #	Topics Covered or Content	Pages	Defts' Posts
4	Link to Save3ABN.com	5	0
5	Daryl Fawcett's welcome	1	0
6	Timeline by Daryl Fawcett	2	0
7	Does Danny Shelton control Walt Thompson?	5	0
8	The title of Linda's car	22	5
9	Link to a page on Linda Shelton's website	1	0
10	Phone card phone records that the Plaintiffs claimed prove that Linda Shelton had an affair	12	13
11	Linda Shelton's demand that the evidence against her be made public	10	0
12	About 3ABN rallies, particularly one just after new allegations against Tommy Shelton were announced in Virginia	8	3
13	Letter by JW	1	1
14	Link to Duane Clem's account of wrongful termination	2	0
15	Documents pertaining to the Tommy Shelton child molestation allegations	33	29
16	Correspondence inquiring about the Tommy Shelton child molestation allegations, Linda Shelton's car title, illegal recording of conversations, and phone card phone records	44	18
17	Story of Linda Shelton by Johann Thorvaldsson	3	0
18	Letter by Barbara Kerr	13	0
19	Letter by Walt Thompson	5	0
20	Letter by Dr. Arild Abrahamsen	7	0
21	Correspondence with Walt Thompson regarding what Danny told him about the child molestation allegations	30	38
22	Letter by Mable Dunbar	2	0
23	2nd letter by Mable Dunbar	4	0
24	ASI Mediation	8	1
25	Correspondence with Hal Steenson about his threat, Melody Shelton's unwed pregnancy, and a suggestion that Danny Shelton stop telling people that his new wife had been chasing him for 17 years	6	12
26	Correspondence with Danny Shelton about his royalties	15	19
27	Kay Kuzma's response to the story of Linda Shelton	5	0
28	The Aug. 10, 2006, broadcast in which Danny Shelton was likened to Moses and John the Baptist, it was indicated that it	2	3

	was wrong to disagree with Danny, and his step-daughter's allegations of sexual assault against her by him were trashed through innuendo		
29	Open letter by Walt Thompson	4	0
Totals		250	142

8. Table 3 demonstrates that the Exhibits A–L (Doc. 63-2–63-13) filed with the pending motion to compel are documents found in the Plaintiffs' Rule 26(a)(1) materials. The material in Exhibits M and O–R (Doc. 63-14, 63-16–63-19) are also found amidst these documents. The sizable percentage of the Plaintiffs' disclosures containing the material used as exhibits with the pending motion to compel suggests the degree of relevance the Plaintiffs have already assigned this material.

TABLE 3: Pickle's Exhibits vs. Plaintiffs' Rule 26(a)(1) Materials

Exhibits	Materials		
	CD #	Page # on CD	Total Pages
Ex. A: "Unauthorized History" (ch. 1)	1	5975	8
Ex. B: "Unauthorized History" (ch. 2)	1	6437	7
Ex. C: "Unauthorized History" (ch. 3)	1	6369	18
Ex. D: "Unauthorized History" (ch. 4)	1	1	53
Ex. E: "Unauthorized History" (ch. 5)	1	5645	75
Ex. F: "Unauthorized History" (ch. 6)	1	3712	78
Ex. G: "Unauthorized History" (ch. 7)	1	3567	90
Ex. H: "Unauthorized History" (ch. 8)	1	6289	80
Ex. I: "Unauthorized History" (ch. 9)	1	6246	43
Ex. J: "Unauthorized History" (ch. 10)	1	6040	78
Ex. K: "The Televangelist"	1	2711	45
	1	8103	43
Ex. L: "Who Is It?"	1	5584	55
Ex. M: Alyssa Moore's Allegations	1	2607	63
	1	8525	59
Ex. O: New Allegations in Virginia	2	128	2

	3	70	33
Ex. P: Riva Letter to Dunn Loring	2	144	3
Ex. Q: Letter by Gerald Duffy	1	9318	65
	1	10,437	69
	2	750	11
Ex. R: Tommy Open Letter	1	1302	174
Total Pages in Plaintiffs' Rule 26(a)(1) Mtrls			1152

9. My Exhibit N (Doc. 63-15) for the pending motion to compel consisted of a summary of the evidence that Shelton covered up the child molestation allegations against Tommy Shelton, and the implications that that cover up held for liability against both 3ABN and the Illinois Conference of Seventh-day Adventists. Exhibit N also contained links to the same threads as documents 15, 16, and 21 on CD #3 and in Table 2. Those three documents amounted to 107 pages containing 85 posts made by the Defendants, a sizable chunk of the Plaintiffs' Rule 26(a)(1) materials on CD #3. These three documents are attached hereto as **Exhibits A–C**.

10. The 329 BlackSDA.com threads and listings contained in the Plaintiffs' Rule 26(a)(1) materials cover a wide variety of topics, such as, *inter alia*, Barbara Kerr's interaction with Plaintiff Shelton and 3ABN, the Tommy Shelton child molestation allegations, Plaintiff Shelton's claims of spiritual adultery, Ronnie Shelton's claims that Linda Shelton now lives in a mansion with a huge pool, and the pregnancy test kit that Plaintiff Shelton found in May 2004.

11. My requests to produce cover a wide variety of topics, and it is readily apparent that these topics are also found amidst the Plaintiffs' Rule 26(a)(1) materials. Of the 172 documents (850 pages) from Save3ABN.com on CD #2, one might argue that the Tommy Shelton child molestation allegations are dealt with more than any other topic. Other topics include, *inter alia*, an avid defender of Shelton suggesting that maybe the minor was consenting, the inappropriate behavior of Leonard Westphal, the use of attorneys by the Plaintiffs to silence those with legitimate concerns, Attorney Gerald Duffy's invocation of common law copyright,

Duane Clem's allegations of wrongful termination, the Plaintiffs' use of the airwaves to malign their critics and those who allege sexual assault, Shelton's deciding to divorce his wife after she hid his gun, Shelton's lucrative book deals and his company DLS Publishing, both missing from his July 13, 2006, financial affidavit, whether Shelton's name is on the title of Linda's car, whether Shelton paid off Linda Shelton or Alyssa Moore's cars, the surreptitious recording of a conversation that Hal Steenson, Harold Lance, and Shelton all claimed exists, and the phone card phone records that Shelton and John Lomacang claimed as evidence that Linda Shelton was having an affair.

12. I contacted Ms. Hayes on April 9, 2008, to arrange for the inspection and copying of non-confidential and non-privileged documents responsive to my requests to produce. Not having heard a reply, I repeated my request on April 18, adding to my request the inspection and copying of the Plaintiffs' remaining Rule 26(a)(1) materials. Ms. Hayes replied on April 21, 2008, that the remaining Rule 26(a)(1) materials would be produced on or before May 4, 2008, but she said she could not yet provide a date for the production of documents responsive to my requests to produce. (Doc. 71-2).

13. Ms. Hayes fails to state in ¶ 27 of her May 29, 2008, affidavit that she had given a date of May 4 for production, though in ¶ 28 she admits that she did not serve the remaining Rule 26(a)(1) materials until May 14. (Doc. 68 ¶¶ 27-28). Prior to receiving the documents on May 16, I inquired on May 11, 13, 14, and 15 as to why there was a delay, and never received an answer.

14. Ms. Hayes falsely claims in ¶ 28 of her affidavit that she served approximately 200 pages containing confidential, proprietary, and trade secret information pursuant to the Confidentiality Order (Doc. 68 ¶ 28), when much of it was nothing of the sort. Table 4 demonstrates the patent falsity of her statement:

TABLE 4: Contents of Final Production of Plaintiffs' Rule 26(a)(1) Materials

Description of Document	Pages	Designation Discrepancies
2006 Issue of <i>Catch the Vision</i>	72	freely available from 3ABN's website
7th Amended Bylaws	12	part of public record of 3ABN's property tax case (filed by 3ABN)
6th Amended Bylaws	11	
5th Amended Bylaws	10	part of Defendants' Rule 26(a)(1) materials
4th Amended Bylaws	10	
3rd Amended Bylaws	10	
2nd Amended Bylaws	10	
Corporate Bylaws	11	
2005 Employee Handbook	39	already partly used by Defendants as an exhibit
Communications by Walt Thompson	3	2 pages were published on Save-3ABN.com long ago
Investigative Report to the Board	6	
Investigative Report to the Board	5	1 page stamped "confidential" is entirely blank
Letter by Board Member	2	
2003 and 2004 Donation Trend Charts	2	
Organizational Chart	1	
Letter by Walt Thompson	3	
Total Pages	207	

Why it took so long to overzealously stamp 207 pages as "Confidential" has not been explained.

15. After perusing the Plaintiffs' Rule 26(a)(1) materials, a total of 13,032 pages contained in around 600 documents, I can find absolutely nothing that demonstrates that Save3ABN.com was used for commercial purposes or confused visitors as to the source of goods. Neither can I find anything that demonstrates that the Defendants recklessly or maliciously told lies. Neither can I find any documents proving that donations have declined at all since the Defendants became involved in August 2006.

16. Attached hereto as **Exhibits D–F** are the cover letters that accompanied the Plaintiffs’ belated production of documents allegedly responsive to my requests to produce. No claim is made that any documents have been produced that are responsive to Requests Nos. 4, 7, 11, 13, 14, 15, 16, 17, 18, 19, 21, 23, 24, 25, 27, 28, 29, 30, 31, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44. Thus no claim is made that any documents have been produced in response to 30 out of the 44 requests. However, a significant number of documents do not appear to be responsive at all, a significant number are illegible, and some documents are duplicated three, four, or five times.

17. Of the six non-parties subpoenaed by the Defendants, only Remnant Publications, Inc. (hereafter “Remnant”) refused to comply, necessitating the filing of a motion to compel. Remnant’s counsel had taken the unusual position that not even documents pertaining to royalty payments to Shelton were relevant. Attached hereto as **Exhibits G–K** are documents filed by the Defendants in connection with that motion to compel.

18. Gray Hunter Stenn LLP (hereafter “GHS”) decided to comply with the Defendants’ subpoena rather than face a motion to compel. On June 16, 2008, the Plaintiffs filed a motion to quash in the Southern District of Illinois, though they would have had to have filed their motion by April 17, 2008, in order to be timely under Fed. R. Civ. P. 45(c)(3)(A). The documents I filed in response to this motion are attached hereto as **Exhibits L–O**.

19. I am certain that I have never considered the Plaintiffs’ responses to my requests to produce to be timely.

20. I have at least 3719 emails dated in the month of December 2007, at least 2379 of which are in my “Trash” folder. I have no SPAM or message filters that would delete emails without my knowledge or consent. I have searched through all my emails and, while I can find Jerrie Hayes’ request for a delay in responding to my motion to compel of December 14, I cannot

find an email from Jerrie Hayes dated December 20 in which she asked for a different date for responding to my Requests to Produce. This explains why she never got a reply from me regarding that request.

21. In the conference of June 4–5, 2008, with Mr. Simpson and Ms. Hayes, I repeatedly raised the issue of Ms. Hayes’ false claim that an additional 2500 pages of discovery information was produced on April 25, 2008. (Doc. 68 ¶ 25). Nevertheless, Mr. Simpson repeated this claim in his filing of June 24, 2008 (Doc. 72 p. 3), and used the faulty, uncorrected affidavit in his opposition to my motion to amend order in the District of Minnesota, which he filed on June 18, 2008.

22. The number of pages produced was by no means the only false statement in Ms. Hayes’ affidavit, dated May 29, 2008. ¶ 31 claimed that I had not responded to her proposed schedule for production. She faxed this schedule to me on May 27, 2008, and requested a response by May 30. I responded on May 28, the day before she said that I had not yet responded. My response and fax journal, which documents that I faxed my response to both law offices, are attached hereto as **Exhibits P–Q**.

23. Three subpoenas issued by the Plaintiffs are attached hereto as **Exhibits R–T**.

24. The typical website access log consists of the IP address of the user, the date and time a URL is accessed, the URL being accessed, and other data. In the case of the URLs of BlackSDA.com, there is nothing in the URL itself that identifies the particular category a thread falls under.

25. Sources told the Defendants in the spring of 2007 that Shelton’s royalties from Remnant were being kept in a cash account at Century Bank and Trust.

26. The cover letter to the subpoena served upon GHS is attached hereto as **Exhibit U**.

27. Relevant pages of a table associating the earliest system timestamp for files on Save-3ABN.com are attached hereto as **Exhibit V**. The earliest system timestamp gives an idea of when a file was created on the server, but doesn't tell when that file could be found and viewed by the public. The table thus gives an idea of approximately when the content of Save-3ABN.com covered certain topics.

28. Attached hereto as **Exhibit W** is an early email written by Shelton claiming to have phone records that prove that Linda Shelton was having an affair.

29. I was eating lunch at the ASI Convention in Grapevine, Texas, on Saturday, August 5, 2006. Pastor Kevin Paulson came over to my table after visiting with Shelton and his new wife Brandy at Shelton's table. Pastor Kevin Paulson told me that Shelton had just told him that Brandy had been chasing him for seventeen years and that he had finally given in and married her.

30. Attached hereto as **Exhibits X–Y** are two emails from the negotiations with Adventist Services and Industries (hereafter "ASI"). These emails help document ASI's Harold Lance's refusal to investigate the child molestation allegations against Tommy Shelton. Attached hereto as **Exhibits Z–AA** are two emails that document church leadership's understanding that those allegations as well as others would be investigated.

31. Attached hereto as **Exhibit BB** is one 3ABN supporter's reaction to Shelton's handling of the child molestation allegations against Tommy Shelton.

32. Attached hereto as **Exhibit CC** is an email by Walt Thompson indicating that the Defendants have threatened the lives of Shelton and his family.

33. Attached hereto as **Exhibit DD** is an article describing why I decided to get involved researching this whole scandal.

34. Attached hereto as **Exhibit EE** is a letter describing an occasion of alleged sexual

harassment allegedly perpetrated by Leonard Westphal.

35. James Gilley told me on September 16, 2007, that he would not look into the past, that he had told the 3ABN Board that he would not look into the past, and that if looking into the past was required, he would not have taken the job.

36. Attached hereto as **Exhibits FF–GG** are two contradictory emails by Hal Steenson pertaining to John Lomacang’s presentation about the seven trumpets.

37. Attached hereto as **Exhibit HH** are the first two pages of one of the actual documents in the Plaintiffs’ Rule 26(a)(1) materials pertaining to Hal Steenson’s first email.

38. Attached hereto as **Exhibit II** is an email by 3ABN Board chairman Walt Thompson regarding church leaders.

39. Attached hereto as **Exhibit JJ** is alleged victim Roger Clem’s letter to Tommy Shelton, written around late 2003.

40. Attached hereto as **Exhibit KK** are the answers to questions written by an alleged victim of Tommy Shelton in Virginia. This is the alleged victim referred to by Glenn Dryden in his statement found at Doc. 63-16.

41. Attached hereto as **Exhibit LL** are quotes from 3ABN’s December 31, 2006, tribute to alleged pedophile Tommy Shelton, which referred to his alleged health problems a number of times.

42. I have personally heard references to Shelton’s alleged health problems on a 3ABN broadcast, and have read public announcements about his alleged condition. Given the allegations that his brother Tommy Shelton mysteriously has health problems when allegations surface against him, I wonder if these problems are really genuine, or whether they are a sympathy getting device.

43. I will seek by motion to file under seal as **Exhibit MM**, a 3ABN Board document

that the Plaintiffs have declared to be confidential. This document raises questions as to whether foreign immigration laws have been fully complied with, among other things.

44. Attached hereto as **Exhibits NN–TT** are emails written by Shelton, Tommy Shelton, and 3ABN Board chairman Walt Thompson pertaining to the pregnancy test and its receipt, and audio and video recordings, all purported evidence of Linda Shelton’s guilt.

45. On October 23, 2006, 3ABN Board member and Illinois Conference President Kenneth Denslow told me that he had seen video footage that purportedly was evidence of Linda Shelton’s guilt. I believe it was on January 24, 2007, that Attorney Harold Lance told me that Shelton had used a voice-operated tape recorder to record one of Linda Shelton’s telephone conversations.

46. Attached hereto as **Exhibit UU** is my June 25, 2008, letter to Attorney Gregory Simpson, which I faxed to both law offices at 6:16 and 6:18 am Central Time that morning.

FURTHER DEPONENT TESTIFIES NOT.

Signed and sealed this 9th day of July, 2008.

/s/ Bob Pickle
Bob Pickle
Halstad, MN 56548
Tel: (218) 456-2568

Subscribed and sworn to me
this 9th day of July, 2008.

/s/ Melanie Dee Nelson
Notary Public—Minnesota

My Commission Expires Jan. 31, 2011