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UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Three Angels Broadcasting Network, Inc., )	
an Illinois non-profit corporation, and )	
Danny Lee Shelton, individually, )	Case No.: 08-mc-7 (RHK/AJB)
)	
) Plaintiffs, )	
v. )	
)	
Gailon Arthur Joy and Robert Pickle, )	
)	
) Defendants. )	
_____ )	

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**DEFENDANT ROBERT PICKLE’S MEMORANDUM  
IN SUPPORT OF HIS MOTION TO AMEND ORDER**

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An Order was issued from this Court on March 28, 2008, ordering the production of records subpoenaed by the Defendants from MidCountry Bank, N.A. (hereafter “MidCountry”). See Document #28. Production was to be made under seal to Magistrate Judge Hillman of the District of Massachusetts to accommodate the pending protective order Magistrate Judge Hillman was soon to issue. Id.

Magistrate Judge Hillman’s confidentiality order was issued on April 17, 2008. See Affidavit of Robert Pickle (hereafter “Pickle Aff.”), Ex. A. This confidentiality order renders obsolete the provisions of this Court’s Order to produce the subpoenaed documents under seal to Magistrate Judge Hillman.

The Defendants asked the Honorable Judge Saylor of the District of Massachusetts in their status conference of May 7, 2008, to allow the subpoenaed documents to be produced directly to the Defendants, and he referred them back to the District of Minnesota. See Pickle

Aff., ¶ 2.

Grounds for dispute regarding production are limited by the confidentiality order to questions of whether production in redacted or other form will be satisfactory, or whether documents containing confidential information will be produced in their entirety. See Pickle Aff., Ex. A, § 1. If agreement cannot be reached, the specified remedy is for the requesting party to move to compel the responding party. Id.

MidCountry intends to comply with the subpoena in question. See Document #4, ¶ 12. MidCountry is the responding party, and MidCountry has never made an issue of its records needing to be redacted. Thus there is no need to file a motion to compel MidCountry.

There is no provision in the confidentiality order whereby a party may either a) prevent the production of documents by third parties, or b) force third-party subpoenaed documents to be produced under seal whereby the requesting party cannot review those documents.

For these reasons, Defendant Pickle respectfully requests this Court to amend its order of March 28, 2008, to allow the subpoenaed records of MidCountry Bank to be produced directly to the office of Defendant Pickle, with those documents being subject to the confidentiality order issued on April 17, 2008, by Magistrate Judge Hillman in the underlying case.

Respectfully submitted,

Dated: June 2, 2008

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In compliance with local Rule 7.1(c), I hereby certify that this Memorandum is about 353 words.

s/ Bob Pickle  
Bob Pickle