

No. 08-2457

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**IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT**

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**THREE ANGELS BROADCASTING NETWORK, INC.,  
an Illinois Non-Profit Corporation;  
DANNY LEE SHELTON,**

*Plaintiffs-Appellees,*

v.

**GAILON ARTHUR JOY; ROBERT PICKLE,**

*Defendants-Appellants.*

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On Appeal from the United States District Court  
for the District of Massachusetts  
Case No. 07-40098

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**DEFENDANTS' NOTICE OF RULING ON  
MOTIONS IN DISTRICT COURT TO  
RECONSIDER AND TO AMEND FINDINGS**

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Defendants hereby incorporate the facts and history found in their first status report, filed on October 5, 2009.

On October 26, 2009, the district court denied Defendants' motions to reconsider, amend findings, and for sanctions. The order is problematic for a number of reasons, of which Defendants give but two examples.

The order states that allegedly confidential documents "should have been returned to plaintiffs some time ago" because of the confidentiality order in the underlying case. Yet no such language from that confidentiality order is cited. As Defendants already pointed out to the district court, the confidentiality order nowhere requires parties to return documents.

The order states that Defendants presented no evidence that either wasn't presented previously or should have been presented previously. But the evidence cited from Plaintiffs' appellees' brief did not exist before that brief was written. And Plaintiffs refused to produce certain *3ABN World* magazines, and had removed them from their web server by early 2005.

The only condition imposed upon Plaintiffs' voluntary dismissal without prejudice is that Plaintiffs must refile their claims in the same court. But such a condition is only curative if enforceable (a question raised in Defendants' appellants' brief), and if that same court is fair, impartial, and unbiased.

Defendants are presently considering additional options, mindful of the time constraints imposed by Fed.R.Civ.P. 4(a)(1)(A) and 4(a)(4)(A).

Respectfully submitted,

Dated: October 29, 2009

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## CERTIFICATE OF SERVICE

I, Bob Pickle, hereby certify that on October 29, 2009, I served copies of this notice on the following parties and the Clerk of the Court of Appeals by way of U.S. mail:

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Dated: October 29, 2009

/s/ Bob Pickle

Bob Pickle