

No. 09-2615

IN THE
UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

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

Plaintiffs-Appellees,

v.

GAILON ARTHUR JOY; ROBERT PICKLE,

Defendants-Appellants.

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

**DESIGNATION OF APPENDIX AND ISSUES FOR REVIEW BY
DEFENDANTS GAILON ARTHUR JOY AND ROBERT PICKLE**

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Pursuant to Fed. R. App. P. 30(b), Defendants hereby serve and file a designation of the parts of the record Defendants intend to include in the appendix, and a statement of the issues Defendants intend to present for review.

MATERIALS FOR THE APPENDIX

Doc. #	Date Filed	Doc. Description (& pages selected if not all)
		Docket report for District of Massachusetts case no. 07-cv-40098-RWZ
1	04/06/07	Plaintiffs' complaint (pp. 1–3, 8, 12–15, 18–21)
9	05/21/07	Defendants' Answer, part 1 (pp. 1, 5–9, 16, 19–20, 22)
9-2	05/21/07	Defendants' Answer, part 2 (pp. 2, 13–19, 21–22)
10-3	05/24/07	Steenson's affidavit in support of permanent impoundment (pp. 1–3)
10-5	05/24/07	Ewing's affidavit in support of permanent impoundment (pp. 2–5)
17	06/25/07	Transcript of May 10, 2007, hearing on plaintiffs' motion to impound case (pp. 1, 8, 13–14, 24)
18	07/20/07	Plaintiffs' Rule 26(f) conference report (pp. 1–2)
37	12/14/07	Pickle's affidavit for Pickle's motion to compel (pp. 1–5)
40-2	12/18/07	Plaintiffs' proposed protective order (pp. 1–3, 7)
42	12/18/07	Hayes' affidavit for plaintiffs' motion for protective order (pp. 1–2)
44	12/18/07	Steenson's affidavit for plaintiffs' motion for protective order (pp. 4–5)
49	01/02/07	Pickle's affidavit opposing motion for protective order (pp. 4–6)
58	03/20/07	Plaintiffs' proposed protective order (pp. 1, 4–5, 8)
60	04/17/08	Confidentiality order
63	05/15/07	Pickle's affidavit supporting Pickle's motion to compel
68	05/29/08	Hayes' affidavit opposing Pickle's motion to compel (pp. 1–3)
71	06/10/08	Pickle's affidavit supporting defendants'

Doc. #	Date Filed	Doc. Description (& pages selected if not all)
		motion to extend discovery deadlines
74	06/25/08	Plaintiffs' motion to limit scope of discovery (pp. 1-3)
75	06/25/08	Plaintiffs' memorandum supporting plaintiffs' motion to limit scope of discovery (pp. 12-13, 16-17)
76	06/25/08	Kingsbury's affidavit supporting plaintiffs' motion to limit scope of discovery (pp. 1, 4)
77	07/09/08	Transcript of May 7, 2008, status conference (pp. 1, 4, 6-13, 15-18)
81	07/09/08	Pickle's affidavit opposing plaintiffs' motion to limit scope of discovery (pp. 1-10)
89	07/17/08	Transcript of Mar. 7, 2008, motion hearing (pp. 1, 4-5, 10, 14-16, 20-27, 33, 37-42)
100	09/08/08	Pickle's affidavit supporting defendants' motion for leave to serve subpoenas upon Delta Airlines and port director (pp. 1, 3-5)
103	09/08/08	Pickle's affidavit supporting defendants' motion to extend discovery deadlines (pp. 1-11)
	09/11/08	NEF for order (Doc. 106) on plaintiffs' motion to limit scope of discovery and Pickle's motion to compel
107	09/11/08	Amended order on plaintiffs' motion to limit scope of discovery and Pickle's motion to compel
	09/12/08	*** MISSING *** MISSING *** MISSING *** Bank statements produced by MidCountry Bank *** MISSING *** MISSING *** MISSING ***
109	09/16/08	Pickle's affidavit supporting reply to response to motion to serve subpoenas upon U.S. Atty. Cox and Fjarli Fdn. (pp. 1-4)
114	10/01/08	Pickle's affidavit supporting reply to response to motion to serve subpoenas upon Delta Airlines and a port director (pp. 1-3, 5)
116	10/01/08	Simpson's affidavit supporting plaintiffs' motion to enforce protective order
120	10/23/08	Plaintiffs' motion for voluntary dismissal (p. 1)
123	10/23/08	Thompson's affidavit supporting

Doc. #	Date Filed	Doc. Description (& pages selected if not all)
		plaintiffs' motion for voluntary dismissal
124	10/23/08	Defendants' emergency motion for hearing re: GHS subpoena
125	10/23/08	Pickle's affidavit in support of emergency motion for hearing (p. 2)
	10/30/08	NEF for defendants' memorandum opposing plaintiffs' motion for voluntary dismissal
126	10/30/08	Defendants' memorandum opposing plaintiffs' motion for voluntary dismissal
	10/30/08	NEF for Pickle's affidavit opposing plaintiffs' motion for voluntary dismissal
127	10/30/08	Pickle's affidavit opposing plaintiffs' motion for voluntary dismissal (pp. 1–10)
129	11/03/08	Order dismissing case
130	11/13/08	Defendants' motion for costs
132	11/13/08	Pickle's affidavit supporting defendants' motion for costs
140	11/26/08	Plaintiffs' opposition to defendants' motion for costs (pp. 1–7)
141	11/28/08	Transcript of Oct. 30, 2008, status conference
144	12/03/08	Transcript of Dec. 14, 2007, status conference (pp. 1, 4, 9–11, 22, 24–26, 28)
146	12/05/08	Transcript of Sept. 11, 2008, status conference (pp. 1, 4–5, 9–10, 15–16)
149	12/08/08	Defendants' reply to response to motion for costs
151	12/08/08	Heal's affidavit supporting reply to response to motion for costs (pp. 2–3)
152	12/08/08	Pickle's affidavit supporting reply to response to defendants' motion for costs (pp. 1–13)
155	12/08/08	Pickle's affidavit for defendants' motion to file under seal
158	12/22/08	Plaintiffs' opposition to defendants' motion to file under seal (pp. 1–4)
160	12/23/08	"Receipt for Documents for In Camera Review"
161	12/29/08	Defendants' reply to response to motion to file under seal (pp. 1, 4–8, 17)

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162	12/29/08	Pickle's affidavit for reply to response to motion to file under seal (pp. 1-4)
166	04/13/09	Order denying motion for costs
170	04/27/09	Defendants' memorandum supporting defendants' motions to reconsider and to amend findings (pp. 1, 7-10)
174	05/11/09	Plaintiffs' opposition to defendants' motion to file under seal (pp. 1, 3-4)
175	05/11/09	Plaintiffs' opposition to defendants' motions to reconsider and amend findings (pp. 1, 3-11)
177	05/20/09	Defendants' reply to response to motions to reconsider and motion to amend findings (pp. 1, 5)
178	05/20/09	Pickle's affidavit for reply to response to motions to reconsider and to amend findings
179	05/20/09	Defendants' reply to response to motion to file under seal (pp. 1-3)
191	07/17/09	Pickle's affidavit for reply to response to motion for sanctions (pp. 1-4)
193	10/26/09	Order denying motions for reconsideration, motion to amend, and motion for sanctions
199	12/04/09	Transcript of June 21, 2007, motion hearing (pp. 1, 4, 6)
200	12/04/09	Transcript of July 23, 2007, scheduling conference (pp. 1, 4, 10, 12, 16-19, 22-24)
218	01/05/10	Transcript of July 26, 2007, telephonic conference (pp. 1, 9-11)
220	01/05/10	Transcript of July 24, 2008, motion hearing (pp. 1, 6-10, 16-19, 23, 25, 30, 36-47)
226	01/15/10	District judge's order of recusal
240	03/12/10	Transcript of Nov. 30, 2007, status conference (pp. 1, 9)
3-2	04/06/07	Exhibits for plaintiffs' memorandum supporting plaintiffs' motion for preliminary impoundment (pp. 2-3, 5-6, 8-10)
8-2	05/10/07	Exhibits for defendants' opposition to plaintiffs' motion for permanent impoundment (pp. 2-12, 14-33, 61-63)
10-4	05/24/07	Exhibits used with Steenson's affidavit supporting

Doc. #	Date Filed	Doc. Description (& pages selected if not all)
		permanent impoundment (pp. 4, 21–22)
34-5	11/20/07	Ex. D: Hayes' Nov. 8, 2007, letter to Joy arranging imaging of hard drives (pp. 2–3)
37-2	12/14/07	Exhibits used with Pickle's affidavit supporting Pickle's motion to compel (pp. 2–6, 10, 12–13, 16–17, 19, 22, 24, 27–28, 30–33, 36–39)
42	12/18/07	Exhibits used with plaintiffs' motion for protective order (pp. 38, 43, 47, 49)
49-2	01/02/07	Exhibits used with Pickle's opposition to plaintiffs' motion for protective order (pp. 1, 3–8, 10–11, 28, 35–37, 40–43, 45)
63-14	05/15/08	Ex. M: Alyssa Moore's notarized letter alleging sexual assault by Shelton against her
63-15	05/15/08	Ex. N: Joy's Dec. 6, 2006, release about alleged pedophile Tommy Shelton
63-16	05/15/08	Ex. O: Dryden's Dec. 3, 2006, statement: new allegations in Virginia against Tommy Shelton
63-17	05/15/08	Ex. P: Atty. Riva's Jan. 5, 2007, threat to Community Church of God re: Tommy Shelton
63-18	05/15/08	Ex. Q: Duffy's Jan. 30, 2007, letter to Joy re: defamation re: Tommy Shelton
63-19	05/15/08	Ex. R: Tommy Shelton's open letter re: future suit against Joy and Dryden (pp. 1–2, 11–12)
63-20	05/15/08	Ex. S: Pickle's first set of requests to produce served on 3ABN (pp. 1, 4, 9)
63-22	05/15/08	Ex. U: Pickle's Jan. 4, 2008, letter to Richards re: passed deadline for response
63-24	05/15/08	Ex. W: 3ABN's responses to Pickle's requests to produce (pp. 1, 5–7, 9–10, 12–13, 17–18)
63-25	05/15/08	Ex. X: Shelton's responses to Pickle's requests to produce (pp. 1, 20)
63-26	05/15/08	Ex. Y: Pickle and Hayes' Jan. 24, 2008, emails re: Hayes' refusal to ask her client about defendants' proposal re: donor identifying information

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63-29	05/15/08	Ex. BB: Pickle's affidavit for Pickle's opposition to motion to quash in D.MN (pp. 1-2)
63-30	05/15/08	Ex. CC (A-I): Exhibits used in D.MN to oppose Shelton's motion to quash (pp. 5-6, 10, 27-28)
63-31	05/15/08	Ex. CC (J-RR): Exhibits used in D.MN to oppose Shelton's motion to quash (pp. 2-6, 8-12, 14-15, 18-20, 22-24, 26, 28-29, 31, 33-34)
63-32	05/15/08	Ex. CC (S-X): Exhibits used in D.MN to oppose Shelton's motion to quash (pp. 27-30, 32-33)
63-33	05/15/08	Ex. CC (Y-EE): Exhibits used in D.MN to oppose Shelton's motion to quash (pp. 2-6, 16)
63-34	05/15/08	Ex. DD: Shelton's affidavit filed with Shelton's motion to quash in D.MN
63-35	05/15/08	Ex. EE: Hayes and Pickle's April 2008 emails re: production of confidential rule 26(a)(1) materials
63-36	05/15/08	Ex. FF: Boylan's Mar. 28, 2008, order handed down in D.MN
68-2	05/29/08	Exhibits used with plaintiffs' opposition to Pickle's motion to compel (pp. 1, 3)
73-2	06/24/08	Ex. A: Hayes' May 27, 2008, letter outlining schedule for responses to requests to produce (pp. 1-2)
73-3	06/24/08	Ex. B: Simpson's June 6, 2008, stipulation to extend discovery deadlines (pp. 1-4, 6)
73-4	06/24/08	Ex. C: Simpson's June 11, 2008, letter demanding withdrawal of motion (pp. 1-2)
73-5	06/24/08	Ex. D: Pickle's June 17, 2008, letter to Simpson re: why it took six months to produce 199 pages (173 pages) of irrelevant materials (p. 3)
76-3	06/25/08	Ex. 13: Remnant's opposition to Pickle's motion to compel in W.D.MI (pp. 31-32) Ex. 14: Simpson's affidavit supporting plaintiffs' motion to quash in S.D.IL (pp. 47-49) Ex. 15: J. Gilbert's order to show cause (pp. 50-51)
81-2	07/09/08	Ex. C to Ex. I (pp. 39-40, 103-105,

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		117–118, 120, 133, 135, 137–143)
81-3	07/09/08	Ex. J: Exhibits supporting Pickle’s motion to compel Remnant in W.D.MI (pp. 2–3, 8–10)
81-4	07/09/08	Ex. J: Exhibits supporting Pickle’s motion to compel Remnant in W.D.MI (pp. 2, 5–6, 9–11, 13, 46–56)
81-5	07/09/08	Ex. N: Pickle’s affidavit supporting Pickle’s motion to compel Lovejoy and Gray Hunter Stenn, and response to order to show cause in S.D.IL (pp. 23–24, 28–34)
81-6	07/09/08	Ex. O: Exhibits supporting Pickle’s motion to compel Lovejoy and Gray Hunter Stenn, and response to order to show cause in S.D.IL (pp. 3–4, 25, 28–30)
81-7	07/09/08	Ex. O: Exhibits supporting Pickle’s motion to compel Lovejoy and Gray Hunter Stenn, and response to order to show cause in S.D.IL (pp. 1–6, 8–10, 12–13, 34)
81-8	07/09/08	Ex. O: Exhibits supporting Pickle’s motion to compel Lovejoy and Gray Hunter Stenn, and Pickle’s response to order to show cause in S.D.IL (pp. 2–3, 5–7 16–18, 40–41)
81-9	07/09/08	Ex. O: Exhibits supporting Pickle’s motion to compel Lovejoy and Gray Hunter Stenn, and response to order to show cause in S.D.IL (pp. 14–16, 18–19)
81-10	07/09/08	Ex. P to Ex. GG (pp. 1, 6, 8–9, 11–12, 14–15, 17–18, 20, 23–32, 36–38, 40, 44–47, 49–53)
81-11	07/09/08	Ex. HH to Ex. UU (pp. 3, 6–10, 18, 20–21, 23–25, 28, 31–34, 36–40)
92	07/18/08	Exhibits used by plaintiffs in support of reply to defendants’ response to plaintiffs’ motion to limit scope of discovery (pp. 4–5, 7–9, 17–29, 33–34, 50–53)
93	07/21/08	Ex. O: Ex. EE: selected pages from Shelton’s 2001 tax return Ex. O: Ex. FF: selected pages from Shelton’s 2002 tax return Ex. O: Ex. GG: selected pages from Shelton’s 2003 tax return Ex. O: Ex. HHH: Otterson’s Oct. 21, 2005, report to 3ABN Board (pp. 1–4)
96-2	08/26/08	Ex. A: Duffy’s July 25, 2008, letter

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		alleging vindication by the IRS
96-3	08/26/08	Ex. B: Link on <u>3ABN.org</u> to Duffy's July 25, 2008, letter
96-4	08/26/08	Ex. C: Ron Shelton's June 26, 2008, email alleging total vindication by the IRS
96-5	08/26/08	Ex. D: Ron Shelton's June 27, 2008, email alleging vindication by the IRS
96-6	08/26/08	Ex. E: Part of Shelton's Aug. 18, 2006, responses to interrogatories in division of marital assets case, giving incorrect figure for amount owed Fjarli and failing to give figures for royalties earned
96-7	08/26/08	Ex. F: Shelton's Aug. 2005 mortgage held by Fjarli Foundation (pp. 1, 17)
96-10	08/26/08	Ex. I: Pickle's affidavit opposing Remnant's appeal in W.D.MI (pp. 1-4, 6-7)
96-11	08/26/08	Ex. J: Exhibits opposing Remnant's appeal in W.D.MI (pp. 1-5, 9, 12-13, 15-16, 18-22, 24-38, 45, 65)
100-2	09/08/08	Ex. A: Linda Shelton's Apr. 16, 2004, account of how her estrangement from Shelton developed, including the planned trip to Florida (pp. 1-3)
100-3	09/08/08	Ex. B: Shelton's Apr. 21, 2004, email to Abrahamsen re: invitation to meet with 3ABN Board, ability to monitor all of Abrahamsen's calls, Abrahamsen's opinion that Shelton is psychotic, and Linda Shelton's talking negative about Shelton
100-4	09/08/08	Ex. C: Brenda Walsh's Mar. 4, 2004, email to Dee Hilderbrand re: tickets for Florida trip that Walsh reserved, which Hilderbrand must purchase within 24 hours
100-5	09/08/08	Ex. D: Brenda Walsh's Mar. 5, 2004, receipt for the Delta Airlines tickets, printed out from Mollie Steenson's computer account
100-6	09/08/08	Ex. E: Linda Shelton's Mar. 5, 2004, receipt for the Delta Airlines tickets, printed out from Mollie Steenson's computer account
100-7	09/08/08	Ex. F: Shelton's Oct. 27, 2004, email to Matthews re: foiled trip to Florida, and vacations together after the

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		divorce is proof of Linda Shelton's infidelity
100-8	09/08/08	Ex. G: Shelton's Sept. 24, 2004, email to Linda Shelton claiming that she bought the tickets to Florida behind his back
100-9	09/08/08	Ex. H: Ida Smith's account of Mar. 8, 2006, talk with Walsh in which Walsh claimed Linda went to Florida, and audio and video evidence of Linda's infidelity were made by a private detective (pp. 1, 3-5)
100-10	09/08/08	Ex. I: Shelton's Mar. 19, 2004, email to Abrahamsen re: Linda Shelton's alleged secret plans to meet Abrahamsen, and foiled Florida trip
100-11	09/08/08	Ex. J: Shelton's Sept. 15, 2004, email to Carolyn Bishop re: Linda Shelton's vacations with Abrahamsen while still married is what led to their divorce
100-12	09/08/08	Ex. K: Shelton's July 7, 2004, email to Linda Shelton re: planned trip to Florida was canceled and vacations were taken after the divorce
100-13	09/08/08	Ex. L: Shelton's Sept. 1, 2004, email to Linda Shelton re: planned trip to Florida condo and multiple trips to see each other in Norway or the States
100-14	09/08/08	Ex. M: Shelton's May 16, 2004, email to Linda Shelton re: pregnancy test found on May 7 is proof of adultery, and her planned vacations
100-15	09/08/08	Ex. N: Linda Shelton's May 6, 2004, email to Abrahamsen re: pregnancy test joke she was going to pull on Shelton the next day
100-16	09/08/08	Ex. O: Save-3ABN.com article: "Proof of adultery: The pregnancy test; Evidence of adultery, or stupid joke gone awry?" (pp. 1, 11)
100-17	09/08/08	Ex. P: Thompson's July 2007 emails re: evidence the Florida trip took place, and stating that he is reporting only what he believes he was told (pp. 1-4)
100-18	09/08/08	Ex. Q: Shelton's Apr. 7, 2004, email to Abrahamsen citing planned trip to Florida (p. 1)
100-19	09/08/08	Ex. R: Shelton's Apr. 14, 2004, email to Abrahamsen: link to article on spiritual adultery

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100-20	09/08/08	Ex. S: Article on spiritual adultery: telling someone what you should tell your husband first (p. 1)
100-21	09/08/08	Ex. T: "Linda Shelton's" Apr. 23, 2004, "confession" of spiritual adultery
100-22	09/08/08	Ex. U: Shelton's Oct. 27, 2004, email denying accusing Linda Shelton of spiritual adultery
103-5	09/08/08	Ex. D: Simpson's Sept. 4, 2008, email to Pickle: he opposes motion to extend discovery deadlines
103-6	09/08/08	Ex. E: Simpson's June 11, 2008, demanding withdrawal of motion to extend the time
109-16	09/16/08	Ex. O: Shelton's Sept. 6, 2008 public claims of IRS vindication, and admitting ordering the destruction of documents
109-17	09/16/08	Ex. P: Batchelor's July 7, 2008, email asserting IRS vindication of 3ABN
114-3	10/01/08	Ex. B: Shelton apologist Steffan Philip's comments on 3ABNtalk.com re: shock that Joy and Pickle seek leave to subpoena records from Delta Airlines and a port director
114-4	10/01/08	Ex. C: Thompson's July 8, 2007, email claiming Linda Shelton gave Shelton the right to remarry according to the <i>Church Manual</i> (pp. 1-2)
114-5	10/01/08	Ex. D: Thompson's July 16, 2007, email re: extensive evidence that Linda Shelton gave Shelton moral grounds to divorce (i.e. she committed adultery) (p. 1)
114-6	10/01/08	Ex. E: Thompson's Mar. 7, 2005, claim that he had never had evidence whereby to accuse Linda Shelton of adultery (pp. 1-3)
114-7	10/01/08	Ex. F: Cindy Tutsch's May 28, 2006, email to Linda Shelton listing 3ABN's four lines of evidence that Linda had committed adultery; attached Thompson email claims Shelton did not initiate the divorce (pp. 1, 3)
114-8	10/01/08	Ex. G: Kuzma's Aug. 2004 statement on BlackSDA.com claiming Linda Shelton spent time with Abrahamsen before and after she left Shelton (pp. 1-2)

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114-9	10/01/08	Ex. H: Thorvaldsson's Dec. 6, 2006, claim on Maritime-SDA-Online.org that Shelton insisted that Abrahamsen was in Florida with Linda when he was in Norway with Thorvaldsson (pp. 3, 5)
114-10	10/01/08	Ex. I: Shelton's Mar. 19, 2004, email to Abrahamsen re: Linda Shelton's alleged confession of a planned secret trip to Florida
114-11	10/01/08	Ex. J: Shelton's Aug. 8, 2004, email to Thorvaldsson, forwarded by Shelton to Milliken, referencing planned vacations, and vacations taken after the divorce
114-12	10/01/08	Ex. K: Shelton's Aug. 14, 2004, email to Thorvaldsson re: multiple vacations planned behind Shelton's back (pp. 1-3)
114-13	10/01/08	Ex. L: Shelton's Aug. 23, 2004, email to Arni Thorvaldsson re: planned trip to Florida condominium
114-14	10/01/08	Ex. M: Shelton's Sept. 19, 2004, email to Linda Shelton re: planned trip to Florida and hours of phone calls
114-15	10/01/08	Ex. N: Shelton's Oct. 5, 2004, email to Linda Shelton citing planned trip to Florida (p. 1)
114-16	10/01/08	Ex. O: Shelton's Oct. 26, 2004, email to Norm Finch re: Linda vacationing with Abrahamsen while still married, and denying that Shelton divorced Linda because of spiritual adultery (pp. 1-2)
114-17	10/01/08	Ex. P: Inga Anderson's Nov. 3, 2004, post on ClubAdventist.com re: Shelton and Miller insisting that Abrahamsen was in Florida with Linda Shelton, when he was in Norway with Thorvaldsson (p. 2)
114-18	10/01/08	Ex. Q: Thorvaldsson's Mar. 17, 2005, post on ClubAdventist.com citing Thompson re: having evidence that Linda met Abrahamsen in Florida in Feb. 2004, and re: never having evidence whereby to accuse Linda of adultery
114-19	10/01/08	Ex. R: Shelton's Apr. 27, 2004, email to Dick Bethune re: marriage is over since Linda hid his gun
114-20	10/01/08	Ex. S: Dick Bethune's Apr. 28, 2004, email to Carole Chapman re: Shelton saying the marriage is over since Linda's family told her to hide Shelton's guns

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114-21	10/01/08	Ex. T: Shelton's Apr. 28, 2004, email to Alyssa Moore re: "spiritual adultery" being worse than physical adultery, Linda's planned vacations, will separate from Linda, Linda will be gone from 3ABN
114-22	10/01/08	Ex. U: Shelton's Apr. 29, 2004, email to Dick Bethune re: Linda Shelton's "spiritual adultery" and attempted vacations with Abrahamsen (pp. 1-2)
114-23	10/01/08	Ex. V: Shelton's Apr. 29, 2004, email offer to Linda Shelton to buy her half of the house
114-26	10/01/08	Ex. Y: Plaintiffs' motion to quash in S.D.IL (pp. 1-2, 4)
127-2	10/30/08	Ex. A: Thompson's Oct. 13, 2007, email re: lawsuit filed because of allegations against Tommy Shelton, not for monetary benefit, and opposition refused to cooperate with ASI (pp. 1-2)
127-3	10/30/08	Ex. B: Harold Lance's Jan. 5, 2007, announcement: ASI voted on Jan. 4 to withdraw as mediators
127-4	10/30/08	Ex. C: Simpson, Pickle, and Joy's Oct. 2008 emails re: plaintiffs' motion to dismiss
127-5	10/30/08	Ex. D: Simpson's Oct. 7, 2008, email to Pickle re: how to cite confidential documents
127-6	10/30/08	Ex. E: Thompson's Oct. 29, 2007, email: law firm thoroughly reviewed 3ABN's finances before taking case (p. 1)
127-7	10/30/08	Ex. F: Sept. 2008 posts on AdventTalk.com re: Remnant documents and claims against plaintiffs and their counsel (p. 1)
127-8	10/30/08	Ex. G: 3ABN brochure stating that no 3ABN-produced program is copyrighted
127-9	10/30/08	Ex. H: Testimony of Mollie Steenson from Sept. 2002 property tax case hearing (pp. 1, 8)
127-10	10/30/08	Ex. I: Testimony of Linda Shelton from Sept. 2002 property tax case hearing (pp. 1, 24)
127-11	10/30/08	Ex. J: 3ABN's post-trial brief filed on Nov. 25, 2002, in 3ABN's property tax case
127-12	10/30/08	Ex. K: 3ABN's opening brief filed on Mar.

Doc. #	Date Filed	Doc. Description (& pages selected if not all)
		8, 2005, in 3ABN's property tax case appeal
127-13	10/30/08	Ex. L: U.S. Copyright Office printout: only broadcast ever registered contained tribute to alleged pedophile Tommy Shelton
127-14	10/30/08	Ex. M: Certificate of registration of broadcast containing tribute to alleged pedophile Tommy Shelton
127-15	10/30/08	Ex. N: Brad Dunning's Jan. 4, 2007, statement re: solicitation by Tommy Shelton
127-16	10/30/08	Ex. O: Vicki Barnard describes grief of having son tell her that Tommy Shelton victimized him
127-17	10/30/08	Ex. P: Sherry Avery's eyewitness account re: Tommy Shelton in someone else's home with a boy
127-18	10/30/08	Ex. Q: Tommy Shelton's Nov. 2, 1998, confession letter to Duane Clem
127-19	10/30/08	Ex. R: Tommy Shelton's June 13, 2005, quasi-confession letter to Duane Clem
127-20	10/30/08	Ex. S: Bottomley's Mar. 27, 2006, account of Westphal's sexual harassment and obesity jokes
127-21	10/30/08	Ex. T: Bottomley's account of Apr. 11, 2006, incident, Westphal's sexual harassment and racist comments, Bottomley's original email notifying Ewing of the Apr. 11 incident
127-22	10/30/08	Ex. U: Bottomley's Apr. 11, 2006, email to Ewing re: still trembling after incident that morning
127-23	10/30/08	Ex. V: Bottomley's Apr. 12, 2006, email to Steenson re: sexual harassment and abusive boss
127-24	10/30/08	Ex. W: Bottomley's Feb. 2007 emails re: multiple allegations, destruction of evidence
127-25	10/30/08	Ex. X: Trenton Frost's Sept. 12, 2006, email re: 6 expensive paintings donated to 3ABN, still hanging in Westphal's home after 6 years
127-26	10/30/08	Ex. Y: Thomsen's Apr. 18, 2006, letter to Thompson, Shelton, Ewing, and Steenson re: multiple allegations against Westphal (pp. 1-3)

Doc. #	Date Filed	Doc. Description (& pages selected if not all)
127-27	10/30/08	Ex. Z: Hope Lebrun's May 16, 2006, letter to the 3ABN Board about Westphal
127-28	10/30/08	Ex. AA: Westphal is cover story of June 2006 issue of <i>3ABN World</i>
127-29	10/30/08	Ex. BB: Police report re: Westphal's spousal battery on Jan. 24, 1992
127-30	10/30/08	Ex. CC: Simpson on Oct. 23, 2008, refusing to comply with court order to produce documents on Oct. 27
127-33	10/30/08	Ex. FF: Shelton and Linda Shelton's Sept. 12, 2005, emails re: allegations against Shelton of oral sex
127-34	10/30/08	Ex. GG: saving3ABN.info article: "'Good news! Cash receipts for \$40,000 for two donated horses!' Did Danny tell the IRS?" (pp. 1, 10)
127-35	10/30/08	Ex. HH: investigating3ABN.info article: "How much the horses were worth" (pp. 1, 5)
127-36	10/30/08	Ex. II: critiquing3ABN.info article: "3ABN takes loss in house sale; doesn't report it as compensation" (pp. 1, 4)
127-37	10/30/08	Ex. JJ: examining3ABN.info article: "Did Danny Shelton commit perjury when he signed the 1998 Form 990?" (pp. 1, 13)
127-38	10/30/08	Ex. KK: Mag. J. Carmody's order compelling production by Remnant in W.D.MI
127-39	10/30/08	Ex. LL: Mag. J. Carmody's order denying Remnant's motion to amend order in W.D.MI
127-40	10/30/08	Ex. MM: J. Enslen's order denying Remnant's appeal in W.D.MI
127-41	10/30/08	Ex. NN: 3ABN's subpoena for Joy's Rule 2004 examination (pp. 1, 4)
127-42	10/30/08	Ex. OO: Thompson's June 12, 2007, email re: state of Illinois reviewed all of 3ABN's financials (p. 1)
127-43	10/30/08	Ex. PP: Rowe's Apr. 6, 2004, order denying a rehearing in 3ABN's property tax case, stating that 3ABN had refused to discover their Form 990's to the intervenors (pp. 1, 3-5)
127-44	10/30/08	Ex. QQ: 3ABN's Oct. 5, 2007, state of Michigan

Doc. #	Date Filed	Doc. Description (& pages selected if not all)
		filing claiming Shelton is still president
127-45	10/30/08	Ex. RR: 3ABN's Apr. 16, 2008, state of Florida filing claiming that Shelton is still president
127-46	10/30/08	Ex. SS: Jim Gilley request for \$5 million in donations by Oct. 17, 2008
152-2	12/08/08	Ex. B: Delta Airlines says Linda Shelton's ticket never used
152-3	12/08/08	Ex. C: Pickle's Nov. 5, 2006, post citing J. Rowe re: use of 3ABN jet
152-4	12/08/08	Ex. D: J. Rowe's Jan. 28, 2004, order (p. 2)
152-5	12/08/08	Ex. E: Joy's Oct. 18, 2008, message re: counterclaims; Simpson saying he wouldn't move to dismiss
152-6	12/08/08	Transcript of Oct. 22, 2008, hearing on plaintiffs' motion to quash in SD.IL (pp. 1-2, 8-13, 19, 22-24, 32-37)
152-8	12/08/08	Ex. H: Simpson's Oct. 30, 2008, post-dismissal threat attempting to impound the entire case, calling for documents to be returned to "the originator"
152-9	12/08/08	Ex. I: Simpson's Oct. 31, 2008, threat re: post about Shelton's royalties (p. 1)
152-10	12/08/08	Ex. J: Remnant's 2007 Form 990 (p. 2)
152-17	12/08/08	Ex. Q: Pickle's Jan. 3, 2008, letter to Tommy Shelton and 3ABN directors about adding them as parties (pp. 1, 5)
152-18	12/08/08	Ex. R: Pickle's Jan. 3, 2008, letter to Linda Shelton, Miller, and Mundall about adding them as parties (pp. 1, 5)
155-2	12/08/08	Ex. A: Bappert's Sept. 22, 2008, letter attempting to get defendants to sign Ex. A of Doc. 60
155-3	12/08/08	Ex. B: Bappert's Oct. 24, 2008, letter denying being the designator of confidentiality
159-2	12/22/08	Ex. 1: Joy's Oct. 31, 2008, email to Simpson: Shelton made a good deal more than \$300,000 (pp. 11-12)
162-5	12/29/08	Ex. D: WD.MI clerk July 2, 2008 letter to Simpson
162-6	12/29/08	Ex. E: Simpson's Nov. 11, 2008, letter demanding "consent" to return MidCountry records
162-7	12/29/08	Ex. F: Joy and Simpson's Nov. 13, 2008, emails re:

Doc. #	Date Filed	Doc. Description (& pages selected if not all)
		confidentiality order, appeal, and harassment (pp. 1–2)
162-8	12/29/08	Ex. G: <i>Ten Commandments Twice Removed</i> cover stating 5 million copies in print
162-9	12/29/08	Ex. H: Simpson’s Oct. 24, 2008, letter belatedly designating Remnant documents as confidential
162-13	12/29/08	Ex. L: 3ABN’s 2007 Form 990 (pp. 1–2, 7–8, 12)
162-14	12/29/08	Ex. M: Shelton and Joy’s Oct. 2006 emails
163	12/30/08	Ex. O: 3ABN’s 2006 Form 990 (pp. 1–2)
171-2	04/27/09	Ex. A: Appellees’ brief in 1st Cir. case no. 08-2457 (pp. 1, 5).
171-5	04/27/09	Ex. D: Pickle’s Apr. 4, 2008, email to Hayes re: Greupner’s financial info and missing documents
171-7	04/27/09	Ex. F: Dryden’s May 14, 2003, letter (p. 1) (in post at Doc. 81-2 pp. 1–2)
171-8	04/27/09	Ex. G: Dryden’s action items for Tommy (in post at Doc. 81-2 pp. 2–3)
171-9	04/27/09	Ex. I: Links to missing 2004 <i>3ABN World</i> issues on 3ABN.org home page on Jan. 25, 2005
171-10	04/27/09	Ex. J: Links missing from 3ABN.org home page on Feb. 24, 2005
171-11	04/27/09	Ex. K: Archive.org page: record of Pickle’s Sept. 2007 attempt to find the Sept. 2004 issue on Archive.org
171-12	04/27/09	Ex. L: Archive.org page: Archive.org accessed the Oct. 2004 issue on Feb. 4, 2005
171-13	04/27/09	Ex. M: Archive.org page: record of Pickle’s Oct. 2007 attempt to find the Nov. 2004 issue on Archive.org
171-14	04/27/09	Ex. N: Archive.org page: Archive.org accessed the Dec. 2004 issue on Feb. 4, 2005
171-15	04/27/09	Ex. O: Sept. 2004 <i>3ABN World</i> article referencing Shelton’s book <i>Antichrist Agenda</i>
171-16	04/27/09	Ex. P: Nov. 2004 <i>3ABN World</i> article dating authorship and publication of <i>Mending Broken People</i>
171-17	04/27/09	Ex. S: 3ABN.org web page (dated July 24 and Aug. 24, 2004) with link to Sept. 2004 <i>3ABN World</i> issue

Doc. #	Date Filed	Doc. Description (& pages selected if not all)
171-18	04/27/09	Ex. T: Quinn's introduction in <i>Antichrist Agenda</i> (pp. 4-5)
171-19	04/27/09	Ex. U: Motion to dismiss amended complaint
171-20	04/27/09	Ex. V: Rule 2004 examination transcript (pp. 1-2, 37-38, 42-47, 114-118, 135-141, 151-154, 194-197)
171-21	04/27/09	Ex. W: Thompson's Jan. 5, 2008, email: eliminating website a primary objective of the lawsuit
171-23	04/27/09	Ex. BB: EEOC's Mar. 20, 2008, right to sue notice
171-24	04/27/09	Ex. CC: Pickle's Oct. 23, 2008, letter to Bappert about using Remnant documents
171-26	04/27/09	Ex. EE: Shelton's Dec. 2006 threat to sue Dryden's church (p. 1)
178-2	05/20/09	Ex. A: Appellants' brief in 1st Cir. case no. 08-2457 (pp. 1, 10)
178-4	05/20/09	Ex. C: Appellees' brief in 1st Cir. case no. 08-2457 (pp. 2, 4)
178-5	05/20/09	Ex. D: J. Gilbert's stern June 30, 2008, order
178-6	05/20/09	Ex. E: J. Gilbert's markedly different July 8, 2008, order
178-8	05/20/09	Ex. G: Dryden's June 2, 2008, notice of service
178-9	05/20/09	Ex. H: Pickle's June 18, 2008, letter pointing out that <i>3ABN World</i> issues were missing (p. 1)
178-10	05/20/09	Ex. J: Metadata of 2 missing issues of <i>3ABN World</i> from Archive.org
178-11	05/20/09	Ex. K: Metadata of <i>3ABN World's</i> available on 3ABN.org (p. 7)
178-12	05/20/09	Ex. L: Metadata of 5 issues recreated on Feb. 3, 2009
178-13	05/20/09	Ex. M: Recreated missing Sept. 2004 <i>3ABN World</i> article
178-14	05/20/09	Ex. N: Feb. 2006 <i>3ABN World</i> article on the Frosts
178-15	05/20/09	Ex. O: Receipt from Center for Adventist Research for missing <i>3ABN World</i> issues
178-17	05/20/09	Ex. Q: Simpson's Sept. 24, 2008, acknowledgement that he has the Remnant documents (p. 1)
178-18	05/20/09	Ex. P: On May 6, 2009, IRS says claim still open
185-13	06/24/09	Transcript of June 16, 2008, hearing on motion to compel

Doc. #	Date Filed	Doc. Description (& pages selected if not all)
		in WD.MI (pp. 1, 7–8, 12, 14–15, 18, 20–23)
191-2	07/17/09	Ex. A: Bowker's info on ISBN numbers (pp. 2–3, 10)
191-3	07/17/09	Ex. B: Bowker's listing of Shelton's books
191-5	07/17/09	Ex. D: PPPA's listing of Shelton's books (pp. 1–3, 5, 7, 9, 11, 13, 15, 19)
191-9	07/17/09	Ex. H: Remnant's listing of Shelton's books
191-11	07/17/09	Ex. J: Sept. 23, 2007, post requesting the 3 missing <i>3ABN World</i> issues
191-12	07/17/09	Ex. K: Return of service for four subpoenas, Nov. 30 to Dec. 11, 2007
191-13	07/17/09	Ex. L: Jan. 16, 2008, return of service for MidCountry subpoena
191-14	07/17/09	Ex. M: Pickle's Dec. 12, 2007, email to Joel Noble (p. 1)
212-4	12/18/09	Ex. C: Pucci's resume
214-6	12/24/09	Ex. E: Fall 2004 <i>Short Circuit</i> article (p. 2)
214-7	12/24/09	Ex. F: Providence Journal article on Urciuoli investigation (pp. 1–8)
214-8	12/24/09	Ex. G: Excerpt of <i>Congressional Record</i> , June 1, 2004 (p. 2)
	04/28/09	Ex. H for Doc. 171: Shelton's May 23, 2003, phone messages, plaintiffs' Rule 26(a)(1) materials and non-confidential responses to Pickle's requests to produce
	05/20/09	Ex. I for Doc. 178: Original and recreated, missing <i>3ABN World</i> issues
		Ex. A for Doc. 152: Remnant documents (REM 002–014, 017–022, 024–031, 033, 035, 037–039, 041, 044, 046, 048, 050, 052–059, 061, 063, 065, 069, 071–095, 097–119, 121–126, 215–225, 288–289, 293, 295, 301, 408)
		Ex. Q for Doc. 171: S&B purchase order for <i>3ABN World</i> with received date stamped on it (TABN000677)
		Ex. R for Doc. 171: S&B purchase order for <i>3ABN World</i> with received date stamped on it (TABN000680)
		Ex. X for Doc. 171: Steenson's notes of Apr. 18, 2006, meeting re: whistleblowers (TABN002431)

Doc. #	Date Filed	Doc. Description (& pages selected if not all)
		Ex. Y for Doc. 171: Thompson's notes of Apr. 18, 2006, meeting re: whistleblowers (TABN002620)
		Ex. BB for Doc. 171: Plaintiffs' productions of allegedly confidential documents

ISSUES FOR REVIEW

Plaintiffs argued in their Brief of the Appellees in 1st Cir. Case No. 08-2457 that this Court did not have jurisdiction to hear that appeal of Defendants because the order of dismissal was not final and appealable until Defendants' motion for costs had been ruled upon. Therefore, to the extent Plaintiffs are correct in their jurisdictional argument, Defendants will ask the Court to review the orders entered on October 31 and/or November 3, 2008.

Defendants will ask the Court to review the orders entered on April 13 and 15, 2009, and October 26, 2009.

Defendants will seek review of these orders in regards to the following issues:

- Whether the district court failed to exercise its discretion, abused its discretion, violated due process, and/or failed to safeguard Defendants' rights of freedom of speech and press by granting in its several parts Plaintiffs' motion for voluntary dismissal.
- Whether the district court failed to exercise its discretion, abused its discretion, and/or violated due process in denying Defendants' motion for

costs, motions to file under seal, motions to reconsider, motion to amend findings, and/or motion for sanctions.

Respectfully submitted,

Dated: November 15, 2010

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CERTIFICATE OF SERVICE

I, Bob Pickle, hereby certify that on November 15, 2010, I served copies of this Designation of Appendix and Issues for Review on the following registered parties via the ECF system:

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and Three Angels Broadcasting Network, Inc.*

M. Gregory Simpson
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And on the following parties by way of First Class U.S. Mail:

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Dated: November 15, 2010

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Bob Pickle