

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

THREE ANGELS BROADCASTING
NETWORK, INC., AN ILLINOIS NON-PROFIT
CORPORATION, AND DANNY LEE SHELTON,
INDIVIDUALLY,

CASE NO. 08-MC-7 (RHK/AJB)

PLAINTIFFS,

**ORDER ON DEFENDANT'S
REQUEST FOR RECONSIDERATION¹**

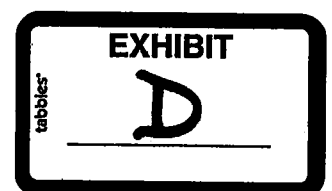
V.

GAILON ARTHUR JOY AND
ROBERT PICKLE,

DEFENDANTS.

This matter is before the Court, United States Magistrate Judge Arthur J. Boylan, on June 2, 2008, Defendant Robert Pickle filed a Request for Reconsideration of the Court's March 28, 2008, Order [Docket No. 29]. In that Order, the Court ordered the production of records subpoenaed by the Defendants from MidCountry Bank, N.A. ("MidCountry"). Said production was to be made under seal to Magistrate Judge Timothy S. Hillman in the District of Massachusetts to accommodate the pending protective order Magistrate Judge Hillman was to issue. The protective order was issued on April 17, 2008. Mr. Pickle claims that this confidentiality order "renders obsolete the provision of this Court's Order to produce the subpoenaed documents under seal to Magistrate Judge Hillman." See Mem. 1 [Docket No. 30]. Mr. Pickle also asked the Honorable F. Dennis Saylor of the District of Massachusetts in a status

¹ The Court holds that Mr. Pickle's request is best characterized as a "Request for Reconsideration" seeking modification of the undersigned's March 28, 2008, Order [Docket No. 28].



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conference on May 7, 2008, to allow the subpoenaed documents to be produced directly to him, to which Judge Saylor referred Mr. Pickle back to this Court for such relief. For these reasons, Mr. Pickle requests that this Court amend its order to allow the subpoenaed records of MidCountry Bank to be produced directly to the office of Mr. Pickle, while in accordance with Magistrate Judge Hillman's confidentiality order.

Plaintiff Danny Lee Shelton responded in opposition to Defendants' request on June 18, 2008 [Docket No. 34]. Mr. Shelton argues that Mr. Pickle's motion should be denied as an improper motion for reconsideration pursuant to Local Rule 7.1(g). *Id.* at 3. In particular, Mr. Shelton asserts that Mr. Pickle's motion should be denied for failure to obtain "express permission of the Court" by means of a letter to the Court of no more than two pages as required by Rule 7.1(g). *Id.* at 4. Furthermore, upon reaching the merits of Mr. Pickle's motion, Mr. Shelton contends that Magistrate Judge Hillman's issuance of a protective order is not a "compelling circumstance" justifying reconsideration of this Court's previous Order. *Id.* at 5.

Based upon the record, memoranda, and pursuant to Local Rule 7.1(g), **IT IS HEREBY ORDERED** that Mr. Pickle's Request for Reconsideration is **DENIED**. Mr. Pickle has failed to show compelling circumstances to overturn the Court's previous Order. Moreover, this Court specifically stated that the March 28, 2008, Order did not preclude the parties from seeking relief from Magistrate Judge Hillman as to the disclosure of the documents produced pursuant to the MidCountry Bank subpoena. *See* Order 2-3 [Docket No. 28]. Therefore, the Court directs Mr. Pickle to seek relief from Magistrate Judge Hillman concerning the production of documents by MidCountry Bank subject to the subpoena served in this district.

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Dated: July 1, 2008

s/ Arthur J. Boylan
Arthur J. Boylan
United States Magistrate Judge