

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

Three Angels Broadcasting Network, Inc.,
an Illinois non-profit corporation, and
Danny Lee Shelton, individually,

Case No. 08-MC-16

Plaintiffs,

v.

Gailon Arthur Joy and Robert Pickle,

Defendants.

ORDER

This matter comes before the Court on Plaintiffs' Motion to Quash, Modify or Stay Subpoena *Duces Tecum* (Doc. 3). The plaintiffs seek to quash a subpoena *duces tecum* served on Gray Hunter Sten ("GHS"), the plaintiffs' accountant, on March 17, 2008. The subpoena commands production of a broad array of records dating back to January 1, 1998. On October 22, 2008, Magistrate Judge Philip M. Frazier held a hearing on the motion at which all parties appeared.

The subpoena was issued in conjunction with *Three Angels Broadcasting Network, Inc. v. Joy*, No. 07-40098-FDS, in the United States District Court for the District of Massachusetts. That suit alleges defamation against the defendants for statements made on their website questioning the legality of plaintiff Shelton's use of funds belonging to Three Angel's Broadcasting Network ("3ABN"). In the Massachusetts lawsuit, the defendants have the task of proving the truth of what is portrayed in their website, and they seek discovery of the plaintiffs' financial records for that purpose. Obviously, the records 3ABN submitted to its accountants, along with memoranda to and from the accountants, may lead to the discovery of relevant information. The problem is that the defendants seek a substantial amount of information, and it

will be expensive and cumbersome for the accounting firm to produce it.

The scope of financial records discovery is currently under management by Magistrate Judge Timothy Hillman in the District of Massachusetts. Issues presently before this court overlap extensively with matters currently under decision in Massachusetts. The potential for inconsistent and conflicting rulings is obvious. For that reason, this matter is **TRANSFERRED** to the District of Massachusetts for consideration with the other matters before that Court.

IT IS SO ORDERED.

DATED: October 22, 2008

s/ J. Phil Gilbert

J. Phil Gilbert

United States District Judge