
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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

Case No.: 07-40098-FDS

Plaintiffs,

v.

Gailon Arthur Joy and Robert Pickle,

Defendants.

ORDER GOVERNING IMPOUNDMENT OF PLEADINGS

This Court hereby orders that, pursuant to Local Rule Of Civil Procedure 7.2, the following provisions shall govern the impoundment and confidentiality of all pleadings and materials submitted with pleadings (“submissions”) by the parties, by any additional parties as yet unnamed who are served with a copy of this Order, and by any third parties who are served with a copy of this Order during the course of the litigation of this matter:

1. Standing Order Imposing Ten-Day Segregation Period on All Court Submissions.

The Court will segregate every submission from docketing and filing in the Court Record for a period of ten business days (“Automatic Temporary Impoundment”). During this period, such submissions shall not be disclosed or made available to any person other than the parties’ counsel and the parties themselves. Upon the passage of ten business days, if no motion to impound is made by any party under the procedure set forth below, the Court will lift the Automatic Temporary Impoundment and the Clerk will docket and file the submissions into the

Court record for this action.

2. Procedure for Motion for Impoundment. During the Automatic Temporary Impoundment period, any party may move the Court for further impoundment of the segregated submissions. Counsel for the party seeking further impoundment must submit to the Court a Motion for Impoundment either simultaneously with its own submission or within ten business days of the date on which the opposing party made a submission to the Court.

3. Use Of Impounded Submissions. Impounded submissions and any of the information contained therein can be used only for the purposes of this lawsuit unless authorized by the Court or agreed to in writing by all parties to the Action. To the extent that any party determines that they have a legitimate need to disclose any of the submissions to a third party, such as an expert or in a third party deposition, they shall first seek written agreement of opposing counsel which shall not be unreasonably withheld. If the parties cannot come to an agreement on the terms of such third party disclosure, then the party seeking disclosure may file a motion with the Court seeking permission to make such disclosure, and until such time that the Court makes its order, such materials will remain undisclosed.

4. Protective Orders Under Fed. Rule Civ. Pr 26(c). This Order applies only to submissions to the Court as defined above. Any party may file a further motion with the Court to seek the protections under Rule 26(c) for information or materials produced in the discovery process. To the extent any party determines that it needs to utilize discovery information materials as part of their submissions to the Court, the information or materials are subject to this impoundment Order.

5. Return of Impounded Materials and Post-Action Custody. Within thirty (30) days after final termination of the Action, including all appeals, any recipient of impounded

submissions shall deliver all such submissions, including all copies thereof and all documents incorporating or referring to such information, in whole or in part, to counsel for the party that created the submissions. The parties shall not retain any copies or reproductions of any documents produced by Plaintiffs in this case and, upon return of said documents, shall provide a signed, written statement confirming that all such documents have been returned and no copies have been retained. Plaintiffs' Counsel will retrieve all impounded materials from the Court's Clerk within sixty (60) days of final termination of this Action.

6. Continued Application of Order. Neither the final resolution or termination of this lawsuit, nor the dismissal of any party, nor the termination of employment of any person who has access to any impounded submissions shall relieve such person from the obligation of abiding by this Order.

7. Application of Order in Context with Other Actions. If any person receiving documents covered by this Order is subpoenaed in another action or proceeding or served with a document request seeking any impounded submissions, that person shall give notice by hand, overnight delivery or facsimile transmission within five (5) business days of receipt of such subpoena or document demand to such designating party at the following addresses:

For Three Angels Broadcasting Network, Inc. and Danny Shelton, to:

Gerald S. Duffy
William Christopher Penwell
Jerrie M. Hayes
Siegel, Brill, Greupner, Duffy & Foster, P.A.
100 Washington Avenue South
Suite 1300
Minneapolis, MN 55401
Fax number (612) 339-6591

For Gailon Arthur Joy and Robert Pickle, to:

Laird J. Heal
3 Clinton Road
P.O. Box 365
Sterling, MA 01564
Fax number (978) 422-0463

8. Attorneys' Rights and Obligations under Order. Nothing contained in this Order shall affect the ability of counsel to discuss the substance of the case with their party-client(s), provided however, that counsel and their party-client(s) are prohibited from sharing any impounded submissions or specific information contained therein with third parties.

9. Filed Pleadings. As of the date of this Order, the Court hereby permanently impounds the following documents subject to the terms of this Order that have already been filed in this case:

- a. The Complaint;
- b. *Ex Parte* Motion for Preliminary Impoundment and Request for a Hearing on the Issue of Permanent Impoundment;
- c. Memorandum in Support of Plaintiff's *Ex Parte* Motion for Preliminary Impoundment and Request for a Hearing on the Issue of Permanent Impoundment and all attachments thereto;
- d. Defendants' Opposition to Plaintiffs' Motion for Permanent Impoundment and all attachments thereto;
- e. Plaintiffs' Responsive Memorandum in Support of Plaintiffs' Motion for Permanent Impoundment and all attachments thereto; and
- f. Defendants' Reply Submissions in Opposition to Plaintiff's Responsive Memorandum in Support of Plaintiffs' Motion for Permanent Impoundment and all attachments thereto.

Dated: _____, 2007

The Honorable F. Dennis Saylor IV