

for purposes of the document production with the page numbers “TABN002620” and “TABN002621.” Both pages of the “Thompson Memo” were labeled “CONFIDENTIAL.” A true and correct copy of the Thompson Memo will be filed under seal in accordance with Local Rule 7.2 of the District of Massachusetts as Exhibit A to this Affidavit.

2. The designated document is self-evidently an internal business record of Plaintiff Three Angels Broadcasting Network (“3ABN”) in which an 3ABN’s Chairman of the Board, Walt Thompson, memorializes actions taken with respect to a workplace personnel dispute among staff at 3ABN’s wills and trust department. The only recipient of the email memo is Mollie Steenson, an employee of 3ABN.

3. Because this document was an internal record pertaining to 3ABN’s investigation and handling of an employment dispute within 3ABN, 3ABN produced it subject to the Protective Order and stamped it as “Confidential.” On September 10, 2008, Defendant Robert Pickle sent an email indicating that “We are considering filing TABN002620 and TABN002621 as exhibits in connection with a pleading, and are giving you notice as required by the Confidentiality Order.” There followed an exchange of email correspondence between counsel for Plaintiffs and the Defendants in which Plaintiffs advised that Defendants were free to use the document so long as it was filed under seal, and so long as any written material revealing the contents of the document was also filed under seal. Defendants were unwilling to accept this limitation. Redaction of sensitive

information was explored but rejected because the portion of the document that Defendants wanted to use included the sensitive information. A true and correct copy of the email communications between the parties will be filed under seal in accordance with Local Rule 7.2 of the District of Massachusetts as Exhibit B to this Affidavit.

FURTHER YOUR AFFIANT SAYETH NOT.

Dated: September 30, 2008

/s/M. Gregory Simpson
M. Gregory Simpson

Subscribed and sworn to me
this 30th day of September, 2008.

Kristin Kingsbury _____
Notary Public
My Commission Expires Jan 31, 2010