

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Three Angels Broadcasting Network, Inc., an Illinois non-profit corporation, and Danny Lee Shelton, individually,)	
)	
Plaintiffs,)	
v.)	
)	
Gailon Arthur Joy and Robert Pickle,)	
)	
Defendants.)	
)	

Case No.: 07-40098-FDS

AFFIDAVIT OF ROBERT PICKLE

NOW COMES Robert Pickle of Halstad Township, Norman County, Minnesota, who deposes and testifies to the following under pain and penalty of perjury:

1. A hearing was held on October 22, 2008, before Magistrate Judge Philip Frazier in the Southern District of Illinois (Case No. 08-MC-16-JPG-PMF) concerning the Plaintiffs’ Motion to Quash the Defendants’ subpoena *duces tecum*, which was served upon Gray Hunter Stenn LLP on March 17, 2008. The minutes of that hearing, as well as Magistrate Judge Frazier’s minute order, is attached hereto as **Exhibit A**.

2. ¶ 46g of the Plaintiffs’ complaint accuses the Defendants of stating, “3ABN Board members have personally enriched themselves as officers and directors of 3ABN in violation of the Internal Revenue Code.” During the aforesaid hearing Plaintiffs’ counsel acknowledged that I had correctly quoted this paragraph during that hearing, and Magistrate Judge Frazier told Plaintiffs’ counsel that this allegation in the complaint was quite broad.

3. Nevertheless, since Plaintiffs' counsel had given the impression to Magistrate Judge Frazier that issues of scope and relevance were still unresolved in Massachusetts, the Honorable Philip Frazier was reticent to risk issuing an order that would conflict with that of this Court. He therefore continued the subpoena in question and ordered the transfer of the matter to the District of Massachusetts.

4. However, Plaintiffs' counsel had earlier told me by telephone that he considered the issues of scope and relevance already resolved by the September 11, 2008, order of the Honorable Timothy S. Hillman.

FURTHER DEPONENT TESTIFIES NOT.

Signed and sealed this 23rd day of October, 2008.

/s/ Bob Pickle
Bob Pickle
Halstad, MN 56548
Tel: (218) 456-2568

Subscribed and sworn to me
this 23rd day of October, 2008.

/s/ Perry W. Kolnes
Notary Public—Minnesota

My Commission Expires Jan. 31, 2010