

B254 (Form 254 - Subpoena for Rule 2004 Examination) (12/07)

UNITED STATES BANKRUPTCY COURT

District of Massachusetts

In re Gailon Arthur Joy
Debtor

SUBPOENA FOR RULE 2004 EXAMINATION

Case No.* 07-43128-JBR

To: Gailon Arthur Joy
3 Clinton Road
Sterling, MA 01564

Chapter 7

Gailon Arthur Joy
P.O. Box 1425
Sterling, MA 01564

Gailon Arthur Joy
C/O Laird J. Heal, Esq.
3 Clinton Road
P.O. Box 365
Sterling, MA 01564
(Fax No. 978-422-0463)

Gailon Arthur Joy
#190, 9 Dana Hill Road
Sterling, MA 01564

YOU ARE COMMANDED to appear and testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure, at the place, date, and time specified below. A copy of the court order authorizing the examination is attached.

PLACE OF TESTIMONY

HENDEL & COLLINS, P.C., 101 State Street
Springfield, MA 01103

DATE AND TIME

September 9, 2008 at 10:00 a.m

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See list on attached Exhibit "A".

Please deliver the items described on the attached Exhibit "A" to Hendel & Collins, P.C. so that they are received on or before 10:00 a.m. on August 29, 2008.

PLACE

HENDEL & COLLINS, P.C., 101 State Street,
Springfield, MA 01103

DATE AND TIME

August 29, 2008 at 10:00 a.m.

ISSUING OFFICER SIGNATURE AND TITLE

[Handwritten Signature]

DATE

July 28, 2008

ISSUING OFFICER'S NAME, ADDRESS, AND PHONE NUMBER

George I. Roumeliotis, Esq., c/o Hendel & Collins, P.C.
101 State Street, Springfield, MA 01103 Tel. 413-734-6411

* If the bankruptcy case is pending in a district other than the district in which the subpoena is issued, state the district under the case number.

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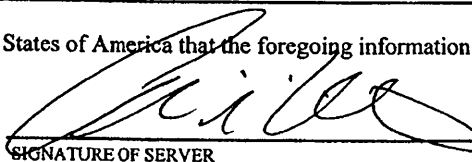
PROOF OF SERVICE

SERVED	DATE	PLACE
	JULY 28, 2008	Springfield, Massachusetts
SERVED ON (PRINT NAME)		MANNER OF SERVICE
Gailon Arthur Joy Laird J. Heal, Esq.		First Class mail to the Debtor and First Class mail and facsimile to Debtor's Counsel.
SERVED BY (PRINT NAME)		TITLE
George I. Roumeliotis, for Hendel & Collins, P.C.		Attorney

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on July 28, 2008
DATE



SIGNATURE OF SERVER

c/o Hendel & Collins, P.C., 101 State
Street, Springfield, MA 01103

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2007, made applicable in cases under the Bankruptcy Code by Rule 9016, Federal Rules of Bankruptcy Procedure:

(c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.
(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;
(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;
(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and
(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt.

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

)	
In re)	Chapter 7, No. 07-43128-JBR
)	
GAILON ARTHUR JOY)	
)	
Debtor)	
)	

MOTION OF THREE ANGELS BROADCASTING NETWORK, INC.
FOR AN ORDER AUTHORIZING AND COMPELLING EXAMINATION OF GAILON
ARTHUR JOY UNDER FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004

To the HONORABLE JOEL B. ROSENTHAL, Bankruptcy Judge:

Now comes Three Angels Broadcasting Network, Inc., ("3ABN"), a creditor and party in interest, and hereby moves this Court for the entry of an Order authorizing 3ABN to conduct an examination of Gailon Arthur Joy ("Debtor" or "Joy") pursuant to Federal Rule of Bankruptcy Procedure 2004 and compelling the Debtor to participate in such an examination. In support thereof, 3ABN represents as follows:

1. The above-referenced Debtor filed a Voluntary Petition in Massachusetts seeking relief under the provisions of Chapter 7 of the Bankruptcy Code on August 14, 2007 ("Petition Date").

2. Janice G. Marsh is the duly appointed Chapter 7 Trustee in this case and continues to serve in that capacity.

3. On April 6, 2007, 3ABN and one of its founders, Danny Lee Shelton ("Shelton"), commenced an action in the U.S. District Court for the District of Massachusetts entitled Three Angels Broadcasting Network, Inc., an Illinois non-profit

Joel B. Rosenthal

3/3/2008 ALLOWED. NO OBJECTIONS FILED.

Exhibit "A"

Document, Data and Information Categories

1. Any and all documents, data and information, whether in paper or electronic form, in the Debtor's possession, custody or control that identify or relate to the ownership, registration, hosting, billing, payment, appraisal, value or transfer of, or relationship among, any internet domain names ever registered in the name of the Debtor or Robert Pickle, or any entity of which the Debtor or Robert Pickle is or was a shareholder, officer or director. Such internet domain names include, but are not limited to "save3abn.com", "save3abn.org", "save-3abn.com", "save-3abn.org" and the information sought includes data relating to the pointing by one or more of said domain names to any other domain names or websites.

2. Any and all documents, data and information, whether in paper or electronic form, in the Debtor's possession, custody or control that identify or relate to the ownership, transfer, appraisal or value of any real estate ever owned by the Debtor or any entity of which the Debtor is or was a shareholder, officer or director.

3. Any and all documents, data and information, whether in paper or electronic form, in the Debtor's possession, custody or control that identify or relate to the ownership or transfer of any bank, brokerage, financial, or retirement accounts ever owned by the Debtor or any entity of which the Debtor is or was a shareholder, officer or director.

4. Any and all documents, data and information, whether in paper or electronic form, in the Debtor's possession, custody or control that identify or relate to the ownership, value or appraisal of any businesses, whether incorporated or not, in which the Debtor is or had any ownership, beneficial or equity ownership, or of which the Debtor is or was an officer or director.

5. The Debtor's federal and state tax returns for the 2005 tax year, and all subsequent tax years for which the Debtor has prepared or filed a return.

6. Any and all documents, data and information, whether in paper or electronic form, in the Debtor's

possession, custody or control that describes, evidences or refers to any income or gifts received by the Debtor from any and all sources from January 1, 2005 to the present, and that describes or evidences any income or gifts that the Debtor anticipates receiving in the future.

7. Any and all documents, data and information, whether in paper or electronic form, in the Debtor's possession, custody or control that describes, evidences or refers to any income or gifts received by the Debtor's spouse from any and all sources from January 1, 2005 to the present, and that describes or evidences any income or gifts that the Debtor's spouse anticipates receiving in the future.

8. Any and all documents, data and information, whether in paper or electronic form, in the Debtor's possession, custody or control that identify or relate to Debtor's employment and income from January 1, 2005 to the present, including self-employment.

9. Any and all documents, data and information, including electronic mail and internet postings, whether saved in paper or electronic form, describing, discussing, or referring to the fact of your filing for bankruptcy, the creditors or debts listed in your bankruptcy petition, or the adversarial complaint you have filed in this bankruptcy matter.

10. Copies of any and all account records, whether jointly or individually held, and whether maintained for personal or business use, for any savings, checking, investment, retirement, or credit card accounts to which Debtor was an account holder or signatory from January 1, 2005 to the present.

11. Copies of any and all invoices, statements, bills and other documents, data and information, whether in paper or electronic form, that evidence, describe or refer to the accounts, debts or obligations owed by you, individually or jointly, to any and all creditors, whether secured or unsecured, and whether listed on your bankruptcy petition or not, for the period January 1, 2005 to the present.

12. Copies of any and all contracts or written agreements, whether for products, services, or real or personal property, that were entered into by Debtor, either

individually or jointly, or that in any fashion obligated Debtor, from the period January 1, 2005 to the present.

13. Any persons known to the Debtor to have knowledge of, or who have participated in, any transfer or registration of any of the assets (including domain names) or who may have copies of any documents described in Categories 1 through 12 above.

Y:\USERS\CLIENT\three\Exhibit for Joy Rule 2004 exam-rev 2.doc