
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.)
_____)

NOTICE OF WITHDRAWAL OF MOTION

On October 28, 2008, Defendant Pickle was told by the ECF Help Desk that Docket Entries # 28 and # 88 were sealed, and that he could not be told who had filed them because they were sealed. (Affidavit of Robert Pickle (hereafter "Pickle Aff.") ¶ 1, Ex. A). In the status conference of October 30, 2008, the Defendants inquired as to # 22, # 28, and #88 (docket entries that are not visible on PACER), whether these documents would be unsealed at some point. The Honorable Court said that if they are sealed, they would not be unsealed except by motion. (Doc. 141 p. 16).

Because of the timing of the filing of these docket entries and other factors, the Defendants believed these docket entries could be relevant to their appeal, since they appeared to be *ex parte* filings. (Pickle Aff. ¶ 2). Neither the Defendants nor Plaintiffs' counsel could determine the nature of these docket entries prior to the filing of Defendants' motion to unseal these three entries. (Pickle Aff. ¶ 3, Ex. B).

After Attorney Lizette Richards filed the Plaintiffs' opposition to the Defendants' motion which included the assertion that the docket entries in question are stenographer's notes, the Defendants made further inquiry and were told by Deborah Scalfani that the docket entries in question are not under seal but are simply not available to the public, and consist of stenographic notes. (Pickle Aff. ¶ 4).

With this understanding, the Defendants hereby give notice of the withdrawal of Defendants' Motion to Unseal Docket Entries, or in the Alternative, to Serve Sealed Copies upon the Defendants.

Respectfully submitted,

Dated: December 10, 2008

/s/ Gailon Arthur Joy, pro se

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and

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AFFIDAVIT OF SERVICE

Under penalty of perjury, I, Bob Pickle, hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: December 10, 2008

/s/ Bob Pickle
Bob Pickle