
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-RWZ

Plaintiffs,)

v.)

Gailon Arthur Joy and Robert Pickle,)

Defendants.)
_____)

DEFENDANTS' MOTION TO FILE UNDER SEAL

Pursuant to Local Rule 7.2, Defendants seek leave of the Court to file under seal the affidavit and accompanying documents that Defendants provisionally filed under seal in the U.S. Court of Appeals for the First Circuit on November 19, 2009. Defendants seek to file these materials as **Exhibits A–B** to Doc. 234. The affidavit and accompanying documents conclusively and indisputably demonstrate the fallacious nature of three assertions Plaintiffs made in their response (Doc. 231) to Defendants' objections (Doc. 229) to the electronic orders of January 29, 2010, and Defendants have referenced these materials in their reply to Plaintiffs' response. (Doc. 233 pp. 5, 8).

Plaintiffs designated the documents accompanying the explanatory affidavit as confidential under the confidentiality order of the instant case. (Doc. 60). Plaintiffs have opposed the filing of these documents (or papers explicitly citing the information these documents contain) in any way but under seal. (Doc. 180-2 p. 2; Doc. 127-5). Thus, in order for this Court to

view the explanatory affidavit or accompanying documents, Defendants believe that they must file them under seal, unless the Court orders otherwise.

Defendants request that only those documents that qualify for protection under § 1 of the confidentiality order (Doc. 60), and which are designated as confidential by someone who has standing to so designate, remain under seal, to be returned to Defendants at the conclusion of all related litigation. Defendants request that the remaining documents that do not so qualify for protection be allowed to become part of the public record, once such a determination is made by the Court.

Since Plaintiffs refuse to abandon their confidentiality designation of material that “does not fit the qualifications of the confidentiality order” (Doc. 224-11), the parties on their own cannot resolve the issue of what should remain impounded until the conclusion of all related litigation. Therefore, Defendants request that Exhibits A–B remain under seal until further order of the Court.

WHEREFORE, Defendants pray the Court to allow the affidavit and accompanying documents filed on November 19, 2009, in the First Circuit to be filed under seal, and to allow them to remain impounded until further order of the Court.

Respectfully submitted,

Dated: February 26, 2010

/s/ Gailon Arthur Joy, pro se
Gailon Arthur Joy, *pro se*
Sterling, MA 01564
Tel: (508) 872-8000

and

/s/ Robert Pickle, pro se
Robert Pickle, *pro se*
Halstad, MN 56548
Tel: (218) 456-2568

LOCAL RULE 7.1 CERTIFICATE

The undersigned hereby attests that the Defendants have complied with the requirements of Local Rule 7.1 by having, in good faith, through counsel conferred with Plaintiffs, and Plaintiffs' counsel has represented that he opposes this motion.

Dated: February 26, 2010

/s/ Bob Pickle

Bob Pickle

AFFIDAVIT OF SERVICE

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

Dated: February 26, 2010

/s/ Bob Pickle

Bob Pickle