

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IN RE: OUT OF DISTRICT SUBPOENA,

Hon. Richard Alan Enslin

ROBERT PICKLE, PETITIONER

Hon. Ellen S. Carmody

v

Case No. 1:08-mc-00003

REMNANT PUBLICATIONS, INC.,  
RESPONDENT

---

**MOTION TO AMEND ORDER**

NOW COMES Remnant Publications, Inc., by and through its attorneys, Biringer, Hutchinson, Lillis, Bappert, & Angell, P.C., by Charles R. Bappert, and moves this Court pursuant to Fed. R. Civ. P. 59(e) as follows:

1. Respondent is not a party to the lawsuit between plaintiffs, Three Angels Broadcasting Network, Inc. and Danny Lee Shelton, and defendants, Gailon Arthur Joy and Robert Pickle, that has been filed in United States District Court for the Central District of Massachusetts, Case No. 07-40098-FDS.
2. An order was entered on June 20, 2008 by this Court to compel the production of documents from respondent to defendants without *in camera* review by the District Court in Massachusetts.
3. A Motion for Protective Order Limiting Scope and Methods of Discovery was filed by the plaintiffs in the District Court in Massachusetts on June 25, 2008. (*See* Plaintiffs' Motion and Memo in Support of Motion).
4. The Motion for Protective Order filed by the plaintiffs addresses the delaying tactics and abuse of discovery exercised by the defendants thus far, and the same Motion asks the District Court of Massachusetts to consider the relevancy of the requested documents. (*See* Plaintiffs' Exhibits 19-21).
5. If the District Court of Massachusetts finds the numerous documents sought by the defendants to be irrelevant, that finding would also prohibit the distribution of documents from Remnant Publications, Inc. to the defendants on the basis of non-relevancy.

This motion is supported by the memorandum attached and the Motion for Protective Order Limiting Scope and Methods of Discovery, Memorandum in Support of Motion for Protective Order, and supportive filing of plaintiffs in the District Court in Massachusetts. Particular attention is called to Exhibits 19, 20, and 21 of that attachment, together with the Memorandum in Support of Motion for Protective Order.

**RELIEF REQUESTED**

WHEREFORE, Remnant Publications, Inc. requests that this Honorable Court amend its order of June 20, 2008, as follows:

Order the documents retrieved from Remnant Publications, Inc. be submitted for *in camera* review to the United States District Court for the Central District of Massachusetts pending a determination of relevancy by that court.

Dated: June 27, 2008

/s/ Charles R. Bappert  
\_\_\_\_\_  
Charles R. Bappert (P41647)  
Biringer, Hutchinson, Lillis,  
Bappert, & Angell, P.C.  
100 W. Chicago Street  
Coldwater, MI 49036-1897  
Tel: (517) 279-9745  
Fax: (517) 278-7844 g\15003.19