

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

corporation and Danny Lee Shelton v. Gailon Arthur Joy and Robert Pickle, which case is pending as Case No. 4:07-cv-40098-FDS ("Civil Action"). As stated in more detail in other pleadings previously filed in this case, 3ABN is an entity founded in Illinois in the mid 1980's to operate and manage a Christian television and radio broadcast ministry. 3ABN's slate of programming includes both spiritual and lifestyle presentations, and it has a ministry focus of "Mending Broken People".

4. Over the past two decades, 3ABN has spent enormous resources to promote its message and publicizing itself through advertising, live events, direct mail campaigns, and group presentations. The result of this effort is that 3ABN is now one of the larger Christian networks in North America, broadcasting 24 hour television and radio programming to viewers and listeners that are estimated to number well into the millions. In addition to its headquarters in Illinois, it also operates facilities in Russia, the Philippines and New Guinea.

5. In order to provide its programming, to retain current viewers and listeners and to attract new ones, 3ABN depends on its reputation and goodwill. Most of its operations are funded by the donations of viewers and supporters.

6. To help protect this reputation and goodwill, 3ABN has registered "3ABN" and "Three Angels Broadcasting Network" as trademarks with the U.S. Patent and Trademark Office. Additionally, 3ABN also has a significant internet operation, primarily through its website, [www.3abn.org](http://www.3abn.org) (targeting North American audiences), and through secondary websites [www.3abnaustralia.org.au](http://www.3abnaustralia.org.au) (for Australia) and [www.3angels.ru](http://www.3angels.ru) (for Russia). These websites offer pastoral support, streaming audio

and video programming and information about 3ABN's mission and operations. Visitors to the websites can also purchase books and recordings produced by 3ABN and can make donations to its ministry.

7. In order to protect its trademarks and to use the 3ABN marks on the internet, 3ABN has registered over 3 dozen domain names, all of which contain the "3ABN" trademark, including but not limited to 3ABN.com, 3ABN.org, 3ABN.tv, 3ABNtelevision.com, 3ABNradio.com, 3ABNmusic.com, 3ABNbooks.com, 3ABNtv.com, and 3ABNtv.org.

8. In January 2007, 3ABN discovered that the Debtor had registered the domain name "save3ABN.com". In March 2007, 3ABN further discovered that the Debtor had registered the domain name "save3ABN.org" and that the website at [www.save3ABN.org](http://www.save3ABN.org) directs visitors to the [www.save3ABN.com](http://www.save3ABN.com) website. These two websites that the Debtor has registered were not listed as assets in his bankruptcy schedules.

9. According to 3ABN, the website at [www.save3ABN.com](http://www.save3ABN.com) contains information that is antithetical to 3ABN's message, and contains gross misstatements of fact concerning 3ABN's actions and operations, and contains baseless and untrue allegations of criminal conduct by 3ABN, Shelton and persons involved with 3ABN, and also contains disparaging characterizations of 3ABN, its broadcast network and Shelton. 3ABN has also maintained that the Debtor embedded these websites with the metatags "3ABN", "3-ABN", and "Three Angels Broadcasting Network", which are words and phrases used by internet search engines to locate websites that use 3ABN trademarks.

10. In the Civil Action, 3ABN alleges that the save3ABN.com and save3ABN.org domains and websites, as well as the use of the metatags as described above, incorporate 3ABN's trademark that it has used continuously for over 20 years in connection with its ministry, broadcasts and audio and video programming, and as such, infringes on those trademark rights. Additionally, the Debtor's statements on his website about 3ABN and Shelton are defamatory in nature.

11. On November 21, 2007, this Court allowed 3ABN's Motion for Relief from Stay permitting 3ABN to, among other things, seek injunctive relief in the Civil Action to prevent the Debtor from continuing to use the 3ABN.com and 3ABN.org domains and websites, from continuing to defame and disparage 3ABN and Shelton, and from continuing to interfere with 3ABN's business.

12. As disclosed to the Court in connection with the January 31, 2008 hearing in this case that took place on the sale of the domain names 3ABN.com and 3ABN.org from the Trustee to 3ABN, it appears that the domain names may have been transferred to entities controlled by Robert Pickle, the Debtor's co-defendant in the Civil Action. 3ABN and Shelton believe that the Debtor and Mr. Pickle are acting in concert with respect to the various violations asserted by 3ABN and Shelton in the Civil Action.

13. Given the above-described circumstances concerning the Debtor's ownership and alleged transfer of the domain names, 3ABN and Shelton request authority to examine the Debtor pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure concerning his past and present ownership of any assets, claims and property rights, including domain names.

14. Pursuant to Federal Rule of Bankruptcy Procedure 2004, the Court may authorize the examination of any person on all matters pertaining to the conduct, property, liabilities and financial condition of the Debtor, or any matter which may affect the administration of the Debtor's estate.

15. 3ABN believes that it is essential that it be authorized to examine Gailon Arthur Joy, and that he be ordered to produce documents in connection with that examination, so that 3ABN and any other party in interest, including the Chapter 7 Trustee, can:

- (a) determine the status and history of the ownership by the Debtor of any assets, including internet domain names;
- (b) assess the value of any assets owned, controlled or formerly owned or controlled by the Debtor;
- (c) determine the extent of any transfers between the Debtor and any other parties, to assess whether the estate has any avoidance of other rights arising from said transfers; and
- (d) obtain information on any other matter, including, but not limited to, past, present and anticipated income sources.

The documents, data, and information that will be requested will include, but are not limited to, the categories of items described on the attached Exhibit "A".

16. If the relief requested herein is granted, 3ABN shall extend an invitation to the Chapter 7 Trustee to participate in any examination to be conducted. 3ABN will assume the financial responsibility of transcription and other expenses associated with the examination with the exception of those incurred by the Debtor. Furthermore, 3ABN proposes that such examination take place at the offices of Hendel & Collins, P.C., 101 State Street, Springfield, Massachusetts.

WHEREFORE, 3ABN respectfully requests the entry of an Order authorizing and compelling the immediate examination of the Debtor and directing the Debtor to produce documents, data and information to be requested by 3ABN which shall pertain to the Debtor's financial affairs, including, but not limited to, the categories of items described on the attached Exhibit "A".

THREE ANGELS BROADCASTING NETWORK,  
INC.

Dated: February 15, 2008

By: /s/ George I. Roumeliotis  
JOSEPH B. COLLINS, ESQ.  
(BBO#092660)  
GEORGE I. ROUMELIOTIS, ESQ.  
(BBO#564943)  
For HENDEL & COLLINS, P.C.  
101 State Street  
Springfield, MA 01103  
Tel. (413) 734-6411  
groumeliotis@hendelcollins.com

## 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, 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 business or entity of which the Debtor is or was a shareholder, owner, 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 business or entity of which the Debtor is or was a shareholder, owner, 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, operation, value or appraisal of any businesses, whether incorporated or not, in which the Debtor has or had any ownership, beneficial or equity ownership, or of which the Debtor is or was an officer or director, including, but not limited to, appraisals, financial statements, closing statements, invoices, check registers, bank account statements, balance sheets, and reports.

5. Federal and state tax returns for the 2005 and all subsequent tax years prepared or filed by the Debtor and/or any business or entity in which the Debtor is or was a shareholder, owner, officer or director.

6. Any and all documents, data and information, whether in paper or electronic form, in the Debtor's possession, custody or control that describes or evidences 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 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 6 above.



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| GAILON ARTHUR JOY | ) |                             |
|                   | ) |                             |
| Debtor            | ) |                             |
|                   | ) |                             |

**CERTIFICATE OF SERVICE**

I, GEORGE I. ROUMELIOTIS, ESQ. of the law firm of HENDEL & COLLINS, P.C., 101 State Street, Springfield, MA 01103, do hereby certify that I have served a copy of the 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, upon those parties listed below that did not otherwise receive notice thereof through the Court's ECF system, by mailing, first class, postage prepaid, on this 15th day of February, 2008:

Richard T. King, Esq.  
OFFICE OF THE U.S. TRUSTEE  
446 Main Street, 14th Floor  
Worcester, MA 01608

Janice G. Marsh, Esq.  
Chapter 7 Trustee  
THE MARSH LAW FIRM, PC  
446 Main Street  
Worcester, MA 01608

LAIRD J. HEAL, ESQ.  
78 Worcester Road  
P.O. Box 365  
Sterling, MA 01564

LAIRD J. HEAL, ESQ.  
3 Clinton Road  
P.O. Box 365  
Sterling, MA 01564-0365

Gerald S. Duffy, Esq.  
Jerrie M. Hayes, Esq.  
SIEGEL, BRILL, GREUPNER,  
DUFFY & FOSTER, P.A.  
100 Washington Avenue South  
Suite 1300  
Minneapolis, MN 55401

John P. Pucci, Esq.  
J. Lizette Richards, Esq.  
FIERST, PUCCI & KANE, LLP  
64 Gothic Street, Suite 4  
Northampton, MA 01060

MR. GAILON ARTHUR JOY  
P.O. Box 1425  
Sterling, MA 01564

/s/ George I. Roumeliotis  
GEORGE I. ROUMELIOTIS, ESQ.  
(BBO#564943)  
For HENDEL & COLLINS, P.C.  
101 State Street  
Springfield, MA 01103  
Tel. (413) 734-6411  
groumeliotis@hendelcollins.com