

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.)	
_____)	

AFFIDAVIT OF ROBERT PICKLE

NOW COMES Robert Pickle of Halstad Township, Norman County, Minnesota, who deposes and testifies to the following under pain and penalty of perjury:

1. Attached hereto as **Exhibit A** is a web page about Attorney Gregory Simpson (“Simpson”) posted at the website of his law firm.
2. Attached hereto as **Exhibit B** is Simpson’s June 12, 2008, letter to me demanding that I immediately send him the documents we got from Glenn Dryden and Kathy Bottomley, or else he would immediately seek sanctions. I thought, what nerve this guy has. Here Plaintiffs refused to produce any of their Rule 26(a)(1) materials until March 28, 2008, after being compelled by court order, and Plaintiffs still hadn’t produced any documents responsive to my requests to produce served in late 2007, and he had the gall to threaten me if I didn’t send him documents he had orally inquired about but 6 days before.
3. Based on my records, Plaintiffs only produced tax filings for Three Angels

Broadcasting Network, Inc. (“3ABN”) from 2001 to 2005 for Oregon, California, Illinois, and the IRS. Even with that, the 2003 Form AG990-IL and 2005 Form CA 199 were missing, and some pages were illegible.

4. The 3ABN board and executive committee minutes that 3ABN produced often contain redactions that Defendants never agreed to.

5. Attached hereto as **Exhibit C** is the docket sheet for Defendant Joy’s bankruptcy through January 14, 2008.

6. Attached hereto as **Exhibit D** are relevant pages of the instructions for IRS Form 990, which requires under Part V-A the listing of any director or officer who has served at any time during a given year. Even though Larry Romrell, Garwin McNeilus (“McNeilus”), and Stan Smith (“Smith”) were reported as being added to the 3ABN Board in 2007, they were not reported on 3ABN’s 2007 Form 990. (Doc. 63-30 p. 28; Doc. 162-13 pp. 12–13).

7. However, 3ABN’s ownership report filed with the FCC on April 1, 2008, did report these new directors. Attached hereto as **Exhibit E** is that report.

8. Attached hereto as **Exhibit F** are relevant pages of the 2007 IRS Form 990 filed by ASI Missions, Inc. (“ASI”), which lists both McNeilus and Smith as fellow directors on page 4. The ASI board decides what ministries get what sort of funding each year.

9. Documentation of McNeilus’ philanthropy is already a part of the record. (Doc. 109 ¶ 9, Table 1; Doc. 109-5 to 109-11). Attached hereto as **Exhibit G** is the identification of Smith as the treasurer of the O. J. Jacobson Foundation.

10. A mutual friend of McNeilus and mine approached me about February 2008 and gave me McNeilus’ assurance that Danny Lee Shelton (“Shelton”) was gone from 3ABN. I really wasn’t sure what to make of this at the time since to my knowledge Shelton was still a director of 3ABN. But later we received reports that at the May 2008 3ABN Board meeting, directors were

shocked to be told by Plaintiffs' counsel that the allegations about Shelton's book deals with Remnant Publications, Inc. were in fact true, that Shelton had come one vote from being terminated, and that directors had resigned in protest due to the outcome of that vote.

11. Attached hereto as **Exhibit H** is the web page found at <http://michaelprewitt.com/2009/03/musical-chairs-for-board-members-with-photoshop-1134/>. Michael Prewitt ("Prewitt") is an employee of 3ABN. I have circled McNeilus, Smith, and May Chung ("Chung"). Smith is the one with the mustache. Prewitt thus confirms that McNeilus, Smith, and Chung are no longer directors, and that McNeilus and Smith were directors in 2007.

12. Chung was one of the earliest supporters of 3ABN, was a director for many years, and has given millions of dollars away to various causes. Attached hereto as **Exhibit I** is a *3ABN World* article stating such.

13. I have examined how much money ASI reported giving to various ministries as well as ASI promotional material, and I can personally say that ASI has historically been an extremely strong financial supporter and promoter of 3ABN. Page 3 of Exhibit F, for example, shows that ASI gave 3ABN two checks totaling \$125,000 in the year 2007, an amount that appears greater than that given by ASI to any other identifiable ministry on that same list. Attached hereto as **Exhibit J** is ASI's list of 40 projects ASI raised funds for for the year 2007, taken from ASI's website. Out of those 40 projects, 3ABN was to receive 11.8% of the total dollars (\$150,000 out of \$1,269,000). Such endorsements send a message that 3ABN is an enterprise worth sending donations to. Likewise, a lessening of support or promotion by ASI of 3ABN after McNeilus and Smith resigned from the 3ABN Board would have a similar but opposite ripple affect.

14. Attached hereto as **Exhibit K** is my motion to dismiss Shelton's motion to quash Defendants' subpoena of MidCountry Bank, filed in the District of Minnesota, which includes on

page 3 the argument that Shelton did not have standing to bring a motion to quash on behalf of DLS Publishing, Inc.

15. I will file conventionally as **Exhibit L** a CD containing the recording of the March 4, 2008, motion hearing in District of Minnesota case no. 08-mc-0007. (I tried more than once to obtain a transcript at the rate set by the Judicial Conference, but was unable to do so.) This hearing was before Magistrate Judge Boylan. Attorney Jerrie Hayes was present in person, and Defendant Joy and I appeared by telephone.

16. I have accurately transcribed a portion of the recording of the March 4, 2008, hearing as follows:

THE COURT: How does, how does he, Danny Lee Shelton, have any standing to complain about the fact that they're looking for corporate records. Let's start there and go backwards.

MS. HAYES: Well, as is, as, as is discussed and admitted by the defendants in their own briefing to this Court, Danny Lee Shelton is the sole shareholder of the corporation --

THE COURT: So what.

MS. HAYES: -- sole proprietor, and in --

THE COURT: It's still a separate legal entity, isn't it?

MS. HAYES: -- and he is the person, but he is the person representing the corporation in this, in this capacity. It is --

THE COURT: You haven't brought the motion on behalf of that corporation. You brought it on behalf of Shelton.

MS. HAYES: Right. It's brought on behalf of Danny Lee Shelton to quash the subpoena for, that, to quash the subpoena which seeks records of all three parties. Yes, your Honor. And that is because again Mr. Shelton has an an interest in the records of those corporations, and, and makes, and having a right or interest in the corporation --

THE COURT: Is he an officer of the corporation right now, do you know?

MS. HAYES: Ah, he is the only officer of the corporation, and the sole proprietorship has been uh dissolved. It hasn't been in operation since the

dissolution of the party's marriage.

THE COURT: On the corporation side, you're not representing the corporation, today?

MS. HAYES: Danny Lee, I'm here representing Danny Lee Shelton who is, who has acted on behalf of the corporation, yes. Umm, I have --

THE COURT: The corporation can only act on its own behalf, can't it? I mean, it, it's a separate legal entity.

MS. HAYES: It is a separate legal entity, but Mr. Shelton is the, IS the board of directors. He makes all decisions and takes all action on the --

THE COURT: Well let's put it this way, if, if someone sued the corporation and got a judgment and then went to Mr. Shelton's personal bank account and tried to get it satisfied against the corporation I guess the defense would be, I'm not the corporation, you can't do that. Right?

MS. HAYES: As to his personal bank records I would assume that would be more [???] --

THE COURT: So why should I, I thought that on the other side would say from a personal standpoint he has the right to come in and represent the corporation? And you can't have it both ways, it seems to me.

MS. HAYES: Well, since.

THE COURT: I mean, if you're going to have the protections of a corporate body, it seems to me that there's certain umm protection that corporations provide. And you also have some burdens that are associated with that, and that means that it's a separate corporate entity, and if you're in here making a motion on behalf of that corporation tell me that. But if you're not, and if it's on behalf of Shelton, I'm not sure how Shelton as an individual can do that.

MS. HAYES: Well again your Honor, for, for ease, for economy, judicial efficiency, ease, use of resources, Mr. Shelton chose to have, to, to act on behalf of the corporation and not retain yet another lawyer in this case to represent the corporate entity. Umm.

THE COURT: [Maybe?] you can represent him, I'm not sure, but it doesn't seem to me that Shelton individually can.

17. Attached hereto as **Exhibit M** is the transcript of the June 16, 2008, motion hearing before Magistrate Judge Ellen Carmody in Western District of Michigan case no. 08-mc-

0003.

18. Attached hereto as **Exhibit N** are relevant pages of Plaintiffs' Brief of the Appellees filed in First Circuit case no. 08-2457.

FURTHER DEPONENT TESTIFIES NOT.

Signed and sealed this 28th day of May, 2009.

/s/ Bob Pickle

Bob Pickle
Halstad, MN 56548
Tel: (218) 456-2568

Subscribed and sworn to me
this 28th day of May, 2009.

/s/ Lori J. Rufsvold
Notary Public—Minnesota

My Commission Expires Jan. 31, 2010


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James R. Greupner

Gerald S. Duffy

Wood R. Foster, Jr.

John S. Watson

Wm. Christopher
Penwell

Anthony J. Gleekel

Sherri L. Rohlf

Jordan M. Lewis

Brian E. Weisberg

Steven J. Weintraut

James A. Yarosh

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M. GREGORY SIMPSON

Shareholder

gregsimpson@sbgdf.com

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EDUCATION

University of Minnesota Law School, J.D., *cum laude*, 1989, Minnesota Law Review
Reed College, BA, 1984.

PRACTICE AREAS

Employment Law
Construction Law
Litigation
Business Law
Insurance Coverage and Premium Disputes

MEMBERSHIPS/LICENSES

Licensed in all Minnesota state and federal courts.
Minnesota State Bar Association
Hennepin County Bar Association

COMMUNITY INVOLVEMENT

Active as chair and treasurer of two neighborhood organizations.

ACHIEVEMENTS/PROFESSIONAL DISTINCTION

Rated as "AV" lawyer by Martindale Hubbell's peer rating process for legal ability and ethical standards —highest possible distinction.





Hennepin County Bar Association Ethics Committee, 1997 – 2003,
2004-present.
Judicial Clerk for Hon. Marianne D. Short, Minnesota Court of Appeals,
1989-90.

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M. Gregory Simpson
612-337-6107
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June 12, 2008

**VIA FACSIMILE AND U.S. MAIL- CERTIFIED MAIL-
RETURN RECEIPT REQUESTED**

Mr. Robert Pickle
1354 County Highway 21
Halstad, MN 56548

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

**Re: Three Angels Broadcasting Network, Inc. and Danny Lee Shelton vs.
Gailon Arthur Joy and Robert Pickle
Court Docket No. 07-40098-FDS
Our File No. 24,681-D-002**

Gentlemen:

On Friday, June 6, 2008, I asked you to provide me with copies of the documents you had obtained by use of subpoenas duces tecum served upon Kathi Bottomly and Glenn Dryden. You refused to confirm or deny that you had in fact received documents pursuant to those subpoenas. Therefore, unless I receive those documents or written confirmation that none exist by Monday, June 16, 2008, I will immediately bring a motion to compel and for sanctions.

Sincerely,



M. Gregory Simpson

MGS/ad

Ex. C

AWDISCH, DebtEd, ASSET

**United States Bankruptcy Court
District of Massachusetts (Worcester)
Bankruptcy Petition #: 07-43128**

Date filed: 08/14/2007

Assigned to: Judge Joel B. Rosenthal
Chapter 7
Voluntary
Asset

Debtor

Gailon Arthur Joy
P.O. Box 37
Sterling, MA 01564
SSN / ITIN: xxx-xx-8419

dba**Nemco**represented by **Laird J. Heal**

Laird J. Heal, Esq.
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Assistant U.S. Trustee

Richard King
Office of US. Trustee
446 Main Street
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Trustee

Janice G. Marsh
The Marsh Law Firm, PC
446 Main Street
19th Floor
Worcester, MA 01608
508-797-5500

represented by **Janice G. Marsh**

The Marsh Law Firm, PC
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508-797-5500
Fax : 508-797-5533
Email: janice@marsh.org

Filing Date	#	Docket Text
08/14/2007	<u>1</u>	Chapter 7 Voluntary Petition All Schedules and Statements, Matrix and Disclosure of Attorney Compensation in the Amount of \$500 Filing Fee in the Amount of \$299 Filed by Gailon Arthur Joy. (Heal, Laird) (Entered: 08/14/2007)

08/14/2007	3	Declaration Re: Electronic Filing . filed by Debtor Gailon Arthur Joy (Heal, Laird) (Entered: 08/14/2007)
08/14/2007	4	Exhibit D - Individual Debtor's Statement of Compliance with Credit Counseling Requirement (<i>Certificate will be filed within 15 days</i>). filed by Debtor Gailon Arthur Joy (Heal, Laird) (Entered: 08/14/2007)
08/14/2007	5	Chapter 7 Statement of Current Monthly Income and Means Test Calculation - Form 22A .. filed by Debtor Gailon Arthur Joy (Heal, Laird) (Entered: 08/14/2007)
08/14/2007		Receipt of filing fee for Voluntary Petition (Chapter 7)(07-43128) [misc,volp7] (299.00). Receipt Number 3311896, amount \$ 299.00. (U.S. Treasury) (Entered: 08/14/2007)
08/14/2007		First Meeting of Creditors scheduled on 09/17/2007 at 01:30 PM at Worcester U. S. Trustees Office,446 Main Street,1st Floor. Objections for Discharge due by 11/16/2007. (admin,) (Entered: 08/14/2007)
08/15/2007	6	Certificate of Appointment and Acceptance of Trustee and Fixing of Bond. (ADI) (Entered: 08/15/2007)
08/15/2007	7	Order to Update Re: 1 Voluntary Petition filed by Debtor Gailon Arthur Joy. Certificate of Credit Counseling Due: 8/30/2007. (mbd, USBC) (Entered: 08/15/2007)
08/17/2007	8	BNC Certificate of Mailing. RE: 7 Order to Update Service Date 08/17/2007. (Admin.) (Entered: 08/18/2007)
08/20/2007	9	Court's Notice of 341 sent. (pf, USBC) (Entered: 08/20/2007)
08/22/2007	10	BNC Certificate of Mailing - Meeting of Creditors. RE: 9 Court's Notice of 341 sent Individual No Asset Service Date 08/22/2007. (Admin.) (Entered: 08/23/2007)
08/28/2007	11	Request for Notice by Recovery Management Systems Corporation. (Singh, Ramesh) (Entered: 08/28/2007)
09/11/2007	12	Certificate of Credit Counseling <i>with Certificate of Service</i> (Re: 1 Voluntary Petition (Chapter 7)). filed by Debtor Gailon Arthur Joy (Attachments: # 1 Certificate of Service) (Heal, Laird) (Entered: 09/11/2007)

09/19/2007		Meeting of Creditors Not Held (Marsh, Janice) (Entered: 09/19/2007)
10/04/2007		Meeting of Creditors Held and Examination of Debtor 10-3-07. (Marsh, Janice) (Entered: 10/04/2007)
10/04/2007		Trustee's Report of No Distribution: Trustee has received no property nor paid any money on account of the estate except exempt property, and diligent inquiry having been made, trustee states that there is no nonexempt property available for distribution to creditors. Pursuant to FRBP 5009, trustee certifies that the estate is fully administered and requests that the report be approved and the trustee discharged from any further duties. Trustee has served a copy of this report on debtor(s) counsel or debtor, if pro se.. (Marsh, Janice) (Entered: 10/04/2007)
10/18/2007	13	Notice of Requirement to Complete Course in Financial Management (ADI) (Entered: 10/18/2007)
10/20/2007	14	BNC Certificate of Mailing. RE: 13 Notice of Requirement to Complete Course in Financial Management Service Date 10/20/2007. (Admin.) (Entered: 10/21/2007)
11/08/2007	15	Motion filed by Creditor Three Angels Broadcasting Network, Inc. to Extend Time to Object to Discharge or to Determine the Dischargeability of a Debt with certificate of service (Collins, Joseph) (Entered: 11/08/2007)
11/13/2007	16	Motion filed by Interested Party Danny Lee Shelton, Creditor Three Angels Broadcasting Network, Inc. for Relief from Stay Re: with certificate of service Fee Amount \$150, Objections due by 11/26/2007. (Roumeliotis, George) (Entered: 11/13/2007)
11/13/2007		Receipt of filing fee for Motion for Relief From Stay(07-43128) [motion,mrlfsty] (150.00). Receipt Number 3558047, amount \$ 150.00. (U.S. Treasury) (Entered: 11/13/2007)
11/13/2007	17	Motion filed by Interested Party Danny Lee Shelton, Creditor Three Angels Broadcasting Network, Inc. For Expedited Determination (Re: 16 Motion for Relief From Stay) with certificate of service (Roumeliotis, George) (Entered: 11/13/2007)
11/13/2007	18	Endorsed Order Dated 11/13/07 Granting: 17 Motion filed by Interested Party Danny Lee Shelton, Creditor Three Angels Broadcasting Network, Inc. For Expedited Determination Re: 16

		Motion for Relief From Stay. ALLOWED. AN EXPEDITED HEARING IS SCHEDULED FOR 11/15/07 AT 10:30 A.M. MOVANT TO PROVIDE NOTICE. (mbd, USBC) (Entered: 11/13/2007)
11/13/2007		Hearing scheduled for 11/15/2007 at 10:30 AM Worcester Courtroom 3 - JBR Re: 16 Motion for Relief From Stay filed by Creditor Three Angels Broadcasting Network, Inc., Interested Party Danny Lee Shelton. (mbd, USBC) (Entered: 11/13/2007)
11/13/2007	19	Certificate of Service of Notice of Hearing (Re: 16 Motion for Relief From Stay). filed by Interested Party Danny Lee Shelton, Creditor Three Angels Broadcasting Network, Inc. (Roumeliotis, George) (Entered: 11/13/2007)
11/14/2007	20	Adversary case 07-04173. Complaint by Gailon Arthur Joy against Danny Lee Shelton, Three Angels Broadcasting Network, Inc., John P. Pucci, Jerrie M. Hayes, Gerald S. Duffy, Fierst, Pucci & Kane, LLP., Siegel Brill Greupner Duffy & Foster P.A.. Fee Amount \$0.00 Receipt Number EXEMPT. (Attachments: # 1 Exhibit 1, Motion for Status Conference in Violation of the Automatic Stay# 2 Exhibit 2, Petition in Bankruptcy Case Attached to Motion for Status Conference# 3 Exhibit 3, Letter of Jerrie M. Hayes to Debtor, November 6, 2007# 4 Exhibit 4, Letter of Jerrie M. Hayes to Debtor and Counsel, November 5, 2007# 5 Exhibit 5, Letter of Jerrie M. Hayes to Debtor, November 9, 2007) Nature of Suit(71 (Injunctive relief - reinstatement of stay))(Heal, Laird) (Entered: 11/14/2007)
11/15/2007		Hearing Held and Continued for 11/21/2007 at 9:30 AM Worcester Courtroom 3 - JBR Re: 16 Motion filed by Interested Party Danny Lee Shelton, Creditor Three Angels Broadcasting Network, Inc. for Relief from Stay. (mbd, USBC) (Entered: 11/15/2007)
11/15/2007	21	Order Dated 11/15/07 Regarding 16 Motion filed by Interested Party Danny Lee Shelton, Creditor Three Angels Broadcasting Network, Inc. for Relief from Stay. CONTINUED TO 11/21/07 AT 9:30 A.M. WRITTEN RESPONSE TO BE SUBMITTED NO LATER THAN 4:00 P.M. ON 11/20/07. (mbd, USBC) (Entered: 11/15/2007)
11/16/2007	22	Application filed by Trustee Janice G. Marsh to Employ Janice G. Marsh and The Marsh Law Firm, PC as Attorney with Affidavit and with certificate of service and proposed order. (Marsh,

		Janice) (Entered: 11/16/2007)
11/16/2007	23	Withdrawal of No Distribution Report Trustee Janice G. Marsh.. (Marsh, Janice) (Entered: 11/16/2007)
11/16/2007	24	Motion filed by Trustee Janice G. Marsh to Extend Deadline to Object to Discharge <i>Until 12-14-07</i> with certificate of service (Marsh, Janice) (Entered: 11/16/2007)
11/19/2007	25	Endorsed Order Dated 11/19/07 Granting 24 Motion filed by Trustee Janice G. Marsh to Extend Deadline to Object to Discharge Until 12-14-07. ALLOWED. (mbd, USBC) (Entered: 11/19/2007)
11/20/2007	26	Opposition filed by Debtor Gailon Arthur Joy Re: 16 Motion filed by Interested Party Danny Lee Shelton, Creditor Three Angels Broadcasting Network, Inc. for Relief from Stay Re: with certificate of service Fee Amount \$150, (Heal, Laird) (Entered: 11/20/2007)
11/20/2007	27	Affidavit of Bob Pickle <i>in Support of Opposition to Motion for Relief from the Automatic Stay</i> with certificate of service (Re: 26 Opposition,). filed by Debtor Gailon Arthur Joy (Attachments: # 1 Certificate of Service) (Heal, Laird) (Entered: 11/20/2007)
11/21/2007		Hearing Held Re: 16 Motion filed by Interested Party Danny Lee Shelton, Creditor Three Angels Broadcasting Network, Inc. for Relief from Stay. (mbd, USBC) (Entered: 11/21/2007)
11/21/2007	28	Order Dated 11/21/07 Granting 16 Motion filed by Interested Party Danny Lee Shelton, Creditor Three Angels Broadcasting Network, Inc. for Relief from Stay. See Order for Full Text. (mbd, USBC) (Entered: 11/21/2007)
11/21/2007	29	BNC Certificate of Mailing - PDF Document. RE: 25 Order on Motion to Extend Service Date 11/21/2007. (Admin.) (Entered: 11/23/2007)
11/23/2007	31	BNC Certificate of Mailing - PDF Document. RE: 28 Order on Motion For Relief From Stay Service Date 11/23/2007. (Admin.) (Entered: 11/29/2007)
11/26/2007	30	Endorsed Order Dated 11/26/07 Granting 15 Motion filed by Creditor Three Angels Broadcasting Network, Inc. to Extend

		Time to Object to Discharge or to Determine the Dischargeability of a Debt (1/16/08). ALLOWED. NO OBJECTIONS FILED. (mbd, USBC) (Entered: 11/26/2007)
11/28/2007	32	BNC Certificate of Mailing - PDF Document. RE: 30 Order on Motion to Extend, Service Date 11/28/2007. (Admin.) (Entered: 11/29/2007)
11/30/2007	33	Motion filed by Trustee Janice G. Marsh for Sale of Property Under Section 363 (b) (1) all domain names and (2) all prepetition claims against Three Angels Broadcasting Network, Inc., and its officers, directors and shareholders and employees, including Danny Shelton with certificate of service (Marsh, Janice) Additional attachment(s) added on 12/4/2007 (jk, USBC). (Entered: 11/30/2007)
11/30/2007	34	Motion filed by Trustee Janice G. Marsh to Shorten Notice (Re: 33 Motion to Sell,) (<i>and to Submit Objections to Proposed Sale and Higher Offers</i>) with certificate of service (Marsh, Janice) (Entered: 11/30/2007)
11/30/2007	35	DISREGARD; Notice of Proposed Use, Sale or Lease of Property Outside of the Normal Course of Business.. filed by Trustee Janice G. Marsh (Marsh, Janice) CORRECTIVE ENTRY. Please Disregard. Incorrect Docket Entry. See 33 . Modified on 12/4/2007 (jk, USBC). (Entered: 11/30/2007)
12/04/2007	36	Order Dated 12/3/07 Granting 22 Application filed by Trustee Janice G. Marsh to Employ Janice G. Marsh and The Marsh Law Firm, PC as Attorney. See Order for Full Text. (ach, USBC) (Entered: 12/04/2007)
12/04/2007	37	Endorsed Order Dated 12/4/07 Granting 34 Motion filed by Trustee Janice G. Marsh to Shorten Notice Re: 33 Motion to Sell. ALLOWED. THE DEADLINE TO FILE OBJECTIONS IS SHORTENED TO 12/14/07. A HEARING IS SCHEDULED FOR 12/18/07 AT 11:30 A.M. TRUSTEE TO PROVIDE NOTICE FORTHWITH. (ach, USBC) (Entered: 12/04/2007)
12/04/2007	38	Notice of Intent to Sell All Domain Names and All Prepetition Claims against Thre Angels Broadcasting Network Inc and its officers, directors, shareholders and employees, including Danny Shelton. Hearing scheduled for 12/18/2007 at 11:30 AM Worcester Courtroom 3 - JBR for 33 Motion filed by Trustee Janice G. Marsh for Sale of Property Under Section 363 (b).

		Objections due by 12/14/2007 at 04:30 PM. (ach, USBC) (Entered: 12/04/2007)
12/05/2007	39	Certificate of Service of Notice of Hearing <i>12-18-07 at 11:30 am</i> (Re: 33 Motion to Sell,). filed by Trustee Janice G. Marsh (Attachments: # 1 Appendix #38) (Marsh, Janice) (Entered: 12/05/2007)
12/06/2007	40	BNC Certificate of Mailing - PDF Document. RE: 36 Order on Application to Employ Service Date 12/06/2007. (Admin.) (Entered: 12/07/2007)
12/06/2007	41	BNC Certificate of Mailing - PDF Document. RE: 37 Order on Motion To Limit/Shorten Notice, Service Date 12/06/2007. (Admin.) (Entered: 12/07/2007)
12/11/2007	42	Motion filed by Debtor Gailon Arthur Joy to Dismiss Case (Heal, Laird) (Entered: 12/11/2007)
12/12/2007	43	Objection with certificate of service filed by Trustee Janice G. Marsh Re: 42 Motion filed by Debtor Gailon Arthur Joy to Dismiss Case (Marsh, Janice) (Entered: 12/12/2007)
12/12/2007	44	Endorsed Order Regarding 42 Motion filed by Debtor Gailon Arthur Joy to Dismiss Case. A HEARING ON THE MOTION TO DISMISS WILL BE HELD ON DECEMBER 18, 2007 AT 11:30 A.M. DEBTOR TO GIVE NOTICE AND FILE A CERTIFICATE OF SERVICE. (jk, USBC) (Entered: 12/12/2007)
12/12/2007		Hearing Scheduled for 12/18/2007 at 11:30 AM Worcester Courtroom 3 RE: 42 Motion filed by Debtor Gailon Arthur Joy to Dismiss Case. (jk, USBC) (Entered: 12/12/2007)
12/12/2007	45	Brief/Memorandum <i>and Affidavit</i> In Support of <i>Motion to Dismiss</i> (Re: 42 Motion to Dismiss Case). filed by Debtor Gailon Arthur Joy (Attachments: # 1 Affidavit Gailon Joy's Supporting Affidavit# 2 Certificate of Service) (Heal, Laird) (Entered: 12/12/2007)
12/12/2007	46	Certificate of Service of Notice of Hearing (Re: 42 Motion to Dismiss Case). filed by Debtor Gailon Arthur Joy (Attachments: # 1 Notice of Hearing) (Heal, Laird) (Entered: 12/12/2007)

12/14/2007	47	Objection with certificate of service filed by Debtor Gailon Arthur Joy Re: 33 Motion filed by Trustee Janice G. Marsh for Sale of Property Under Section 363 (b) (1) all domain names and (2) all prepetition claims against Three Angels Broadcasting Network, Inc., and its officers, directors and shareholders and employees, includi (Heal, Laird) (Entered: 12/14/2007)
12/14/2007	48	Affidavit of Bob Pickle <i>In Support of Objection to Trustee's Motion to Sell[#33]</i> (Re: 47 Objection,). filed by Debtor Gailon Arthur Joy (Heal, Laird) (Entered: 12/14/2007)
12/17/2007	49	Objection with certificate of service filed by Creditor Three Angels Broadcasting Network, Inc. Re: 42 Motion filed by Debtor Gailon Arthur Joy to Dismiss Case (Collins, Joseph) (Entered: 12/17/2007)
12/18/2007		Hearing Held and Continued for 1/31/2008 at 10:30 AM Worcester Courtroom 3 - JBR Re: 33 Motion filed by Trustee Janice G. Marsh for Sale of Property Under Section 363 (b) (1) all domain names and (2) all prepetition claims against Three Angels Broadcasting Network, Inc., and its officers, directors and shareholders and employees, including Danny Shelton. (mbd, USBC) (Entered: 12/19/2007)
12/18/2007		Hearing Held Re: 42 Motion to Dismiss Case filed by Debtor Gailon Arthur Joy. (mbd, USBC) (Entered: 12/19/2007)
12/19/2007	50	Order Dated 12/18/07 Regarding 33 Motion filed by Trustee Janice G. Marsh for Sale of Property Under Section 363 (b) (1) all domain names and (2) all prepetition claims against Three Angels Broadcasting Network, Inc., and its officers, directors and shareholders and employees, including Danny Shelton. CONTINUED TO 1/31/08 AT 10:30 A.M. DEBTOR ORDERED TO PROVIDE ALL REQUESTED INFORMATION TO THE CHAPTER 7 TRUSTEE WITHIN 30 DAYS. (mbd, USBC) (Entered: 12/19/2007)
12/19/2007	51	Order Dated 12/18/07 Denying 42 Motion filed by Debtor Gailon Arthur Joy to Dismiss Case. #42 DENIED. (mbd, USBC) (Entered: 12/19/2007)
12/21/2007	52	BNC Certificate of Mailing - PDF Document. RE: 51 Order on Motion to Dismiss Case Service Date 12/21/2007. (Admin.) (Entered: 12/22/2007)

01/14/2008	53	Second Motion filed by Creditor Three Angels Broadcasting Network, Inc. to Extend Time to Object to Discharge or to Determine the Dischargeability of a Debt with certificate of service (Collins, Joseph) (Entered: 01/14/2008)
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PACER Service Center			
Transaction Receipt			
05/22/2009 08:43:52			
PACER Login:	pp2015	Client Code:	
Description:	Docket Report	Search Criteria:	07-43128 Fil or Ent: filed From: 1/1/2007 To: 1/14/2008 Doc From: 0 Doc To: 99999999 Format: html
Billable Pages:	4	Cost:	0.32

2007



Department of the Treasury
Internal Revenue Service

Ex. D

Instructions for Form 990 and Form 990-EZ

Return of Organization Exempt From Income Tax and .. Short Form Return of Organization Exempt From Income Tax Under Section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

Caution: Form 990-EZ is for use by organizations other than sponsoring organizations and controlling organizations defined in section 512(b)(13), with gross receipts of less than \$100,000 and total assets of less than \$250,000 at the end of the year.

Section references are to the Internal Revenue Code unless otherwise noted.

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provide the IRS with the information required by section 6033.

An organization's completed Form 990, Form 990-EZ, and the Form 990-T of 501(c)(3) organizations is available for public inspection as required by section 6104. Schedule B (Form 990, 990-EZ, or 990-PF), Schedule of Contributors, is open for public inspection for section 527 organizations filing Form 990 or Form 990-EZ. For other organizations that file Form 990 or Form 990-EZ, parts of Schedule B may be open to public inspection. See the *Instructions for Schedule B* for more details.

Some members of the public rely on Form 990, or Form 990-EZ, as the primary or sole source of information about a particular organization. How the public perceives an organization in such cases may be determined by the information presented on its return. Therefore, the return must be complete, accurate, and fully describe the organization's programs and accomplishments.

Use Form 990 or Form 990-EZ, to send a required election to the IRS, such as the election to capitalize costs under section 266.

What's New

New annual electronic filing requirement for small tax-exempt organizations. Most small tax-exempt organizations must now file *new* Form 990-N, Electronic Notice (e-Postcard) for Tax-Exempt Organizations Not Required to File Form 990 or 990-EZ. See the IRS website at www.irs.gov and click on the Charities & Non-Profits tab for more information.

Phone Help

If you have questions and/or need help completing Form 990, or Form 990-EZ, please call 1-877-829-5500. This toll-free telephone service is available Monday through Friday.

Purpose of Form

Form 990 and Form 990-EZ are used by tax-exempt organizations, nonexempt charitable trusts, and section 527 political organizations to

Email Subscription

The IRS has established a new subscription-based email service for tax professionals and representatives of tax-exempt organizations. Subscribers

Line 70. Capital Stock, Trust Principal, or Current Funds

For corporations, enter the balance per books for capital stock accounts. Show par or stated value (or for stock with no par or stated value, total amount received upon issuance) of all classes of stock issued and, as yet, uncanceled. For trusts, enter the amount in the trust principal or corpus account. For organizations continuing to use the fund method of accounting, enter the fund balances for the organization's current restricted and unrestricted funds.

Line 71. Paid-In or Capital Surplus, or Land, Bldg., and Equipment Fund

Enter the balance per books for all paid-in capital in excess of par or stated value for all stock issued and uncanceled. If stockholders or others gave donations that the organization records as paid-in capital, include them here. Report any current-year donations the organization included on line 71 in Part I, line 1. Enter the fund balance for the land, building, and equipment fund on this line.

Line 72. Retained Earnings or Accumulated Income, Endowment, or Other Funds

For corporations, enter the balance in the retained earnings, or similar account, minus the cost of any corporate treasury stock. For trusts, enter the balance per books in the accumulated income or similar account. For those organizations using fund accounting, enter the total of the fund balances for the permanent and term endowment funds as well as balances of any other funds not reported on lines 70 and 71.

Line 73. Total Net Assets or Fund Balances

For organizations that follow SFAS 117, enter the total of lines 67 through 69. For all other organizations, enter the total of lines 70 through 72. Enter the beginning-of-the-year figure on line 73, column (A), in Part I, line 19. The end-of-the-year figure on line 73, column (B) must agree with the figure on line 21 of Part I.

Line 74. Total Liabilities and Net Assets/Fund Balances

Enter the total of lines 66 and 73. This amount must equal the amount for total assets reported on line 59 for both the beginning and end of the year.

Parts IV-A and IV-B—Reconciliation Statements

Use these reconciliation statements to reconcile the differences between the revenue and expenses shown on the organization's audited financial statements prepared in accordance with SFAS 117 and the revenue and expenses shown on the organization's Form 990.

If the organization did not receive an audited financial statement for 2007 (or the fiscal year for which it is completing this Form 990) and prepared the return in accordance with SFAS 117, it does not need to complete Parts IV-A or IV-B and should instead enter "N/A" on line a of each Part.

These two Parts do not have to be completed on group returns.

On line **d1** of Parts IV-A and IV-B, include only those investment expenses netted against investment income in the revenue portion of the organization's audited financial statements. Do not include program-related investment expenses or other expenses reported as program service expenses in the audited statement of activities.

Part V-A — Current Officers, Directors, Trustees, and Key Employees

List each person who was a current officer, director, trustee, or key employee (defined below) of the organization or disregarded entity described in Regulations sections 301.7701-1 through 301.7701-3 at any time during the year even if they did not receive any compensation from the organization. If person is listed in Part V-A, then list all of that person's compensation from the organization in Part V-A, whether received as a current officer, as a former officer, or in another capacity (for example, independent contractor).

For purposes of reporting all amounts in columns (B) through (E) in Part V-A, either use the organizations tax year, or the calendar year ending within such tax year.

Enter a zero in columns (B), (C), (D), or (E) if no hours were entered in column (B) and no compensation, contributions, expenses, and other allowances were paid during the reporting period, or deferred for payment to a future reporting period.

Aid in the processing of the organization's return by grouping together, preferably at the end of its list, those who received no compensation. Be careful not to repeat names.

Give the preferred address at which officers, directors, etc., want the Internal Revenue Service to contact them.

Use an attachment if there are more persons to list in Part V-A.

Show all forms of cash and noncash compensation received by each listed officer, director, etc., whether paid currently or deferred.

If the organization pays any other person, such as a management services company, for the services provided by any of its officers, directors, trustees, or key employees, report the compensation and other items in Part V-A as if the organization had paid the officers, directors, etc., directly. Also see Ann. 2001-33, 2001-17 I.R.B. 1137.

A failure to fully complete Part V-A can subject both the organization and the individuals responsible for such failure to penalties for filing an incomplete return. See *General Instruction K*. In particular, entering the phrase on Part V-A, "Information available upon request," or a similar phrase, is not acceptable.

The organization may also provide an attachment to explain the entire 2007 compensation package for any person listed in Part V-A.

Each person listed in Part V-A should report the listed compensation on his or her income tax return unless the Code specifically excludes any of the payments from income tax. See Pub. 525 for details.

Key employee. A *key employee* is any person having responsibilities, powers, or influence similar to those of officers, directors, or trustees. The term includes the chief management and administrative officials of an organization (such as an executive director or chancellor).

A chief financial officer and the officer in charge of the administration or program operations are both key employees if they have the authority to control the organization's activities, its finances, or both.

Column (A)

Report the name and address of each person who was a current officer, director, trustee, or key employee (defined above), during the tax year or, if using the calendar year, at any time during the calendar year or tax year.

Column (B)

In column (B), a numerical estimate of the average hours per week devoted to the position is required for a complete answer. Statements such as "as needed," "as required," or "40+" are unacceptable.

Ex. E

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0010 (June 2002)	FOR FCC USE ONLY
FCC 323		
OWNERSHIP REPORT FOR COMMERCIAL BROADCAST STATIONS		FOR COMMISSION USE ONLY FILE NO. BOA - 20080401BGA
Read INSTRUCTIONS Before Filling Out Form		

Section I - General Information

1.	Legal Name of the Applicant THREE ANGELS BROADCASTING NETWORK, INC.	
	Mailing Address P.O. BOX 220	
	City WEST FRANKFORT	State or Country (if foreign address) IL
	Telephone Number (include area code) 8659865332	ZIP Code 62896 -
	Telephone Number (include area code) 8659865332	E-Mail Address (if available)
	FCC Registration Number: 0008723470	Call Sign WBLC
		Facility ID Number 36691
2.	Contact Representative (if other than Licensee/Permittee) DONALD MARTIN	Firm or Company Name DONALD E. MARTIN, P.C.
	Telephone Number (include area code) 7036422344	E-Mail Address (if available) DEMPC@PRODIGY.NET
3.	Name of entity, if other than licensee or permittee, for which report is filed	
	Mailing Address	
	City	State or Country (if foreign address)
		ZIP Code -
	Telephone Number (include area code)	E-Mail Address (if available)
4.	If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114): <input type="radio"/> Governmental Entity <input type="radio"/> Fee-exempt Report <input checked="" type="radio"/> Other NONCOMMERCIAL NONPROFIT ENTITY <input type="radio"/> N/A (Fee Required)	

Section II - Ownership Information

5.	a. <input checked="" type="radio"/> Biennial b. <input type="radio"/> Transfer of Control or Assignment of License/Permit c. <input type="radio"/> Other		
	d. <input type="radio"/> Amendment to pending application		

for the following stations:

[Enter Station Information]

Station List

This Report is filed for the following stations:

Call Letters	Facility ID Number	Location (City/State)	Class of service
WBLC	36691	LENOIR CITY TN	AM

Call Letters	Facility ID Number	Location (City/State)	Class of service
WDQN-FM	17749	DUQUOIN IL	FM

All of the information furnished in this Report is accurate as of 03/31/2008 *(Date must comply with 47 C.F.R. Section 73.3615(a), i.e., information must be current within 60 days of filing of this report, when 5(a) below is checked.)*

This Report is filed for *(check one)*

6. Respondent is:

- Sole proprietorship
 Not-for-profit corporation
 Limited partnership
 For-profit corporation
 General partnership
 Other

If "Other", describe nature of the respondent in an Exhibit. [Exhibit 1]

7. List all contracts and other instruments required to be filed by 47 C.F.R. Section 73.3613. (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee shall respond.)

[Enter Contract/Instrument Information]

Contracts/Instruments Information

List all contracts and other instruments required to be filed by 47 C.F.R. Section 73.3613. (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject shall respond.)

Description of contract or instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
ARTICLES OF INCORPORATION	NONE	03/01/1985	

Description of contract or instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
BYLAWS	NONE	09/14/1997	

8. Capitalization (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee shall respond.)

[Enter Capitalization Information]

Capitalization

Capitalization (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise excercises de facto control over the subject licensee or permittee shall respond.)

Class of stock (preferred, common or other)	Voting or Non-voting	Number of Shares			
		Authorized	Issued and Outstanding	Treasury	Unissued
NONPROFIT CORPORATION					

9. (a.) List the respondent, and, if other than a natural person, its officers, directors, stockholders and other entities with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in the respondent, list separately its officers, directors, stockholders and other entities with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity. Attach supplemental pages, if necessary.

[Enter Owner Information]

Owner Information

List the respondent, and, if other than a natural person, its officers, directors, stockholders and other entities with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in the respondent, list separately its officers, directors, stockholders and other entities with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity. Attach supplemental pages, if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

1. Name and address of respondent and each party to the respondent holding an attributable interest (if other than individual also show name, address and citizenship of natural person authorized to vote the stock or holding the attributable interest). List the respondent first, officers next, then directors and, thereafter, remaining stockholders and other entities with attributable interests, and partners.
2. Gender (male or female).
3. Ethnicity (check one).
4. Race (select one or more).
5. Citizenship.
6. Positional interest: Officer, director, general partner, limited partner, LLC member, investor/creditor attributable under the Commission's **equity/debt plus** standard, etc.
7. Percentage of votes.
8. Percentage of total assets (equity debt plus).

1. Name and Address	WALTER THOMPSON, N 2747 WALDEN LANE, LAKE GENEVA, WI
---------------------	--

	53147
2. Gender (male or female)	Male
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input checked="" type="radio"/> White
5. Citizenship	US
6. Positional Interest	CHAIRMAN, DIRECTOR
7. Percentage of votes	6.25
8. Percentage of total assets (equity debt plus)	0.00
1. Name and Address	DANNY SHELTON, 2954 NEW LAKE ROAD, WEST FRANKFORT, IL 62896
2. Gender (male or female)	Male
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input checked="" type="radio"/> White
5. Citizenship	US
6. Positional Interest	VICE PRESIDENT, DIRECTOR
7. Percentage of votes	6.25
8. Percentage of total assets (equity debt plus)	0.00
1. Name and Address	MAY CHUNG, 155 MANCHESTER LANE, SAN BERNARDINO, CA 92408
2. Gender (male or female)	Female
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input checked="" type="radio"/> White
5. Citizenship	US
6. Positional Interest	DIRECTOR

7. Percentage of votes	6.25
8. Percentage of total assets (equity debt plus)	0.00

1. Name and Address	BILL HULSEY, P.O. BOX 596, COLLEGEDALE, TN 37315
2. Gender (male or female)	Male
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input checked="" type="radio"/> White
5. Citizenship	US
6. Positional Interest	DIRECTOR
7. Percentage of votes	6.25
8. Percentage of total assets (equity debt plus)	0.00

1. Name and Address	ELLSWORTH MCKEE, 7801 SNOWHILL ROAD, OOLTEWAH, TN 37363
2. Gender (male or female)	Male
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input checked="" type="radio"/> White
5. Citizenship	US
6. Positional Interest	DIRECTOR
7. Percentage of votes	6.25
8. Percentage of total assets (equity debt plus)	0.00

1. Name and Address	CARMELITA TROY, 2627 NOELLYN DRIVE, BERRIEN SPRINGS, MI 49103
2. Gender (male or female)	Female
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input checked="" type="radio"/> Black or African American

	<input type="radio"/> Native Hawaiian or Other Pacific Islander <input type="radio"/> White
5. Citizenship	US
6. Positional Interest	DIRECTOR
7. Percentage of votes	6.25
8. Percentage of total assets (equity debt plus)	0.00
1. Name and Address	LARRY WELCH, 715 SOUTH MULKEY, CHRISTOPHER, IL 62822
2. Gender (male or female)	Male
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input checked="" type="radio"/> White
5. Citizenship	US
6. Positional Interest	DIRECTOR
7. Percentage of votes	6.25
8. Percentage of total assets (equity debt plus)	0.00
1. Name and Address	KENNETH A. DENSLOW, 724 PHILADELPHIA AVENUE, WESTMONT, IL 60559
2. Gender (male or female)	Male
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input checked="" type="radio"/> White
5. Citizenship	US
6. Positional Interest	DIRECTOR
7. Percentage of votes	6.25
8. Percentage of total assets (equity debt plus)	0.00
1. Name and Address	MERLIN FJARLI, 670 MASON WAY, MEDFORD, OR 97501
2. Gender (male or female)	Male

3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input checked="" type="radio"/> White
5. Citizenship	US
6. Positional Interest	DIRECTOR
7. Percentage of votes	6.25
8. Percentage of total assets (equity debt plus)	0.00

1. Name and Address	MOLLIE STEENSON, 400 EAST 9TH, JOHNSTON CITY, IL 62951
2. Gender (male or female)	Female
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input checked="" type="radio"/> White
5. Citizenship	US
6. Positional Interest	DIRECTOR
7. Percentage of votes	6.25
8. Percentage of total assets (equity debt plus)	0.00

1. Name and Address	JAMES W. GILLEY, P.O. BOX 220, WEST FRANKFORT, IL 62896
2. Gender (male or female)	Male
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input checked="" type="radio"/> White
5. Citizenship	US
6. Positional Interest	PRESIDENT, DIRECTOR
7. Percentage of votes	6.25
8. Percentage of total assets (equity debt plus)	0.00

1. Name and Address	GARWIN MCNEILUS, 65742 STATE HWY 56, DODGE CENTER, MN 55927
2. Gender (male or female)	Male
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input checked="" type="radio"/> White
5. Citizenship	US
6. Positional Interest	DIRECTOR
7. Percentage of votes	6.25
8. Percentage of total assets (equity debt plus)	0.00

1. Name and Address	WINTLEY PHIPPS, P.O. BOX 8008, VERO BEACH, FL 32963
2. Gender (male or female)	Male
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input checked="" type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input type="radio"/> White
5. Citizenship	US
6. Positional Interest	DIRECTOR
7. Percentage of votes	6.25
8. Percentage of total assets (equity debt plus)	0.00

1. Name and Address	LARRY ROMRELL, 441 RUSSELVILLE ROAD, FRANKTOWN, CO 80116
2. Gender (male or female)	Male
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input checked="" type="radio"/> White
5. Citizenship	US
6. Positional Interest	DIRECTOR

7. Percentage of votes	6.25
8. Percentage of total assets (equity debt plus)	0.00
1. Name and Address	STAN SMITH, BOX 1000, LILLOCET, BC VOK 1VO CANADA
2. Gender (male or female)	Male
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input checked="" type="radio"/> White
5. Citizenship	CA
6. Positional Interest	DIRECTOR
7. Percentage of votes	6.25
8. Percentage of total assets (equity debt plus)	0.00

1. Name and Address	MAX TREVINO, P.O. BOX 4000, BURLESON, TX 76097
2. Gender (male or female)	Male
3. Ethnicity (check one)	<input checked="" type="radio"/> Hispanic or Latino <input type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input checked="" type="radio"/> White
5. Citizenship	US
6. Positional Interest	DIRECTOR
7. Percentage of votes	6.25
8. Percentage of total assets (equity debt plus)	0.00

(b)	Respondent certifies that equity and financial interests not set forth in response to Question 9(a) are non-attributable.	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A See Explanation in [Exhibit 2]
	(c)	Is the respondent or any party holding an attributable interest in the respondent also the holder of an attributable interest in any other broadcast station or in any cable or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47

C.F.R. Sections 73.3555 and 76.501?	
If "Yes", submit an Exhibit identifying the holder of that other attributable interest, listing the call signs, locations and facilities identifiers of such other broadcast stations, and describing the nature and size of the ownership interest and the positions held in the other broadcast, cable or newspaper entities.	[Exhibit 3]
(d) Are any of the individuals listed in response to Question 9(a) related as parent-child, husband-wife, brothers and sisters?	<input type="radio"/> Yes <input checked="" type="radio"/> No
If "Yes", submit an Exhibit setting forth full information as to the family relationship	[Exhibit 4]
(e) Is respondent seeking an attribution exemption for any officer or director with duties unrelated to the licensee or permittee?	<input type="radio"/> Yes <input checked="" type="radio"/> No
If "Yes", submit an Exhibit identifying that individual by name and title, fully describing that individual's duties and responsibilities, and explaining why that individual should not be attributed an interest.	[Exhibit 5]

SECTION III - CERTIFICATION

I certify that I am PRESIDENT

(Official Title)

of THREE ANGELS BROADCASTING NETWORK, INC.

(Exact legal title or name of respondent)

and that I have examined this Report and that to the best of my knowledge and belief, all statements in this Report are true, correct and complete.

(Date of certification must be within 60 days of the date shown in Question 5, Section II and in no event prior to that date.)

Signature	Date
JAMES W. GILLEY	04/01/2008
Telephone Number of Respondent (Include area code) 8659865332	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits

Exhibit 3

Description: OTHER MEDIA INTERESTS

THREE ANGELS BROADCASTING NETWORK, INC. IS THE LICENSEE OF THE FOLLOWING FM BROADCAST

STATION:

THREE ANGELS BROADCASTING NETWORK, INC. IS THE LICENSEE OR PERMITTEE OF THE FOLLOWING CLASS A TELEVISION STATIONS:

CALL

SIGN	FACILITY ID	LOCATION
W38BQ	67020	HUNTSVILLE, AL
K11TH	67009	NOME, AK
K08MM	57456	BAKERSFIELD, CA
K12OZ	57457	FRESNO, CA
K21DO	67013	PALM SPRINGS, CA
K31FD	11644	BOISE, ID
W07DD	67011	CHAMPAIGN, IL
W15BU	66983	JOHNSTON CITY, IL
W29CI	66996	SALEM, IL
K16EL	74376	DAVENPORT, IA
WFYW-LP	33955	FAIRFIELD, ME
W48CL	67010	GRAND RAPIDS, MI
K14KH	67002	MINNEAPOLIS, MN
W26BB	67006	VICKSBURG, MS
K49FC	67014	ST. LOUIS, MO
K43FO	14302	LAS VEGAS, NV
W06BV	67022	CHARLOTTE, NC
W24CP	70098	DURHAM, NC
K38GL	67008	LAWTON, OK
K32ET	475	CANYONVILLE, OR
K17DU	474	CHRISTMAS VALLEY, OR
K48GC	477	FLORENCE, OR
K48DZ	66987	HERMISTON, OR
K05KI	24571	LAKEVIEW, OR
W21BZ	19439	COLLEGEDALE, TN
W42BY	66999	MEMPHIS, TN
K40FJ	20007	MIDLAND, TX
K14LM	24570	SAN ANTONIO, TX
K41EQ	67004	TEXARKANA, TX
K26GA	67003	TYLER, TX
K25FP	41108	ELLENSBURG, WA
K33EJ	17399	WALLA WALLA, WA
W23BW	67000	MADISON, WI

THREE ANGELS BROADCASTING NETWORK, INC. IS THE LICENSEE OR PERMITTEE OF THE FOLLOWING LOW POWER TELEVISION STATIONS:

CALL

SIGN	FACILITY ID	LOCATION
K52EG	5014	YUMA, AZ
K55GE	14884	LITTLE ROCK, AR
K24GS	14303	BAKERSFIELD, CA
K51ID	129362	CHICO, CA
K39EO	17401	CRESCENT CITY, CA
K03HK	14300	FRESNO, CA
K49IG	130169	YREKA, CA
W50CO	24569	JACKSONVILLE, FL

W59CX	71240	MELBOURNE, FL
W05CO	66995	SARASOTA, FL
K51IN	130171	BONNERS FERRY, ID
K39HZ	128658	CROUCH, ID
K47JK	130174	POCATELLO, ID
K18HQ	130175	SANDPOINT, ID
W18CJ	66998	QUINCY, IL
K42FE	40192	SHREVEPORT, LA
W22DA	25041	FREDERICK, MD
W42CK	25042	HAGERSTOWN, MD
W67CS	28815	SAULT STE. MARIE, MI
K44GH	130185	ALEXANDRIA, MN
K38HG	130192	CORRELL, MN
K44HE	130199	GENEVA, MN
K44HZ	130203	HACKENSACK, MN
K39GT	130207	INTERNATIONAL FALLS, MN
K42JE	130209	LAKE CRYSTAL, MN
K18GF	130211	LITTLE FALLS, MN
K25HN	128653	MIDDLE RIVER, MN
K47JE	130213	OLIVIA, MN
K58GC	67018	ROCHESTER, MN
K51GL	130215	VESTA, MN
K47JC	130216	WADENA, MN
K31IL	130217	WARROAD, MN
K27GX	67012	LINCOLN, NE
K61GA	74377	OMAHA, NE
K17DD	40743	ALBUQUERQUE, NM
W21BW	67024	ELMIRA, NY
W58CX	67021	SARATOGA SPRINGS, NY
W41BQ	67015	ASHEVILLE, NC
K17HG	129452	GRAND FORKS, ND
K69GO	14883	TULSA, OK
K57GP	24573	BROOKINGS, OR
K63FR	74375	GLIDE, OR
K02PK	476	JOHN DAY, OR
K08NP	129182	JOHN DAY, OR
W44CK	67005	BAYAMON, PR
K32FW	129373	PIERRE, SD
K34GM	129300	PIERRE, SD
W26BE	72218	CHATTANOOGA, TN
W14CX	17784	KNOXVILLE, TN
WJNK-LP	30257	NASHVILLE, TN
K34DW	67023	PROVO, UT
W22CS	130222	WINDSOR, VT
K39DL	67007	MOSES LAKE, WA
K26GV	130223	OMAK, WA
K21HL	132732	PATAROS, WA
K54DU	66989	RICHLAND, WA
K68DL	66997	SEATTLE, WA
K05JO	66991	SUNNYSIDE, WA
K58DL	66980	YAKIMA, WA
W04CS	57590	CRANDON, WI
W30BU	66981	GREEN BAY, WI
W02CF	57590	MINOCQUA, WI

W31BA 57592 MINOCQUA, WI

ELLSWORTH MCKEE, A DIRECTOR OF THE CORPORATION, IS A TRUSTEE OF SOUTHERN ADVENTIST UNIVERSITY, LICENSEE OF NONCOMMERCIAL STATION WSMC-FM, COLLEGEDALE, TENNESSEE (FAC #61269).

MAX TREVINO, A DIRECTOR OF THE CORPORATION, IS CHAIRMAN OF THE BOARD OF TRUSTEES OF SOUTHWESTERN ADVENTIST UNIVERSITY, LICENSEE OF NONCOMMERCIAL FM STATION KJCR (FAC #61585) AND LPTV STATION KGSW-LP (FAC #20628), BOTH KEENE, TX.

KENNETH DENSLOW IS THE PRESIDENT OF THE ILLINOIS ASSOCIATION OF SEVENTH-DAY ADVENTISTS, LICENSEE OF THE FOLLOWING FM TRANSLATOR STATIONS: W264AZ (FAC #141915), DAHINDA, IL; W280DL (FAC #141895), DUNLAP, IL; AND W282AO (FAC #141941), CANTON, IL.

Attachment 3

Ex. F

OMB No 1545-0047

Form **990**

Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

2007

Open to Public Inspection

Department of the Treasury
Internal Revenue Service

The organization may have to use a copy of this return to satisfy state reporting requirements

A For the 2007 calendar year, or tax year beginning 2007, and ending 2007

B Check if applicable:
 Address change
 Name change
 Initial return
 Termination
 Amended return
 Application pending

C Name of organization: ASI Missions, INC
 Number and street (or P O box if mail is not delivered to street address) Room/suite: 12501 OLD COLUMBIA PIKE
 City or town, state or country, and ZIP + 4: SILVER SPRING, MD 20904

D Employer identification number: [REDACTED]

E Telephone number: (301) 680-6450

F Accounting method: Cash Accrual
 Other (specify) _____

G Website: ASIMINISTRIES.ORG

H and **I** are not applicable to section 527 organizations
H(a) Is this a group return for affiliates? Yes No
H(b) If "Yes," enter number of affiliates: _____
H(c) Are all affiliates included? Yes No
 (If "No," attach a list. See instructions.)
H(d) Is this a separate return filed by an organization covered by a group ruling? Yes No
I Group Exemption Number: _____

J Organization type (check only one) 501(c) 3 (insert no) 4947(a)(1) or 527

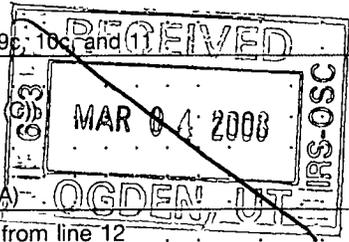
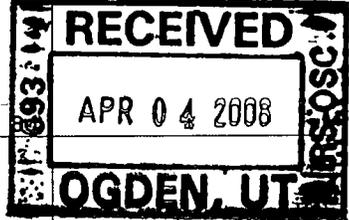
K Check here if the organization is not a 509(a)(3) supporting organization and its gross receipts are normally not more than \$25,000. A return is not required, but if the organization chooses to file a return, be sure to file a complete return.

L Gross receipts. Add lines 6b, 8b, 9b, and 10b to line 12: _____

M Check if the organization is not required to attach Sch. B (Form 990, 990-EZ, or 990-PF)

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (See the instructions.)

Revenue	1 Contributions, gifts, grants, and similar amounts received:			
	a Contributions to donor advised funds	1a	<u>2,717,490</u>	
	b Direct public support (not included on line 1a)	1b		
	c Indirect public support (not included on line 1a)	1c		
	d Government contributions (grants) (not included on line 1a)	1d		
	e Total (add lines 1a through 1d) (cash \$ _____ noncash \$ _____)	1e	<u>2,717,490</u>	
	2 Program service revenue including government fees and contracts (from Part VII, line 93)	2		
	3 Membership dues and assessments	3		
	4 Interest on savings and temporary cash investments	4	<u>74,320</u>	
	5 Dividends and interest from securities	5		
	6a Gross rents	6a		
	b Less: rental expenses	6b		
c Net rental income or (loss). Subtract line 6b from line 6a	6c			
7 Other investment income (describe: _____)	7			
Revenue	8a Gross amount from sales of assets other than inventory	(A) Securities	(B) Other	
	b Less: cost or other basis and sales expenses	8a	8b	
	c Gain or (loss) (attach schedule)	8c		
	d Net gain or (loss). Combine line 8c, columns (A) and (B)			
	9 Special events and activities (attach schedule). If any amount is from gaming, check here <input type="checkbox"/>			
Revenue	a Gross revenue (not including \$ _____ of contributions reported on line 1b)	9a		
	b Less: direct expenses other than fundraising expenses	9b		
	c Net income or (loss) from special events. Subtract line 9b from line 9a	9c		
Revenue	10a Gross sales of inventory, less returns and allowances	10a	<u>244,435</u>	
	b Less: cost of goods sold	10b	<u>257,221</u>	
	c Gross profit or (loss) from sales of inventory (attach schedule). Subtract line 10b from line 10a	10c	<u>-12,786</u>	
Revenue	11 Other revenue (from Part VII, line 103)	11		
	12 Total revenue. Add lines 1e, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11	12	<u>2,779,024</u>	
Expenses	13 Program services (from line 44, column (B))	13		
	14 Management and general (from line 44, column (C))	14		
	15 Fundraising (from line 44, column (D))	15		
	16 Payments to affiliates (attach schedule)	16		
	17 Total expenses. Add lines 13 and 14, column (A)	17		
Net Assets	18 Excess or (deficit) for the year. Subtract line 17 from line 12	18		
	19 Net assets or fund balances at beginning of year (from line 73, column (A))	19		
	20 Other changes in net assets or fund balances (attach explanation)	20		
	21 Net assets or fund balances at end of year. Combine lines 18, 19, and 20	21		



SCANNED MAY 16 2008

917-18 112

04-531100-21-0000	Sharley - Expense	\$46,435 38
04-531100-21-0020	Sharley Trust Appropriation	\$653,500 00
04-571200-11-2030	Evangelism Geaphics -- DVD	\$117,330 44
04-581300-13-0070	ASI Youth Evangelism Initiative	\$18,500 00
04-581300-13-0360	Train Them Now DVDs	\$141,550 06
04-581400-14-0080	Black Hills Health & Education Center	\$3,860 36
04-581400-14-0480	2006 Youth for Jesus	\$13,697 22
04-581410-15-0410	Overflow Offering - It Is Written - Impact India 2006	\$116,561 82
04-581420-16-0000	ASI Youth for Jesus - 2006	\$190,000 00
04-581420-16-0020	A Door of Hope Ministries	\$5,000 00
04-581420-16-0030	Advent Home Youth Services	\$5,000 00
04-581420-16-0050	Asian Aid Organization	\$20,000 00
04-581420-16-0060	Association Baraka Senegal	\$7,500 00
04-581420-16-0070	Country Life Ministries	\$5,000 00
04-581420-16-0090	Eden Garden Orphanage	\$12,500 00
04-581420-16-0100	Eden Valley Institute	\$11,500 00
04-581420-16-0120	Family Development International	\$22,500 00
04-581420-16-0130	Frontline Builders	\$21,000 00
04-581420-16-0150	Global Vessels Inc	\$10,000 00
04-581420-16-0160	Gospel Outreach (Bhutan)	\$5,400 00
04-581420-16-0180	Gospel Outreach (Sunderban Islands)	\$20,500 00
04-581420-16-0230	Living Springs Overseas Missions	\$15,000 00
04-581420-16-0240	Middle Tennessee School of Anesthesia	(\$5,000 00)
04-581420-16-0270	New Life Health Center	\$15,000 00
04-581420-16-0280	Shelter From The Storm, Inc	\$10,000 00
04-581420-16-0310	Three Angels Broadcasting Network	\$50,000 00
04-581420-16-0320	Twing Association for Health, Evangelism and Education Devel	\$23,000 00
04-581420-16-0330	VITA SALUS (Portuguese Association for Preventive Medicine)	\$25,000 00
04-581420-16-0340	Wildwood Sanitarium	\$50,000 00
04-581420-16-0380	Overflow Offering Picture Rolls / DVD Project	\$46,863 73
04-581420-16-0450	2006 Bank or Credit Card Exp	\$2,047 56
04-581425-17-0005	Advent Home Youth Services, Inc	\$37,500 00
04-581425-17-0010	Adventist Southeast Asia Projects - youth evangelism	\$20,000 00
04-581425-17-0015	Adventist Southeast Asia Projects - Literacy schools	\$5,000 00
04-581425-17-0020	Chinese Ministries International	\$10,000 00
04-581425-17-0030	Council on Religious and Civil Liberty - Haiti	\$12,500 00
04-581425-17-0040	Daystar Adventist Academy	\$12,500 00
04-581425-17-0050	E A Sutherland Educational Association	\$5,000 00
04-581425-17-0060	Eden Garden Orphanage	\$25,000 00
04-581425-17-0070	Family Development International	\$10,000 00
04-581425-17-0080	Fanantenana	\$4,000 00
04-581425-17-0090	Frontline Builders	\$5,000 00
04-581425-17-0100	General Youth Conference	\$25,000 00
04-581425-17-0110	God's Helping Hands, Inc	\$10,000 00
04-581425-17-0150	Heritage Academy	\$9,500 00
04-581425-17-0160	In His Service Amanan, Inc	\$12,500 00
04-581425-17-0170	Laurelbrook Sanitarium and School, Inc	\$12,500 00
04-581425-17-0180	Lifestyle TV (Sweden)	\$10,000 00
04-581425-17-0190	Miracle Meadows School	\$5,000 00
04-581425-17-0200	Missionary Assistance Program (MAP)	\$30,000 00
04-581425-17-0220	National Association for the Prevention of Starvation (NAPS)	\$22,500 00
04-581425-17-0230	Nigeria Destitutes Program	\$25,000 00
04-581425-17-0240	OCI Latin America	\$10,000 00
04-581425-17-0250	Oklahoma Academy	\$25,000 00
04-581425-17-0260	Ouachita Hills Academy	\$12,500 00
04-581425-17-0270	People of Peru Project	\$12,500 00
04-581425-17-0280	Peru Projects, Inc	\$2,500 00
04-581425-17-0290	Project Patch	\$10,000 00
04-581425-17-0310	Riverside Farm Institute	\$25,000 00
04-581425-17-0330	Springs of Life Foundation	\$5,000 00
04-581425-17-0340	Three Angels' Broadcasting Network	\$75,000 00
04-581425-17-0350	Weimar Institute	\$25,000 00
04-581425-17-0360	Your Story Hour	\$20,000 00
04-581425-17-0450	2007 Projects - Credit Card Exp	\$1,636 56

\$2,211,883.13



Part V-A ASI Missions Inc.—Current Officers, Directors, and Key Employees—2007

(A) Name/Address	(B) Title & Avg. hrs per week devoted to position	(C) Compensation (if not paid, enter 0)	(D) Contributions to employee benefit plans & deferred compensation plans	(E) Expense account and other allowance
Tom Evans 12501 Old Columbia Pike Silver Spring MD 20904-6601	Director, half hour per week	0	0	0
Don Schneider 12501 Old Columbia Pike Silver Spring MD 20904-6601	Director, half hour per week	0	0	0
Harold Lance 5711 Robinson Creek Rd Ukiah CA 95482	President/Chair, ten hours per week	0	0	0
Terry Anderson 15669 El Dorado Larkspur CO 80118	Director, half hour per week	0	0	0
Dan Houghton 1169 E Mission Rd Fallbrook CA 92028-2231	Director, half hour per week	0	0	0
Ellsworth McKee PO Box 750 Collegedale TN 37315	Director, half hour per week	0	0	0
Rusty McKee 4211 Stratton Ln Ooltewah TN 37363	Director, half hour per week	0	0	0
Denzil McNeilus 102 S Broadway Rochester MN 55904	Vice-president, ten hours per week	0	0	0
 Garwin McNeilus 65742 State Hwy 56 Dodge Center MN 55927	Director, half hour per week	0	0	0
Volker Schmidt 2170 Christian Rd Lexington KY 40509-4303	Director, half hour per week	0	0	0
Carroll Shoffner PO Box 10 Morris OK 74445-0010	Director, half hour per week	0	0	0
Jane Sines 108 Lifestyle Way Benton TN 37307	Director, half hour per week	0	0	0
 Stan Smith Box 100 Lillooet BC V0K 1V0 CANADA	Director, half hour per week	0	0	0
Halvard Thomsen 12501 Old Columbia Pike Silver Spring MD 20904-6601	Director, half hour per week	0	0	0
Blondel Senior 900 County Road 950 Calhoun TN 37309-5150	Director, half hour per week	0	0	0
Ron Christman 12501 Old Columbia Pike Silver Spring MD 20904-6601	Treasurer, twenty hours per week	0	0	0
Deborah Young 1925 Ridgeview Ypsilanti MI 48198-9514	Director, half hour per week	0	0	0

Stewardship Canada Funders Directory

O. J. Jacobson Foundation - Grants

Funded by O. J. Jacobson Foundation

(this funder profile may be out of date)

Contact Information

Stan Smith

Treasurer

PO Box 100

Lillooet , British Columbia

V0K 1V0

Canada

Phone: (250) 256-7535

Fax: (250) 256-5428

Geographic Focus: Canada Wide

Funder Type: Not Specified

Who is eligible: Not Specified

Description of Funding Priorities

Kinds of projects to be funded:

The purpose of the Foundation is to fund and promote educational programs and activities that aid medical work, and to support environmental concerns.

Interests include:

Christian Religious Education

Emergency Shelters

Environmental Problems

Medical Research

Missions & Missionaries

Poverty Relief

Seventh-Day Adventists

Geographic scope is Canada-wide.

Applying

How to make contact

Please submit an initial query letter, including a description of your proposal, outlining objectives, scope, expected results, preliminary budget and time frame. Full proposals must be invited by the Foundation.

Online Form: Not Specified

Funding Range

Minimum

\$5000 - \$10,000

Maximum

\$100,000 - or more

Historical Average

None Specified

Application Deadlines

MichaelPrewitt.com

Bits of this and that

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« The Covenantal Nature of Special Relationships
MacHeist 3 Bundle »

Musical Chairs for Board Members (With Photoshop)

Published by Michael on March 27, 2009 in Creative and Photos.

Tags: 3ABN, graphic design, photography, Photoshop.

For a magazine project I am working on now, I had to update a photograph of our board members, to reflect changes that have occurred since the original photograph was taken.

The original photo was shot in 2007, I believe. Even then, not all of the then-current board members were available at the time of the photo shoot. I arranged for one of my coworkers, Kenton Rogers, to take one photo without the missing members, who were added later when they were able to come and sit for a photo.

The original photo:



Kenton later added the missing members:



Unfortunately, that edited version was never published, because we had to postpone publishing the magazine into which it would have been inserted.

This year we started working on the magazine again. However, the members of the board had changed over the years. We could not get everyone together for another photo shoot, so we had to update the photo that we already had. It was necessary to remove four members, and add one. But since the photo had not been taken with that end in mind, this step was a little more difficult.

Besides the four deletions and one insertion, it was necessary to move other members to fill the gaps, add missing body parts to the people thus moved, and fill in backgrounds where they had been cut out. (Computer novices may imagine that if you move a person in Photoshop, their hand that was hidden behind a piece of furniture will magically appear, and you will see what was behind them. But, of course, it doesn't work that way. All those things have to be drawn, cloned, or otherwise added.)

The updated version for 2009:



It's not a perfect arrangement, aesthetically. But considering what we had to work with, I think it turned out pretty well!

FEATURE

MAY CHUNG

Ex. I A LIFE OF PURPOSE



May Chung has supported Three Angels Broadcasting Network for many years. In fact, she was one of the earliest supporters we had. She has traveled the world over, finding the needs of the people, and giving generously to meet those needs. Many orphanages, churches, and villages have benefited from her various projects, and she has met with heads of state around the world. But what inspired May to do so much for Jesus? One could imagine that she had benefited from the best Christian upbringing and guidance during her formative years, but nothing could be further from the truth. May's zeal for the Lord's work comes from a deep gratitude for what He has done for her, and her love for her Savior, Jesus Christ.

"I was born in Richmond, Missouri, the youngest of three children," she tells us. "Father had deposited a bag of gold coins in the bank for each of us the day we were born. He had planned a college education for us, and he didn't dream he would die before I was two years old."

Tragedy struck suddenly in her family. "Mother lost everything in months. Through all my early life she would go to court to plead for the gold coins to feed and house us. The court would give her a pittance at a time. We three children lived in misery with her!"

Just when things couldn't seem to be any worse, life for her became even more bleak. "Mother took up with the local sheriff, who became violent when drunk. Earlier than I can remember, I had planned to run away, see California, and end my life. However, before I died I wanted to know if there

was a God. God was only a swear word at our house, yet I wondered if there could be a God."

Even though her young life was so bleak, the Lord found a way to plant a seed in her mind. She tells that she has a bright memory from when she was six years old. "My first-grade teacher had each child say a Bible verse daily. She said, 'If you pray, God will hear and answer your prayers.' I tried it. My family laughed. But the words, 'God hears your prayers' stayed in my mind."

May left home when she was 14, running away with her best friend. Together they had a total of perhaps \$7.50. "Leaving gave me a feeling of freedom," she says. "We caught a ride with a European count in his brand-new, red convertible. Later we rode with a kindly truck driver who insisted on buying us din-

ner. There were many wonderful people who were kind and helpful."

Her adventures took her many places. She worked along the way in a carnival, in a Mormon nursing home, and even as a cook, making mountains of mashed potatoes on a ranch in Nevada. But eventually she and her friend were picked up in Wyoming, and when her mother was notified, May found out that her sister had moved to California. When May was released, she decided to move there, but life seemed no better, despite the kindness of her sister and brother-in-law. She continued to be plagued by thoughts of suicide, and still she searched for a God she could



May Chung was one of the earliest financial supporters of 3ABN. Her tireless efforts on behalf of this ministry, and long years of service on 3ABN's board of directors, have endeared her to all of us who know her.

“NIGHT AFTER NIGHT I WEPT, PLANNING HOW BEST TO END THE FIASCO OF LIFE. WHERE WAS GOD?”

understand.

Her search took her to numerous churches. At one she met a Christian minister who seemed offended at her questions. “He knew nothing of what happens to us after death, and seemed to have thoughtless

the Bible that painted a pic-

ture of perfect love. When she asked them about what had happened to her father after he died, they showed her that the Bible teaches he is in a death-sleep, not being tortured in purgatory or hell.

“It was almost dark when I started home, and my feet barely seemed to touch the ground!” she relates. “Joy transformed the world, and my head was dazed with the goodness of the universe — there was a loving God behind the mystery, after all. I felt I was truly walking on air. I couldn’t wait to tell my sister, Jean.”

She also visited a Catholic Church, where the priest was sympathetic and gentle. But when she studied their views of purgatory and hell, they seemed at odds with the God of love in the Bible. Feeling hopeless, she sank into a life of risk-taking and despair. “Night after night I wept, planning how best to end the fiasco of life. Where was God?” she kept asking.

Then she met her new neighbors. She admired them, and asked them many questions. Instead of giving her their opinion, they showed her verses in

persuaded me that we should marry when we were of age and then go to Hawaii as missionaries. There we saw the desperate need for a hospital in Kailua. We fought a long, hard battle. It was 13 years before the doors were opened at Castle Medical Center,” but together they began a wonderful life of service.

Then tragedy struck again. Her husband and five others were killed in a small plane accident. May and her children were devastated emotionally and financially. “Our income had stopped, but our debts had not. There were times when my burdens seemed heavy, indeed. At the time of my husband’s death, I didn’t realize that he had mortgaged everything we owned, and borrowed even more,” she says.

Faced with an enormous burden, she made a radical decision. “When I realized that I was liable for half of his debt — which was in the millions of dollars — I told the Lord, ‘I will never own another thing again.’ I turned my financial problems over to Him, and He has never failed me.”

Soon she realized that not only had God supplied her

needs, He also had given her the means to be a blessing to many others in the coming years! “When you turn your money over to the Lord, suddenly He becomes liable,” she says. “He manages it well. I have given away millions of dollars, and for every million I’ve given, the Lord has replaced it with another million. When it becomes His money, He takes care of it!”

“God has promised to bless us abundantly here on earth if we will minister to the least of His brethren,” she says. May is characteristically outspoken about this subject. “Go. Sell. Give! Too many Christians think they can send a minister. Such duties cannot be delegated. Seventy-five percent of the Africans do not have a safe water supply, yet a well to supply a whole village can be had for \$10,000! In the Philippines families starve. Farms can be had and people helped in many places. It is the Christians’ lot to face these needs. We can say, ‘I am only one, but I am one. I can’t do everything, but I can do something. What I can do by the grace of God, I will do.’”

Through the years, May has





Top: May's *Commandments* the 3ABN Send 1 Year she interviewed Gerry Mahn, founder of Law By Choice For Freedom.

Below: May has traveled with Gerry Mahn to many countries, presenting a beautifully framed copy of God's Ten Commandments to presidents and heads of nations around the world.

where she interviews ordinary people who are doing extraordinary work for the Lord.

Another project that is near and dear to her heart is called Law By Choice For Freedom. After meeting founder Gerry Mahn, May has traveled to distant lands with him, helping to fulfill his dream of presenting a beautifully framed copy of the Ten Commandments to presidents and heads of nations all over the world. "I've been blessed to hand-deliver the Ten Commandments to leaders in 16 countries," she says. "But perhaps the most memorable one was when we presented the Ten Commandments to the president of Nicaragua.

'Oh,' he said, 'this solves all my problems — all my national, international, community, and family problems. I never thought of the Ten Commandments like this.'

God has blessed this incredible woman with favor in the eyes of these leaders. Her stories have amazed us for many years, and we truly love this lady who has dedicated her life to spreading the good news of Jesus Christ to the whole world. ■

TESTIMONY

Never Too Old to Learn

by Berni Denslow

Arlene Jankens struggled with many adversities in her 87 years of life, but her faith in God and regular attendance at her Lutheran church sustained her through them all. Polio at 17 months left her with a deformed foot and a bad limp. She battled cancer for ten years, and as a result, lost a portion of her face, lost her hair permanently, and underwent 15 surgeries. Her husband, Erhard, was legally blind for 44 years during which she was both his chauffeur and his eyes. Then she broke her hip in October 2002, and almost died after the surgery. She also became legally blind due to wet macular degeneration. Sadly, after 64 years of marriage, Erhard died of congestive heart failure. At this point, one might imagine that Arlene must have felt like she was enduring the trials of Job!

Meanwhile, her son, Tom, and his wife, Maxine, had both been raised in the Lutheran faith, but Maxine had puzzled many years over questions about the Sabbath, what happens after death, and the book of Revelation. She questioned why God had put a book in the Bible if it wasn't meant to be understood.

One day after earnestly pleading with the Lord, she received a booklet in the mail. It was a condensed version of Ellen White's *The Great Controversy*. Many years went by, and Maxine's spiritual hunger continued to grow. Convinced of the need to worship on Sabbath, she and her husband began looking for a Sabbath-keeping church. They even looked up information on the beliefs of Seventh-day Adventists in their local library.

When they finally began attending their local church, it wasn't



Berni Denslow and her husband, Al, travel extensively with our 3ABN production team as volunteers.



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Project Offering 2007



2007 Projects —Contributions received will fund the projects listed. The overflow offering will go to the *Train Them Now* initiative.

(Pictured: a little boy at Eden Garden Orphanage in Haiti)

ADVENT HOME YOUTH SERVICES INC.

\$75,000.00

This residential care program for boys ages 12-16 with ADHD, learning or behavior problems, needs improved staff housing. Funding will help to build homes for families who live and work at AH to encourage longer tenure and thus a more significant contribution to the program.

ADVENTIST SOUTHEAST ASIA PROJECTS

\$40,000.00

The youth evangelism training program in Vietnam, Thailand, Laos and Cambodia will be expanded. An additional 150 Vietnamese college-age students will be trained; and 1.19 acres of land will be purchased in Vietnam for a training site.

ADVENTIST SOUTHEAST ASIA PROJECTS

\$10,000.00

Cambodian literacy schools teach children and women at risk of being sold into the slave trade how to read, write and know Jesus. Within the slums in Phnom Penh a meal program will be implemented—fifty students attending the literacy school will receive one hot meal a day. Additional Feed & Read projects will be incorporated into the literacy schools in other areas.

CHINESE MINISTRIES INTERNATIONAL

\$20,000.00

The New Horizon Training Institute in China is the only Adventist training institute in 50 years for national Bible workers. A workshop/food industry building will be constructed and a healthy food program developed for hands-on training. Students can use the program at their mission sites.

COUNCIL ON RELIGIOUS AND CIVIL LIBERTY

(Haiti Mission Outreach)

\$25,000.00

Haiti is very poor, with unschooled youth and an 80% unemployment rate. A need exists for truck and auto repair, machine work, electrical and electronic services and refrigeration. The G. R. Institute will offer a certificate in a trade and will teach Christian outreach. A certified journeyman will have no problem securing a good-paying job.

DAYSTAR ADVENTIST ACADEMY

\$25,000.00

A new boys' dormitory will help to meet the needs of a growing school—prospective students have been turned away because of a lack of space. The new cafeteria and girls' dormitory have already produced positive results with increased applications and enrollment.

E. A. SUTHERLAND EDUCATIONAL ASSOCIATION (EASEA)

\$10,000.00

EASEA is an accrediting agency and umbrella organization for self-supporting schools. Funding will be used to hire a person to develop a marketing program to produce added resources for improvement, high standards and quality education among member schools.

EDEN GARDEN ORPHANAGE

\$50,000.00

The second story of the girls' dormitory will be completed with the

funding received from the project offering this year. Expansion of will also be continued as funds allow.

FANANTENANA**\$8,000.00**

The project is entitled Books for All. Books will be printed for health evangelism campaigns in the cities of Madagascar and in the Indian Ocean islands.

FRONTLINE BUILDERS**\$10,000.00**

Frontline Builders works along side the church in remote regions of Central Africa. A headquarters office is needed—for planning, repair of equipment and gathering supplies. It will also serve as an outreach center where agriculture and evangelism training will take place for men and women who will go to unentered territories as missionaries.

GENERAL YOUTH CONFERENCE (GYC)**\$25,000.00****GOD'S HELPING HANDS, INC.****\$10,000.00**

Funding will help to build a medical and dental clinic in Northern Guatemala to provide free health care for the impoverished people. Space will be provided for a meeting room for health classes and evangelistic meetings.

GOSPEL OUTREACH - Canada**\$20,000.00**

The Gospel Outreach Canada sponsorship of 10 Bible workers in Nepal will accomplish a great harvest. In 2006, 190,000 Adventists were baptized in India—in excess of 100,000 of these baptisms were due to the efforts of US and Canada-sponsored Gospel Outreach Bible workers.

GOSPEL OUTREACH - China**\$42,500.00**

The grant will help to provide nearly one-half of the required funding to place the Conflict Series of books along with *Christ's Object Lessons* in every public library in China. The books have good illustrations and attractive binding. It is felt they will be readily received and used.

GOSPEL OUTREACH - Islam**\$32,500.00**

This gift will supply workers for a previously unentered nation in Sudan. A clan of Sabbath-keeping people has been raised. Funding will provide workers to mentor, disciple and help these interested people. No other work by our church exists in this nation at this time.

HEALTH MINISTRIES PROGRAM AT BOGENHOFEN**\$30,000.00**

In September, 2007, Bogenhofen, an Adventist senior college in Austria, will begin to offer a two and a half year health ministries program together with a degree in Medical Massage Therapy. A new extension to the cafeteria will accommodate classrooms and a therapy center.

HEART 'N HOME SEMINARS**\$7,000.00**

Funding will cover training and educational seminars offered in Third World countries for women's ministry and family life. Groups which demonstrate a strong commitment to the mission of the church will be the recipients of these programs. Young people and families all over the world have been blessed by the sharing of the gospel in this way.

HERITAGE ACADEMY**\$19,000.00**

To help meet the demand for Adventist television programming video production is being included in the curriculum. Needed equipment will be purchased to film, produce and edit a variety of programs for various television networks such as 3ABN and HOPE. On-location projects will capture young people in action for God.

IN HIS SERVICE AMIANAN INC.**\$25,000.00**

Focus is on the Amianan, northern province of Luzon in the Philippines. In order to prepare local people for mission work a school is being constructed on the mission campus in Ilocos Norte which already includes a church and a pavilion used for dorm, children's activities, and seminars. Training will begin this summer in the present pavilion.

FAMILY DEVELOPMENT

INTERNATIONAL**\$20,000.00**

Laymen in Africa are enthusiastic about soul winning, but they often lack training. This program will enable Kibidula Training Center to expand lay evangelism instruction in Tanzania as well as to provide the education for four new countries in the East Central Africa Division.

LAURELBROOK SANITARIUM AND SCHOOL INC.**\$25,000.00**

Laurelbrook is the oldest of the self-supporting academies, founded in 1950. The school building will be upgraded to meet current student needs and educational requirements. Former students are serving the Lord all over the world because of the Christian training received here.

LIFESTYLE TV (SWEDEN)**\$10,000.00**

The Gospel has been broadcast via satellite to 5,000,000 viewers across secular Scandinavia for more than a year. Increased production is needed. A make-shift studio in a dining room is serving as a studio—what is needed is a real studio. The grant this year will help make it happen.

MIRACLE MEADOWS SCHOOL**\$10,000.00**

The administration/school building will be enlarged with a 4,800 square foot major expansion to provide more classrooms, office space and an open reception area. MMS has grown—this expansion will help to better serve the youth and their families.

MISSIONARY ASSISTANCE PROGRAM (MAP)**\$60,000**

MAP helps provide modest financial support to those who have left the comforts of home to serve abroad. It also provides financial assistance for those visiting home on furlough—for some it would be impossible to come home to see family and friends without this help.

MOLDOVA HEALTH AND PREVENTIVE MEDICINE CENTER**\$20,000.00**

Funding will aid in the construction of an evolving health center and health ministry in Moldova Republic. Three former communist youth summer camp buildings will form the Sanitarium complex—one a kitchen, dining room and medical treatment rooms; one for patient housing; the third, staff living quarters.

NATIONAL ASSOCIATION FOR THE PREVENTION OF STARVATION**\$25,000.00**

Many have been baptized in Angola as a result of evangelism, and two churches are urgently needed. The churches to be built will give a sense of belonging to the members. Learning to know Christ brings people from abject poverty and ignorance to live more decent lives.

NIGERIA DESTITUTES PROGRAM**\$25,000.00**

This project includes building homes for the widows, orphans and homeless in Nigeria where the need is so great—doing something in the name of Christ which they cannot do for themselves. This is evangelism in reality and evangelism in action.

OCI LATIN AMERICA**\$20,000.00**

Funds will be used for Health Expo materials and equipment to establish an ongoing ministry with the Conferences and local churches in Colombia; and to support a full-time Bible worker for two years to follow up evangelism connected to the Health Expos. The hope is to make this a permanent program.

OKLAHOMA ACADEMY**\$50,000.00**

Oklahoma Academy celebrated its twenty-fifth year of operation last year. As the years have passed some of the trailers used for housing have deteriorated and need to be replaced. The grant will be used toward the building of a duplex to help supply much needed staff housing.

OUACHITA HILLS ACADEMY**\$25,000.00**

Ouachita Hills Academy and College is equipping its new auditorium with audio and video recording capabilities. This will facilitate the recording and streaming of quality, Christ-centered content already being produced and will also provide training for young people interested in a new two-year program being offered by the College in media production.

PEOPLE OF PERU PROJECT**\$25,000.00**

The crisis center for abused and abandoned girls has already impacted the lives of many children. A dormitory facility with increased capacity will be built for these girls. The goal is to give the girls a safe, clean, Christian home where they can learn about Jesus.

PERU PROJECTS INC.**\$5,000.00**

The Amazon Lay-Missionary Training School will provide two 3-week training sessions per year for Bible workers along the Ucayali and Amazon rivers. New church leaders will receive the necessary training to guide their new church congregation once the Bible worker moves on.

PROJECT PATCH**\$10,000.00**

Funds received will help to provide electrical power to a remote location outside Goldendale, Washington—500 acres gifted to PATCH—so it can be developed. A program will be designed to offer therapy for families in crisis. The facility will also be available for programs for gifted and talented children.

RADIO 74 INTERNATIONALE**\$10,000.00**

Volunteers for this lay-operated radio ministry work in cramped quarters—less than 800 square feet. A studio building will be built which can also house key volunteer staff. Industrial land is also to be purchased for FM, microwave and transmission antennas.

RIVERSIDE FARM INSTITUTE**\$50,000.00**

This grant will help to build a classroom and renovate the inadequate dormitory for male students at Riverside. Evangelistic materials for Bible workers will be provided; and a structure will be remodeled for use as a gym by the Lifestyle Center.

SPRINGS OF LIFE FOUNDATION**(Poland)****\$10,000.00**

NEWSTART has been very effective here. A new project is to set up a network of health clubs as an "entering wedge" where sharing the Gospel is difficult. Funding will provide advertising materials and the development of health presentations to equip lay people to share the health message.

THREE ANGELS' BROADCASTING NETWORK**\$150,000.00**

A current challenge for 3ABN is inadequate operating space—it has outgrown the physical capacity of the Call Center, seriously taxing the capability to meet viewers' needs of services. Funding will provide help to add 13,000 square feet of operating space.

WEIMAR INSTITUTE**\$25,000.00**

The campus chapel project will include a new front lockable entrance and exterior paint. The platform will be enlarged. An HVAC system and audiovisual system will be installed along with new windows, carpet and seating. New blinds and fresh paint will modernize the interior.

YOUR STORY HOUR (Chas tvoeogorasskaze on Russian Radio)**\$20,000.00**

An entire network of 30 stations located in key Russian markets will air Your Story Hour in an excellent Saturday morning time slot—with a potential audience of 25 million people. The funds will allow the programs to be modified to the requested 25 minutes, making programming available for 18 months.

YOUTH FOR JESUS**\$190,000.00**

The youth evangelism program began in Louisville in early spring with the arrival of Bible workers whose purpose was discovering Bible study interests. Your offerings will support this exciting ongoing youth program which culminates in evangelistic meetings at several sites in convention host cities just prior to each year's convention.

OVERFLOW OFFERING**DVD EVANGELISM — Train Them Now****Initiative**

Train Them Now is a joint effort of the General Conference and ASI to utilize lay members to train and equip other lay members to conduct evangelistic meetings using the multiple translations of the New Beginnings



DVD with contextualized pictures.

Among the projects – top, campus of the school for Chinese Ministries International; bottom row from left, the extension to the cafeteria for Bogenhofen's health program; youth evangelism in Southeast Asia; training will take place here for students in Haiti learning a trade.

The convention program will contain a colorful array of pictures depicting all of this year's projects!



motions should be dismissed.

ARGUMENT

Pursuant to Federal Rule of Civil Procedure 26(b), the scope of discovery permitted in civil litigation is quite broad:

Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence. Fed. R. Civ. P. 26(b)(1).

In the absence of privileged information, Federal Rule of Civil Procedure 26(b) does not limit the discovery of otherwise confidential or private information.

Further, the U.S. Supreme Court has determined that bank records are "business records of the bank," not the private papers of a party, that the "issuance of a subpoena to a third party does not violate" a party's rights, and that a party possesses "no Fourth Amendment interest in the bank records that could be vindicated by a challenge to the subpoenas":

There is no legitimate "expectation of privacy" in the contents of the original checks and deposit slips, since the checks are not confidential communications, but negotiable instruments to be used in commercial transactions, and all the documents obtained contain only information voluntarily conveyed to the banks and exposed to their employees in the ordinary course of business.

United States v. Miller, 425 U.S. 435, 445 (1976).

Various courts have repeatedly cited and applied the above case:

Accordingly, the bank customer has no inherent right to assert ownership, possession, or inferentially, control over the release of a bank's records of his transactions. . . . Nothing in the Act [Financial Privacy Act], however, shields the records from discovery in a civil suit. . . .

Absent a claim of privilege, a party has no standing to challenge a subpoena to a nonparty.

Clayton Brokerage Co. v. Clement, 87 F.R.D. 569, 571 (D. Md. 1980).

Since Plaintiff Shelton has not made or demonstrated a claim of privilege in the information contained in the business records of the bank, he lacks standing to challenge a subpoena to a non-party, and his motions should therefore be dismissed.

If it be argued by Plaintiff Shelton that his motions should not be dismissed because DLS Publishing, Inc. is not a party to the underlying suit, let it be pointed out that DLS Publishing, Inc. has not brought the motions in question, and that therefore Plaintiff Shelton still lacks standing to bring the motions in question before this court.

Moreover, Plaintiff Shelton in his memorandum acknowledges that MidCountry Bank intends to comply with the subpoena. Since MidCountry Bank is the owner of the business records in question, it is MidCountry Bank that should file a motions to quash or for a protective order or for a special master, not Plaintiff Shelton. Yet MidCountry Bank, after careful review by their attorney, has chosen to comply with the subpoena.

CONCLUSION

While Plaintiff Shelton's Memorandum spends more than a page arguing that Plaintiff Shelton has standing to bring the motions in question before this Court, it fails to make or demonstrate a claim of privilege. The motions should therefore be dismissed since, absent a claim of privilege, Plaintiff Shelton has no standing to bring the motions in question before this Court.

Respectfully submitted,

Dated: February 15, 2008

s/ Robert Pickle, pro se
Robert Pickle, *pro se*
Halstad, MN 56548
Tel: (218) 456-2568
Fax: (206) 203-3751

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

IN RE: OUT OF DISTRICT SUBPOENA,
ROBERT PICKLE,

Case No. 1:08-mc-0003

vs

Grand Rapids, Michigan
June 16, 2008
10:02 a.m.

REMNANT PUBLICATIONS, INC.,

Respondent.

HON. RICHARD A. ENSLEN

DEFENDANT'S MOTION TO COMPEL
BEFORE THE HONORABLE ELLEN S. CARMODY
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

In Pro Per: Mr. Robert Pickle (by phone)
1354 County Highway 21
Halstad, MN 56548
(218) 456-2568

In Pro Per: Mr. Gailon Arthur Joy (by phone)
P. O. Box 1425
Sterling, MA 10564
(978) 422-3525

For the Respondent: Mr. Charles R. Bappert
Biringner Hutchinson Lillis Bappert
& Angell, PC
100 W. Chicago Street
Coldwater, MI 49036
(517) 279-9745

1 Grand Rapids, Michigan

2 Monday, June 16, 2008 - 10:02 a.m

3 THE COURT: Good morning. Would counsel please put
4 your appearance on the record?

5 MR. BAPPERT: Your Honor, I'm Charles Bappert, and
6 I'm the attorney for the respondent to the subpoena Remnant
7 Publications, a Michigan corporation.

8 THE COURT: And how do you spell your last name, Mr.
9 Bappert?

10 MR. BAPPERT: B as in boy, A, P-P as in pepper, E-R-T
11 like Tom.

12 THE COURT: Just like it sounds.

13 MR. BAPPERT: Yes.

14 THE COURT: All right. Do I have Mr. Pickle on the
15 line?

16 MR. PICKLE: Yes, this is Bob Pickle.

17 THE COURT: Anyone else?

18 MR. JOY: Yes. This is Gailon Arthur Joy.

19 THE COURT: And who do you represent, Mr. Joy?

20 MR. JOY: Myself, ma'am.

21 THE COURT: Oh, okay, all right, okay.

22 Now, as I understand it this involves -- the
23 underlying suit involves an action for defamation; is that
24 correct, Mr. Pickle?

25 MR. PICKLE: That is correct, your Honor.

1 THE COURT: All right. Now, and you, as I understand
2 it, have issued the subpoena to Remnant. Can you tell me a
3 little bit about how you think Remnant is involved in this?

4 MR. PICKLE: Well, plaintiff Danny Lee Shelton has
5 been accused a number of times of applying creative ways of
6 channeling assets and revenue from Three ABN to himself and to
7 members of his family.

8 And I guess one of the biggest examples of this kind
9 of thing was this Ten Commandments Twice Removed book campaign in
10 like the first half of 2006.

11 Remnant was the publisher for that book. They had
12 printed Danny Shelton's books prior to that. Three ABN collected
13 the shipping, 25 cents a book for 4.8 million copies of this
14 book, and turned that over to Remnant is our understanding.

15 They were invoiced like \$3 million, around three
16 million, and what we are told is that Remnant then paid royalties
17 in some way through some channel to Danny Shelton.

18 THE COURT: And the idea being that these royalties
19 should have gone to TABN?

20 MR. PICKLE: Well, see, I'm a publisher myself and,
21 you know, royalties would go to whoever owns the rights to the
22 book. So I've never made any claim and I don't believe Mr. Joy's
23 ever made any claim that royalties, you know, in the technical
24 sense of the term should have gone to Three ABN.

25 There's a number of ways that somebody can make money

1 from books. Now, Three ABN founded a kind of a publishing
2 imprint of their own in July of 2004. Three ABN Books, it's
3 called.

4 And, you know, somebody looking on from outside would
5 think, well, then Danny Shelton, rather than publishing his own
6 books using his own personal publishing companies and then later
7 using Remnant, why not have Three ABN books publish the book and
8 then Three ABN could make the profit off the book instead of the
9 publisher, instead of Danny Shelton, Three ABN publishing company
10 instead of Remnant.

11 So there's a couple different issues. One issue
12 would be who is making the profit on the book and another issue
13 would be who is making the royalty on the book.

14 THE COURT: Okay.

15 MR. JOY: Your Honor --

16 THE COURT: And when was this book initially
17 published?

18 MR. PICKLE: Well, Anti-Christ Agenda is the original
19 book and that was published in late 2004 by DLS Publishing.

20 THE COURT: Anti-Christ Agenda?

21 MR. PICKLE: That's correct.

22 THE COURT: And that was published in 2004?

23 MR. PICKLE: Late 2004, yes, by DLS Publishing which
24 was a corporation that Danny Lee Shelton had incorporated.

25 THE COURT: All right.

1 MR. PICKLE: And then the Ten Commandments Twice
2 Removed book is an excerpt of that.

3 THE COURT: And what do the events in the complaint,
4 what time period does that cover?

5 MR. PICKLE: Pardon me, your Honor?

6 THE COURT: Well, there's usually a pretty tight
7 statute of limitations on defamation claims. What time period is
8 covered by the complaint to which you are defendants?

9 MR. PICKLE: Oh, well, Mr. Joy and myself didn't
10 become involved until mid-August of 2006, so I would assume that
11 then the complaint is targeting whatever we have said from that
12 point forward.

13 THE COURT: All right. Well, I think I noted that
14 Mr. Bappert stated that your subpoena was for an eight-year
15 period.

16 Is that correct, Mr. Bappert?

17 MR. BAPPERT: Yes, your Honor, going back to try to
18 corral contracts and invoices and royalty payments and documents
19 that cover that period of time.

20 THE COURT: I guess I'm not sure, Mr. Pickle, what
21 relevance documents going back eight years could have if these
22 events simply arose in 2006.

23 MR. PICKLE: Okay, that's not quite -- okay, you
24 mentioned statute of limitations and I believe that would affect
25 -- that would kick in regarding what we had investigative

1 reporters reporting, so there'd be a statute of limitations
2 prohibiting Danny Shelton and Three ABN from suing us after a
3 certain stated period of time.

4 But the allegations that we raised could go back, you
5 know, ten years.

6 The complaint raises the issue of -- accuses us of
7 defamation per se which then rolls the burden of proof to some
8 degree upon us instead of just being a simple defamation case.

9 And it's doing that on two basic things from what I
10 can tell. It's accusing us of saying that Three ABN board
11 members violated the Internal Revenue Code by enriching
12 themselves, and that Danny Shelton did not -- that he perjured
13 himself in his divorce proceedings which would -- to me from what
14 I can tell would point to a financial affidavit that he filed in
15 July of 2006.

16 So what we're trying to do is we're trying to
17 demonstrate a pattern of behavior on the part of Danny Shelton
18 that he did, in fact, engage in private inurement of over a
19 period of time --

20 THE COURT: Let me -- private what? I didn't catch
21 the second word -- private --

22 MR. PICKLE: Private

23 THE COURT: Private what?

24 MR. PICKLE: Inurement.

25 THE COURT: Okay.

1 MR. PICKLE: So that's where he is enriching himself
2 with revenue that's coming from a non-profit organization.

3 THE COURT: Have you sought this information from the
4 plaintiffs in this case?

5 MR. PICKLE: Well, as far as like the information,
6 specific information we're trying to get from Remnant, in that
7 particular case Three ABN doesn't have, based on what our sources
8 have said, Three ABN doesn't have the information because Danny
9 tried to hide this information from them.

10 Nick Miller, former board member of Three ABN, the
11 former general counsel, said that Danny was hiding this royalty
12 information from his own board.

13 THE COURT: All right.

14 I'm going to hear from Mr. Bappert now in terms of --
15 it seems to me, Mr. Bappert, this information, at least some of
16 it, is relevant. I guess I have no idea what quantity is
17 involved. I don't know how your client keeps their records.

18 You know, a lot of systems you could just plug in the
19 title of the book and bring up all the records and so I don't
20 know, one of your claims is it's overly burdensome and I just --
21 I'd like to hear more about that.

22 MR. BAPPERT: Your Honor, should I speak at this
23 microphone?

24 THE COURT: Yes, please.

25 And, Mr. Pickle and Mr. Joy, I should have told you

1 at the outset if there's anything that's said that you cannot
2 hear, please let us know that.

3 MR. PICKLE: Thank you, your Honor.

4 MR. BAPPERT: Your Honor, the relevance question is
5 still contained within the discovery rights which Mr. Pickle and
6 Mr. Joy have in terms of Mr. Shelton is a plaintiff in this
7 matter also.

8 And the answer to your question about whether they
9 had tried to get these materials from Three ABN not being
10 available is answered positively by they've been trying to get
11 these materials from Mr. Shelton himself.

12 And the court in Massachusetts has not addressed the
13 question of relevancy but has put in a protective order for the
14 governance of discovery claimed to be confidential and
15 proprietary as to the parties themselves and third parties which
16 would include Remnant --

17 THE COURT: Okay.

18 MR. BAPPERT: -- under the assumption that the
19 requested information would be put under seal and mailed to the
20 magistrate in Massachusetts for an evaluation presumably of this
21 relevance once the proper motion is made. And I believe Three
22 ABN and Mr. Shelton are making that motion on the grounds that
23 the matters are not relevant.

24 As to the responding to your question I believe that
25 the information that they're seeking from Remnant would be

1 relating to contracts and monies paid to Mr. Shelton for various
2 things and works that he performed with Remnant Publication.

3 THE COURT: Right.

4 MR. BAPPERT: That identical information would be
5 available through discovery not maybe from Three ABN but
6 certainly from Mr. Shelton himself who is the plaintiff in this
7 matter.

8 Consequently, the search for that material through
9 Remnant's files is duplicative and it is burdensome because there
10 are boxes and boxes and boxes and boxes of files that relate to
11 more than a dozen corporations, more than a dozen corporations
12 and more than a dozen individuals, all ledgers, all contracts,
13 all payment matters, all this and all that, and it certainly is
14 not narrowly tailored for one thing.

15 If the Court were so inclined to order that we did
16 produce documents relevant to Mr. Shelton himself I would ask
17 that their order be in support of the protective order sought in
18 Massachusetts or obtained in Massachusetts whereby those
19 materials would be mailed under seal to the magistrate in
20 Massachusetts for an evaluation at some point here soon, I
21 believe, of their relevance.

22 THE COURT: That seems like a reasonable method to
23 proceed, Mr. Pickle. What do you think of that?

24 MR. PICKLE: Well, we've got a couple different
25 problems with that.

1 Number one, you know, we don't know for sure how
2 Danny Shelton funnelled his money. Just to give you one example,
3 one possibility that I'm toying with.

4 In his July 2006 affidavit, which he failed to report
5 any income outside his salary from Three ABN; in other words, he
6 did not report any royalty from the 4.8 million books that had
7 been distributed the first part of that year, he reported having
8 a mortgage loan from Merlin Farley of 200,000.

9 Now, Merlin Farley is one of his board members. Now,
10 Merlin Farley had a private foundation and they're required to
11 file Form 990PF with the Internal Revenue Service which had been
12 publicly available. It wasn't, based on the 990PF, there was a
13 \$200,000 loan paid out not by Merlin Farley but by the Farley
14 Foundation.

15 Now, so at the end of 2004 there was a loan out to
16 somebody for 200,000. At the end of 2005 the loan, according to
17 the 2005 990PF per the Farley Foundation was down to 150,000, and
18 yet six months, a little over six months later, Danny is
19 reporting on his affidavit that it's still 200,000.

20 Now, at the end of 2006 that loan, that mortgage, was
21 down to zero. So one possibility is that Remnant didn't pay the
22 royalties to Danny; they instead paid them to the Farley
23 Foundation to pay off this mortgage.

24 Now, my co-defendant, Mr. Joy, he doesn't favor that
25 theory but that's one possibility. We don't know how this money

1 was channeled.

2 Okay, now, as far as the other issue that Mr. Bappert
3 brought up, we've had a lot of obstructionism by the plaintiff.
4 They're trying to say that everything we're asking for is
5 irrelevant which is just absurd.

6 Now, they did file a motion for protective order last
7 January, December 18, asking for a confidentiality order, and
8 that was handed down on April 17th. And I would suggest that Mr.
9 Bappert and Remnant just take advantage of that confidentiality
10 order in order to keep everything confidential and prevent
11 disclosure of confidential business and financial information.

12 But as Mr. Bappert has acknowledged the plaintiff has
13 not filed a motion yet in Massachusetts asking for another
14 protective order. And this case was filed at the beginning of
15 April of last year and discovery deadlines, our first deadline is
16 already passed.

17 Now, we've asked for an extension of the dateline for
18 serving requests to produce interrogatories, written discovery,
19 but the talking about trying to limit the scope of discovery at
20 this point, it just seems absurd. And some of the ways that
21 they're trying to limit it, they're actually trying to gut their
22 own complaint without amending their complaint. Things that are
23 clearly relevant in the complaint, they would like to eliminate.

24 But they haven't filed a motion yet. And so it seems
25 to me it would be not appropriate for another district outside of

1 where the case is venued to command documents be put under seal
2 in accordance or in compliance with an order that hasn't been
3 issued from a motion that hasn't even been filed yet.

4 So I would suggest that the Court here just order
5 these documents to be produced in terms of, you know, subject to
6 the confidentiality order that's already in place.

7 THE COURT: What objection do you have to that, Mr.
8 Bappert?

9 I mean, it seems to me, I mean, I don't have
10 obviously the background that the judge in Massachusetts would
11 have or plaintiff's counsel or the pro se defendants in terms of
12 what it is that -- it's my understanding though they're trying to
13 prove that truth is a defense to a defamation charge and they're
14 trying to prove that at least some if not all the things that
15 they said were actually true.

16 And it seems to me that this chain of money and where
17 it went and to whom may be highly relevant.

18 MR. BAPPERT: Your Honor, it's a fishing expedition
19 because they have made statements of fact, alleged statements of
20 facts, and not produced their own documentary evidence or
21 witnesses in support of such matters.

22 They're bloggers and I would argue that they do not
23 have an investigative journalist privilege. They're heavily with
24 innuendo, these matters are heavy with innuendo, and they haven't
25 come forward with their own facts. It's essentially like being

1 accused of defamation going out on the street and asking people
2 if they have any information that might help them.

3 If they don't have the information they're not going
4 to get it from anybody else. And when Mr. Pickle was referring
5 to that foundation my first instinct would be to say what's the
6 relevance of that.

7 However, I know what the relevance is, and the
8 relevance is that there are a finite number of donors that are
9 out there for religious organizations to make the contributions
10 to 501c3 such as Remnant Publication and Three ABN.

11 And that list and the monies they give would be
12 exposed in an uncarefully tailored order or an uncarefully
13 disclosed set of documents relating to Three ABN or Danny
14 Shelton.

15 No harm would come to anybody in this matter if the
16 order of the Massachusetts court is followed and the documents
17 that are sought are sent under seal for an evaluation of their
18 loans.

19 THE COURT: As I understand it, first of all, I don't
20 understand that Remnant Publishing would have donor lists. I can
21 understand why that would be sensitive but I don't know why they
22 would have those donor lists. Do they?

23 MR. BAPPERT: Well, they are -- they're Seventh Day
24 Adventists as are Mr. Pickle and Mr. Joy, I believe. And the
25 Three ABN is, I believe, a Seventh Day Adventist group as well.

1 And they work cooperatively with each other for the disclosure of
2 -- or not disclosure but for the use of the same money, they go
3 after the same dollar.

4 THE COURT: That wouldn't be Remnant Publishing
5 though.

6 MR. BAPPERT: Well, are you saying that Remnant
7 Publications should give up anything that they have on Danny
8 Shelton?

9 THE COURT: Well, it sounds like it may be relevant
10 to their theories. I have no idea whether their theories are
11 true or have any legs. There's no way for me to determine that.

12 But it sounds to me like it may be relevant to the
13 theory, so what I'm trying to probe from you is two things
14 really. How burdensome really is this and, secondly, is there
15 information that you think would be confidential assuming it's
16 subject to the protective order that's already in place?

17 MR. BAPPERT: Yes, I do think it's confidential. I
18 mean, if it is subject to the protective order, fine, that --

19 THE COURT: Because, you know, Mr. Shelton, he
20 brought this lawsuit --

21 MR. BAPPERT: Yes.

22 THE COURT: -- so he, from my point of view, waives
23 at least a certain amount of confidentiality. I am loath to send
24 documents to another magistrate judge in-camera, and I don't even
25 know how many documents there are, you've referred to boxes.

1 MR. BAPPERT: Well, if they were allowed to come to
2 the warehouse where the storage is contained and rummage through
3 these things looking for Lord knows what, that would be, in my
4 opinion, burdensome and duplicative. They're seeking the same
5 information from Mr. Shelton himself.

6 THE COURT: But their whole theory is that Mr.
7 Shelton has not always been forthcoming. I have no idea whether
8 that's true or not. It may not be true.

9 MR. JOY: Your Honor?

10 THE COURT: Maybe he would be forthcoming --

11 MR. JOY: Your Honor?

12 THE COURT: -- but the theory is that he has not
13 always been. And so it seems to me that they are entitled to try
14 to seek verifying information or information that shows he's not
15 forthcoming from other sources.

16 MR. JOY: Your Honor?

17 MR. BAPPERT: Your Honor, I could assemble Shelton
18 references documents and put them in an envelope and I would ask
19 the Court that that envelope be sent to Massachusetts for this
20 very determination. That is the case. That's where the case is
21 being handled, and presumably that's what the purposes of the
22 protective order are.

23 THE COURT: How many documents do you think -- you
24 know, I'm confused here because as I understand it there's a
25 protective order in place but plaintiffs have not yet moved for

1 an in-camera review by a magistrate judge; is that correct?

2 MR. JOY: That's correct, your Honor.

3 MR. BAPPERT: I believe that is true and it's being
4 filed in a matter of days or hours.

5 THE COURT: Okay. Well, what I will do is, I mean,
6 you said Shelton referenced documents. Obviously the subpoena is
7 broader than that.

8 MR. BAPPERT: Well, that would be certainly
9 burdensome and a fishing expedition does incorporations that have
10 nothing to do with --

11 THE COURT: Okay. Okay. This is what I'm going to
12 do with this, gentleman. I'm going to order that --

13 MR. PICKLE: Your Honor, could I respond to that?

14 MR. JOY: And I would like to as well, your Honor.

15 THE COURT: Who is speaking?

16 MR. PICKLE: Defendant Pickle.

17 THE COURT: All right. You may respond.

18 MR. PICKLE: Okay. The corporations that are listed
19 in the subpoena are, I guess to put it over-simply, are like
20 d/b/a's of the plaintiffs. And Dwight Hall, I'm certain, knows
21 what entities of Three ABN or Danny Shelton he did business with.

22 And so it's not -- the corporations listed there does
23 not make it burdensome, that's being burdensome. But I had to,
24 you know, I don't know how the money flowed so I had to list the
25 various corporations that they control or that are like d/b/a's

1 to them.

2 THE COURT: You're saying that, for example, that a
3 Brazil corporation and a Russian corporation are real d/b/a's?

4 MR. PICKLE: Well, that's probably not the proper way
5 to put it but those -- if you look at Three ABN's audited
6 financial statements, in the financial statement it mentions the
7 entity in Russia not being a separate legal entity from Three
8 ABN, so it's kind of like an arm of Three ABN.

9 And it mentions the, I believe, the Brazil, Peru, and
10 Philippine corporations as being separate legal entities but
11 Three ABN controls them through the finances that it gives to
12 them. And so there was definitely a foundation for my putting
13 those corporations in there.

14 And Dwight Hall, he should know off the top of his
15 head which ones he's done business with and which ones he hasn't.
16 They're all three ABN; they're all Danny Shelton.

17 MR. BAPPERT: Your Honor, Danny Shelton is either the
18 bad actor or he's not as the Court indicated, and that is the
19 focus -- that should be the focus of any discovery because that
20 is the source of alleged defamation. If they want to get
21 information from corporations in Brazil or Russia or wherever let
22 them do it there or under court order from Massachusetts.

23 THE COURT: Well, what I'm going to do is order that
24 the subpoena -- I'm going to grant the motion to compel in
25 certain respects. I'm going to limit it to Three Angels

1 Broadcasting Network and Danny Shelton.

2 Mr. Pickle and Mr. Joy, that would be without
3 prejudice to your following up with another subpoena if you turn
4 up anything.

5 MR. PICKLE: Now, your Honor --

6 THE COURT: And I'm going to order that those be
7 submitted to the magistrate judge in Massachusetts with a motion
8 by your client that they be reviewed in-camera.

9 MR. BAPPERT: I want to make this clear, of course,
10 Three Angels Broadcasting. Any relationships with Remnant?

11 THE COURT: Right.

12 MR. BAPPERT: And anything with Danny Shelton?

13 THE COURT: Correct.

14 MR. BAPPERT: And it should be put in a box that's
15 sealed and sent to Massachusetts.

16 THE COURT: With a motion to the court in
17 Massachusetts for in-camera review if you believe that -- if you
18 truly believe it's not relevant or it contains confidential
19 information. I have a hard time seeing how those two entities,
20 at least, who have chosen to sue these defendants --

21 And, incidentally, Mr. Joy and Mr. Pickle, the only
22 reason I allowed you to appear by phone is that you did not
23 choose to be in this lawsuit so it seemed somewhat unfair to me
24 for you to have to come all the way out here.

25 But I'm going to start there and if you think you

1 turn up something that you can persuade me is either relevant --
2 no, is relevant and not unduly burdensome in terms of these other
3 corporations, I will entertain another subpoena.

4 MR. PICKLE: Your Honor?

5 THE COURT: Yes.

6 MR. PICKLE: I did put in my pleading that the local
7 rule for Massachusetts defines parties in such a way as to
8 include, you know, these other entities that an individual,
9 employees, directors, and so forth. Should that not have a --
10 see, so when you say Three ABN by the local rules in
11 Massachusetts that would include the directors, officers, and so
12 forth.

13 THE COURT: Well, you can apply -- you can apply
14 either to this court or to the magistrate judge in Massachusetts
15 for application of that rule. But I don't know, I don't have any
16 information on which to base a decision as to whether these
17 corporations are all intertwined.

18 MR. BAPPERT: Your Honor, is my client entitled to
19 any costs for producing these documents to the magistrate?

20 THE COURT: Well, I think you're going to need to
21 verify those costs and then I will give that consideration. The
22 alternative is for them to come and look for the records
23 themselves.

24 MR. BAPPERT: I object to that.

25 THE COURT: All right.

1 MR. BAPPERT: I'd be happy to mail it up -- send it
2 to the magistrate with the motion.

3 THE COURT: But make sure you bring a motion, too,
4 for in-camera review.

5 MR. BAPPERT: The plaintiffs will.

6 THE COURT: Because I don't want to act like I'm
7 deciding what the magistrate judge --

8 MR. BAPPERT: I understand.

9 THE COURT: -- in Massachusetts needs to do.

10 MR. BAPPERT: And I assume the motion in-camera would
11 be for its appropriate relevance and --

12 THE COURT: Relevance, yes.

13 MR. BAPPERT: -- suitability for discovery.

14 THE COURT: Well, and if you think you have grounds.
15 It's hard for me to see how any documents that a publishing house
16 had with two plaintiffs who have chosen to bring a lawsuit would
17 not be relevant or it would be so proprietary that they would be
18 subject to protection.

19 MR. BAPPERT: Thank you.

20 THE COURT: Anything further, Mr. Joy or Mr. Pickle?

21 MR. JOY: I guess we have to live with that. I think
22 we'll end up coming back for more.

23 THE COURT: I can't hear you.

24 MR. JOY: I said I believe we'll end up coming back
25 for more.

1 THE COURT: Well, we'll have to see about that but
2 I'm going to take it one step at a time. And you could be liable
3 for the costs involved so you may want to give that consideration
4 as well.

5 MR. PICKLE: Well, we were going to handle all the
6 costs by doing all the copying, handling, all that ourselves.

7 THE COURT: Well, he can make, if you want to come
8 out here and you want to corral those documents, Mr. Bappert, and
9 have them review them here, that's fine. If they've offered to
10 do that I would make that offer in writing, gentlemen.

11 MR. PICKLE: One thing, your Honor, there is a
12 confidentiality order in place and, you know, Mr. Bappert said in
13 his pleading that, you know, that there needs to be something in
14 place that keeps this information from being, you know,
15 publicized. There's already that in place.

16 THE COURT: Well, Mr. Pickle, I'm at a disadvantage
17 here because I'm not working on this underlying lawsuit and it's
18 very difficult. Mr. Bappert has challenged the relevance and
19 I've already made clear to him it's very difficult for me to see
20 how they would not be relevant. But if he wants to have the
21 magistrate judge in Massachusetts make that determination I'm
22 just allowing him to go through that effort. If it were me and
23 if I were reviewing these documents and based on what you've told
24 me I would say, yes, they are relevant.

25 MR. JOY: But, your Honor, there's a major issue

1 here. There is currently no relevancy motion pending and we have
2 responded to the issue of relevance in the response.

3 THE COURT: I've already told you I think they are
4 relevant. I've already told Mr. Bappert that.

5 MR. BAPPERT: Your Honor, may I --

6 THE COURT: I don't know why he would want to go to
7 the magistrate judge in Massachusetts for documents that seem to
8 me to be clearly relevant, but if he wants to try to do that I'm
9 going to allow him to do it.

10 MR. JOY: But, your Honor, there's a growing time
11 issue here and the fact is that we have experts that need access
12 to these documents to tie these issues together and that's a
13 major issue here.

14 THE COURT: Well, you're going to have to apply to
15 the magistrate judge in Massachusetts then for an extension of
16 time. If you think there's been obstructionism going on here you
17 should --

18 MR. JOY: Well, we've already done that, your Honor,
19 but the problem is that, you know, the more time we ask for the
20 more obstruction they, you know, they threw up the
21 confidentiality, now they're challenging relevance. There's no
22 question that this stuff is relevant.

23 THE COURT: All right. Well, you may not agree with
24 my decision but that is my decision. I think the subpoena is
25 very broad and you're telling me it's not because all of these

1 corporations are interrelated. I have no way of verifying that
2 or knowing that so I'm going to let you take it a step at a time.

3 MR. BAPPERT: Your Honor, may I send this sealed
4 package to the plaintiffs who will be making the motion or should
5 I send it to Massachusetts?

6 THE COURT: I would rather you send it directly to
7 Massachusetts.

8 MR. BAPPERT: I will do that.

9 THE COURT: Anything further, gentlemen?

10 MR. PICKLE: I can't think of anything, your Honor.

11 THE COURT: All right. Well, so I'm going to grant
12 your motion insofar as it relates to documents concerning either
13 of the plaintiffs in your underlying lawsuit with the proviso
14 that Mr. Bappert may send those to the Massachusetts court and
15 ask for review. I can't imagine that they're not relevant. I've
16 already made that clear to him. All right.

17 MR. PICKLE: Okay.

18 THE COURT: Good day to you, gentlemen.

19 MR. BAPPERT: Thank you.

20 THE COURT: Good day, Mr. Bappert.

21 MR. PICKLE: Thank you, your Honor.

22 (At 10:34 a.m., proceedings adjourned)

23

CERTIFICATE

I, Patricia R. Pritchard, CER 3752, Certified Electronic Court Reporter for the State of Michigan, do hereby certify that the foregoing pages, 1 through 24, inclusive, comprise a full, true and correct transcript, to the best of my ability, of the proceedings and testimony recorded in the above-entitled cause.

August 18, 2008

Patricia R. Pritchard /S/
Patricia R. Pritchard, CER 3752

No. 08-2457

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

**THREE ANGELS BROADCASTING NETWORK, INC.,
an Illinois Non-Profit Corporation;
DANNY LEE SHELTON,**

Appellees,

v.

GAILON ARTHUR JOY and ROBERT PICKLE,

Appellants.

On Appeal from the United States District Court
For the District of Massachusetts
Case No. 07-40098

BRIEF OF THE APPELLEES

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lawsuit for monetary damages, which is consistent with his affidavit. (JA0323-JA-324). Although they relied on his credibility when it suited them, later in the brief they called him “factually challenged” but did not supply any reasons for the epithet. (JA0338). In short, the evidence purporting to show that Thompson lacks credibility was not offered to the district court, and this Court should disregard it.

The district court is expressly authorized to decide motions based on affidavit testimony. Fed. R. Civ. P. 43(c). Where there are conflicting affidavits and a credibility determination is necessary to decide the motion, it may be an abuse of discretion for the district court to decline to allow cross examination of the witnesses. *Boit v. Gar-Tec Products, Inc.* 967 F.2d 671, 676 (1st Cir. 1992). But here, no competing affidavit or evidence was offered to the district court, so there was no credibility contest. Pickle and Joy did not even request to cross-examine the affiant. Therefore, the district court did not abuse its discretion in relying on Thompson’s affidavit.

For the foregoing reasons it is not necessary to examine in detail the appellants’ arguments and purported evidence that Thompson is not credible. But were the Court to consider Pickle and Joy’s offerings, the evidence does not support their argument. In the first place, the evidence was gleaned from affidavits that Pickle and Joy had submitted to the district court in connection with unrelated motions. It was rank hearsay and lacked foundation to begin with. The district

C. The District Court Did Not Err by Granting the Motion Despite Pickle and Joy's Contentions About Bad Faith and Vexatious Conduct.

Pickle and Joy contend that the district court should have agreed with their contentions that 3ABN and Shelton engaged in bad faith and vexatious conduct. Judge Saylor did not abuse his discretion in granting dismissal without expressly ruling on Pickle and Joy's allegations of vexatious conduct for several reasons. First, the evidence did not support such a finding. Pickle and Joy primarily contend that 3ABN and Shelton acted in bad faith by suing them in the first place, and argue strenuously, citing hearsay contained in dozens of foundationless exhibits that were submitted along the way in connection with other motions, that the suit lacked merit. But the actual record demonstrates no bad faith or vexatious conduct on the part of 3ABN and Shelton. *See Puerto Rico Maritime*, 668 F.2d at 50 (upholding dismissal where defendants asserted suit was brought to harass, but where record indicated ample grounds to find plaintiffs' good faith). And contrary to appellants' assertions, the district court was quite familiar with the case (having held six status conferences and one motion hearing) and understood quite well that Pickle and Joy were quick off the mark when it came to accusing people of bad faith and vexatiousness.

Second, the allegations of vexatious conduct specified by appellants are irrelevant to whether the case should have been dismissed. Pickle and Joy

C. The District Court Did Not Err by Not Imposing Terms that Preserve Evidence From Spoliation.

Pickle and Joy argue that the district court should have imposed terms that preserve evidence from spoliation. The arguments they advance to support their claim that spoliation is a danger are unfounded. First, they cite hearsay regarding a billing dispute with 3ABN's former corporate counsel, Nick Miller, in which Miller apparently claimed that his bills had been altered by 3ABN. That matter was not before the district court in this case, or any other case, and has never been adjudicated.

Second, they cite statements from Shelton and one of his current attorneys, Gerry Duffy, that they ordered destruction of "documents pertaining to the IRS criminal investigation." In fact, the statements were to the effect that the IRS had obtained *copies* of pretty much every financial record of 3ABN and Shelton for the audit period, and at the conclusion of the IRS investigation the IRS closed its file and asked whether 3ABN and Shelton wanted the records back or would prefer that they be destroyed. 3ABN and Shelton did not need a second set of these incredibly voluminous records, and has not destroyed the originals.

Throughout the litigation, Pickle and Joy threatened to counterclaim for malicious prosecution, but they allowed the deadline for amending pleadings to expire without making such claims. When Pickle indicated at the hearing on the motion to dismiss that they intended to file a counterclaim, Judge Saylor cut him