

allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to supplement their response upon completion of discovery. Therefore denied.

c. Danny Shelton purchased new furniture with 3ABN funds, put the new furniture in his residence, and put the old furniture from his residence on the 3ABN television set.

Answer of Defendants to 46c: Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to supplement their response upon completion of discovery. Therefore denied.

d. Danny Shelton used 3ABN funds to purchase used furniture from his sister, Tammy Chance, at nearly new prices (enabling Ms. Chance to buy brand new furniture for her home), for use in a 3ABN guest house, but, instead of putting the used furniture in the 3ABN guest house, Mr. Shelton gave the furniture to yet another family member and used 3ABN funds to purchase brand new furniture for the guest house.

Answer of d Defendants to 46d: Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to supplement their response upon completion of discovery. Therefore denied.

e. The 3ABN Board of Directors has failed in its responsibility to

oversee and manage 3ABN's financial assets.

Answer of Defendants to 46e: Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to supplement their response upon completion of discovery. Therefore denied.

f. Danny Shelton laundered money through 3ABN donations to Cherie Peters, in order to make payments that had been expressly prohibited by the 3ABN Board of directors.

Answer of Defendants to 46f: Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to supplement their response upon completion of discovery. Therefore denied.

g. 3ABN Board members have personally enriched themselves as officers and directors of 3ABN in violation of the Internal Revenue Code.

Answer of Defendants to 46g: Defendants do not recall an allegation that Board Members, other than the President, Danny Lee Shelton, have enriched themselves. If it did then it would be that Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to supplement their response

upon completion of discovery. Therefore denied.

h. Danny Shelton wrongfully withheld book royalties from 3ABN and refused to disclose those royalties in proceedings before a court of law related to the distribution of marital assets.

Answer of Defendants to 46h: Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to supplement their response upon completion of discovery. Therefore denied.

Answer of Defendant Pickle to 46h: Defendant Pickle is unaware of any books that 3ABN has written. Therefore denied.

i. Danny Shelton has directed 3ABN Chief Financial Officer Larry Ewing to not answer questions concerning Danny Shelton's personal finances, expenses, bonuses or book royalties in a Family Court proceeding, which was initiated by Linda Shelton regarding division of marital assets and that Mr. Ewing has complied and refused to answer questions posed to him by the Court.

Answer of Defendants to 46i: Defendants do not recall an allegation that Mr Ewing was posed questions by a court. Otherwise, Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to supplement their response upon completion of discovery. Therefore denied.

j. Danny Shelton has used the 3ABN corporate plane for personal uses.

Answer of Defendants to 46j: Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to supplement their response upon completion of discovery. Therefore denied.

k. Danny Shelton spent \$600,000 of 3ABN funds for radio station WDQN without Board approval and paid in excess of its fair market value, which was only \$250,000.

Answer of Defendants to 46k: Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to supplement their response upon completion of discovery. Therefore denied.

46. Each and every one of the statements set forth above is false and Defendants published them with malice, either knowing them to be false or with wanton and reckless disregard for the truth or falsity of the statements.

Answer of Defendants to 47: Plaintiffs are left to their proof that the statements published are untrue, that the defendants knew them to be untrue. Therefore the defendants assert that that the factually challenged statements, or unresponsive statements of the plaintiffs, constitute an absolute defense in fact against the presumption of wanton and reckless

disregard of the truth or falsity of the claims. Therefore denied.

47. Gailon Joy and Robert Pickle have published numerous untrue statements that 3ABN and its President Danny Shelton have committed administrative and operational improprieties at 3ABN and that the organization is not properly or competently managed by its managers, officers, and directors. Among those untrue statements made by Defendants are, *inter alia*, that:

Answer of Defendants to 48: Plaintiffs are left to their proof that the statements published are untrue, that the defendants knew them to be untrue. Therefore the defendants assert that that the factually challenged statements, or unresponsive statements of the plaintiffs, constitute an absolute defense in fact against the presumption of wanton and reckless disregard of the truth or falsity of the claims. Therefore denied.

a. 3ABN engages in nepotism in the hiring and firing of staff.

Answer of Defendants to 48a: If the allegation has been made, Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to supplement their response upon completion of discovery. Therefore denied.

b. 3ABN violated the Federal Equal Opportunity Act by taking adverse employment actions against two whistle-blower employees of 3ABN's Trust Services division.

Answer of Defendants to 48b: Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the



allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to supplement their response upon completion of discovery. Therefore denied.

c. The 3ABN Board of Directors has failed in its responsibility to oversee the governance and administration of the organization.

Answer of Defendants to 48c: If the allegation has been made, Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to supplement their response upon completion of discovery. Therefore denied.

d. Danny Shelton and 3ABN would not permit an ecumenical Seventh-Day Adventist-related, fact-finding tribunal proposed and directed by Adventist-laymen's Services and Industries ("ASI") to investigate all allegations related to the ministry and confined the tribunal to only those allegations involving Linda Shelton's removal and the Shelton's' divorce.

Answer of Defendants to 48d: Defendants note that the terms "ecumenical" and "Seventh-day Adventism" are mutually inconsistent, the first not being a part of the tenets of the second, therefore any allegation contained in the statement is denied. However, if such an allegation was actually made, Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to

supplement their response upon completion of discovery. Therefore denied.

48. Each and every one of the statements set forth above is false and Defendants published them with malice, either knowing them to be false or with wanton and reckless disregard for the truth or falsity of the statements.

Answer of Defendants to 49: Plaintiffs are left to their proof that the allegations are false, that the defendants knew they were false and therefore represent wanton and disregard for the truth or falsity. Therefore, denied by the defendants.

49. Gailon Joy and Robert Pickle have made numerous published untrue statements that 3ABN and its President Danny Shelton acted without grounds in removing Linda Shelton from the 3ABN Board of Directors, that Danny Shelton had no grounds for divorcing Linda Shelton, that 3ABN and Danny Shelton conspired to hide evidence and information concerning the removal and divorce, and that 3ABN and Danny Shelton have lied and made otherwise purposeful misstatements concerning the Shelton's' divorce and Danny Shelton's remarriage. Among those untrue statements made by Defendants are, *inter alia*, that:

Answer of Defendants to 49: Plaintiffs are left to their proof that the statements published are untrue, that the defendants knew them to be untrue. Therefore the defendants assert that that the factually challenged statements, or unresponsive statements of the plaintiffs. constitute an absolute defense in fact against the presumption of wanton and reckless disregard of the truth or falsity of the claims. Therefore denied..

a. Danny Shelton and ASI conspired to exclude Gailon Joy from participating in a fact-finding tribunal regarding Linda Shelton's divorce and removal from 3ABN.

Answer of Defendants to 49a: Admitted inasmuch as Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to supplement their response upon completion of discovery. Therefore denied.

b. Danny Shelton and ASI conspired to prevent various allegations and issues from being included in the fact-finding tribunal.

Answer of Defendants to 49b: Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to supplement their response upon completion of discovery. Therefore denied.

c. It was Danny Shelton that participated in an extra-marital affair by becoming “involved” in “after hours activities” with 3ABN employee Brenda Walsh.

Answer of Defendants to 49c: Defendants do not recall such a specific allegation but inasmuch as it is believed to be inferred, Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to supplement their response upon completion of discovery. Therefore denied.

d. During his marriage to Linda Shelton, Danny Shelton had several inappropriate extra-marital relationships, of which 3ABN staff and board members were aware.



Answer of Defendants to 49d: Defendants do not recall alleging several extra-marital relationships, and in particular not in any publication such as alleged by Plaintiffs, but inasmuch as plaintiffs believe it is inferred, Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to supplement their response upon completion of discovery. Therefore denied.

a. Danny Shelton was preparing to divorce Linda Shelton beginning in 2003.

Answer of Defendants to 49e: Defendants do believe that upon a preponderance of the evidence that was available to the defendants, it be may be inferred, therefore, Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to supplement their response upon completion of discovery. Therefore denied.

f. Danny Shelton conducted an inappropriate relationship with from August 2004 until they were married in 2006, and 3ABN's officers and directors were aware of the relationship.

Answer of Defendants to 49f: Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the allegations or have been factually challenged. Therefore, defendants are without

sufficient evidence upon which to state a fact based response and request the right to supplement their response upon completion of discovery. Therefore denied.

g. Danny Shelton lied by claiming to have joint title with Linda Shelton to a Toyota Sequoia automobile.

Answer of Defendants to 49g: Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to supplement their response upon completion of discovery. Therefore denied.

h. The 3ABN board of directors had no authority to authorize Danny Shelton's adulterous marriage or to allow his continued employment by and direction of 3ABN.

Answer of Defendants to 49h: The defendants alleged conclusion relates to ecclesiastical authority and ecclesiastical foundation. However, Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to supplement their response upon completion of discovery. Therefore denied.

i. Danny Shelton perjured himself through the course of court proceedings relating to his divorce from Linda Shelton.

Answer of Defendants to 49i: Defendants do not recall such an allegation, but inasmuch as the plaintiffs feel it is inferred, Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the

allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to supplement their response upon completion of discovery. Therefore denied.

50. Each and every one of the statements set forth above is false and Defendants published them with malice, either knowing them to be false or with wanton and reckless disregard for the truth or falsity of the statements.

Answer of Defendants to 50: Plaintiffs are left to their proof that the statements published are untrue, that the defendants knew them to be untrue. Therefore the defendants assert that that the factually challenged statements, or unresponsive statements of the plaintiffs constitute an absolute defense in fact against the presumption of wanton and reckless disregard of the truth or falsity of the claims. Therefore denied.

51. Defendants' conduct as heretofore set forth evidences a malicious and purposeful campaign of defamation, slander, and disparagement intended and designed to embarrass, discredit, and defame 3ABN and its President Danny Shelton and to vitiate, dishonor, and impair the reputation and goodwill of 3ABN and its President Danny Shelton.

Answer of Defendants to 51: Plaintiffs are left to their proof that the statements published are untrue, that the defendants knew them to be untrue. Therefore the defendants assert that that the factually challenged statements, or unresponsive statements of the plaintiffs constitute an absolute defense in fact against the presumption of wanton and reckless disregard of the truth or falsity of the claims. Therefore denied.

#### **CAUSES OF ACTION**

**COUNT I: Infringement of Trademark (15 U.S.C. § 1114)**

52. Plaintiffs restate and reallege Paragraphs 1 through 52 above, and hereby incorporate them by reference, as though fully set forth herein.

Answer of Defendants to 52: Defendants leave the plaintiffs to their proof of all prior claims hereto.

53. Plaintiff 3ABN is the creator and proper owner and holder of the trademarks “3ABN” and “Three Angels Broadcasting Network” and has registered the same with the United States Patent and Trademark Office.

Answer of Defendants to 53: Plaintiff is left to their proof that such limited trademarks are applicable to the allegations by plaintiffs. Therefore denied.

54. Defendant Joy has used Plaintiff 3ABN’s Marks in the registered domain names “save3abn.com” and “save3abn.org.”

Answer of Defendants to 54: Denied.

55. Defendant Joy has used Plaintiff 3ABN’s Marks in the internet websites “www.save3abn.com” and www.save3abn.org.

Answer of Defendants: Denied.

56. Defendant Joy has used Plaintiff 3ABN’s Marks in the embedded metatags “3ABN,” “3-ABN,” and “Three Angels Broadcasting Network” on the Infringing Website.

Answer of Defendants: Denied.

57. Defendant Joy has used Plaintiff 3ABN’s Marks in commerce in connection with 3ABN’s provision of ministerial and informational services.

Answer of Defendants: Denied

58. Defendant Joy's use of Plaintiff 3ABN's Marks is without Plaintiffs' authorization, permission, or license, and does not otherwise constitute a permissible use.

Answer of Defendants: Denied

59. Defendant Joy's use of 3ABN's Marks has been willful and deliberate, designed specifically to trade upon the enormous goodwill associated with 3ABN and its 3ABN Marks.

Answer of Defendants : Denied

60. Defendant Joy's unauthorized use of 3ABN's Marks is likely to lead the public to believe the Infringing Website is associated with, sponsored by, related to, affiliated with, or originates with 3ABN when, in fact, it is not.

Answer of Defendants: Denied

61. Plaintiff has been damaged by Defendant Joy's infringement of its "3ABN" Marks, in an amount to be proven at trial, and is entitled to treble damages, costs, and attorneys' fees, pursuant to 15 U.S.C. §1117.

Answer of Defendants : Plaintiff is left to their proof that any damage has been incurred. Defendant denies Infringement. Plaintiffs right to treble damages is denied as they failed to demonstrate that defendants actions were fraudulent, wanton or deliberate.

Plaintiffs claim for costs and attorneys fees are wanton as the action against the defendants is frivolous, without merit and a fraud upon the court.

62. 3ABN's goodwill is of enormous value, and 3ABN will suffer irreparable harm should Defendant Joy's infringement be allowed to continue to the detriment of



3ABN's reputation and goodwill.

Answer of Defendants : Denied

63. Defendant Joy's infringement will continue unless enjoined by this Court and with respect to these continuing violations, Plaintiff has no adequate remedy at law and is therefore entitled to injunctive relief.

Answer of Defendants : Defendants actions do not constitute infringement and are unlikely to be enjoined by the court, therefore, since the Plaintiffs action is frivolous, without merit and a fraud upon the court, Plaintiffs are without a remedy at law and therefore not entitled to injunctive relief.

**COUNT II: Dilution of Trademark (15 U.S.C. §1125(c))**

64. Plaintiff restates and realleges Paragraphs 1 through 64 above, and hereby incorporates them by reference, as though fully set forth herein.

Answer of Defendants : Plaintiff is left to its proof as to all allegations heretofore.

65. Through Plaintiff 3ABN's extensive use of the 3ABN Marks to identify its broadcast ministry, through Plaintiffs' development of goodwill surrounding the Marks by its successful operation and expansion of the broadcast ministry, and through Plaintiffs' promotion and marketing efforts utilizing the Marks, the 3ABN Marks are now recognized worldwide as symbols of a dedicated, principled, Christ-centered ministry that is theologically faithful, operationally sound, and financially conscientious. 3ABN's Marks are famous marks of inestimable value to 3ABN and are relied upon by the public in distinguishing 3ABN from other ministries, broadcasters, and recording producers.

Answer of Defendants : Denied

66. After the 3ABN Marks had become famous, Defendant Joy willfully intended to trade upon 3ABN's reputation and the fame of its Marks by using the Marks in the Infringing Domain, Infringing Website, Directing Website, and Infringing Metatags.

Answer of Defendants : Denied

67. The use and planned use of the 3ABN Marks by Defendant Joy has tarnished and disparaged, and thereby diluted, and is likely to continue to tarnish, disparage, and thereby dilute, the distinctive quality of and goodwill associated with the Marks.

Answer of Defendants : Denied.

68. Defendant Joy's willful dilution of 3ABN's Marks has injured Plaintiff in an amount to be proven at trial.

Answer of Defendants : Plaintiffs are left to their proof. However, since the Plaintiffs action is frivolous, without merit and a fraud upon the court, Plaintiffs are without a remedy at law and therefore not entitled to damages.

69. 3ABN's trademarks are of enormous value, and 3ABN will suffer irreparable harm should Defendant Joy's trademark dilution be allowed to continue to the detriment of 3ABN.

Answer of Defendants : Denied

70. Defendant Joy's dilutive activities will continue unless enjoined by this Court and, with respect to these continuing violations, 3ABN has no adequate remedy at law and is therefore entitled to injunctive relief.

Answer of Defendants : Defendants assert that since the Plaintiffs action is frivolous, without merit and a fraud upon the court, Plaintiffs are without a remedy at law and therefore not entitled to injunctive relief.

**COUNT III: Defamation**

71. Plaintiffs restate and reallege Paragraphs 1 through 71 above, and hereby incorporates them by reference, as though fully set forth herein.

Answer of Defendants : Plaintiff is left to its proof as to all allegations heretofore.

72. Defendants have made numerous false statements of fact with regard to both 3ABN and its President Danny Shelton.

Answer of Defendants : Denied inasmuch as Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to supplement their response upon completion of discovery.

73. Defendants have published those statements on the Internet and at the website "www.save3ABN.com" and have thereby communicated those false statements to someone other than the Plaintiffs.

Answer of Defendants : Plaintiffs are left to their proof that any allegation is in fact false, otherwise admitted.

74. Defendants' false statements refer to Plaintiffs' trade, business and profession, contain false accusations of the commission of a crime by both Plaintiffs, and impute serious misconduct to Plaintiffs 3ABN and Danny Shelton and are therefore

defamatory per se.

Answer of Defendants : Plaintiffs are left to their proof that any allegation is in fact false.

Defendants do not recall drawing a conclusion that any accusation constitutes a criminal offense, but to the degree that Plaintiffs believe it is inferred, Plaintiff is left to their proof that such an allegation constitutes a crime vs a civil action. As to the legal determination that such allegations are defamatory per se, denied.

75. Defendants' false statements were purposefully and maliciously designed and made to embarrass, discredit, and defame 3ABN and its President Danny Shelton and to vitiate, dishonor, and impair the reputation and goodwill of 3ABN and its President Danny Shelton.

Answer of Defendants : Plaintiffs are left to their proof that defendants statements were, in fact, false, that there were maliciously designed, and inasmuch as said statements were made Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to supplement their response upon completion of discovery. Therefore denied.

76. Defendants' false statements have tended to and have in fact harmed the reputation and goodwill of both 3ABN and its President Danny Shelton, and have served to lower 3ABN and President Danny Shelton in the estimation of the community.

Answer of Defendants : Plaintiffs are left to their proof that defendants statements were false. Defendants are without sufficient proof to know if the statements made have done

harm and therefore, plaintiff Danny Lee Shelton is left to his proof. Therefore denied.

77. As a direct and proximate result of the damage done to Plaintiffs' reputations by Defendants' defamatory and disparaging statements, viewers have ceased support of the ministry and donors have reduced or stopped donations to 3ABN.

Answer of Defendants : Denied. Defendant re-assert that it was the actions of the Plaintiff Danny Lee Shelton, either undisciplined, endorsed or allowed by affirmation of the Board of Directors of 3ABN that resulted in the possibility, either real or imaginary, that viewers have ceased support of the ministry and donors have reduced or stopped donations to 3ABN. Therefore denied.

**COUNT IV: Intentional Interference With Advantageous Economic Relations**

78. Plaintiffs restate and reallege Paragraphs 1 through 78 above, and hereby incorporate them by reference, as though fully set forth herein.

Answer of Defendants : : Plaintiff is left to its proof as to all allegations heretofore.

79. Defendants have made numerous false statements of fact with regard to both 3ABN and its President Danny Shelton.

Answer of Defendants : Plaintiff is left to its proof that any statement is false, but inasmuch as such a statement was made, Defendants are publishing an allegation that is a restatement of a protected source or sources. Plaintiffs have been unresponsive to the allegations or have been factually challenged. Therefore, defendants are without sufficient evidence upon which to state a fact based response and request the right to supplement their response upon completion of discovery. Therefore denied.

80. Defendants have published those statements in an effort to discredit 3ABN



and its President Danny Shelton and in order to cause present and prospective viewers and donors to the ministry to discontinue their financial support of the ministry.

Answer of Defendants : Denied. Defendant re-assert that it was the actions of the Plaintiff Danny Lee Shelton, either undisciplined, endorsed or allowed by affirmation of the Board of Directors of 3ABN that resulted in the possibility, either real or imaginary, that viewers have ceased support of the ministry and donors have reduced or stopped donations to 3ABN.

81. Defendants have intentionally interfered, tortiously and/or with improper motive or means, with 3ABN's present and prospective advantageous economic relationships with viewers and donors.

Answer of Defendants : Denied. Defendant re-assert that it was the actions of the Plaintiff Danny Lee Shelton, either undisciplined, endorsed or allowed by affirmation of the Board of Directors of 3ABN that resulted in the possibility, either real or imaginary, that viewers have ceased support of the ministry and donors have reduced or stopped donations to 3ABN.

82. As a direct and proximate result of Defendants actions, viewers and donors have discontinued their financial support of the ministry.

Answer of Defendants : Denied. Defendant re-assert that it was the actions of the Plaintiff Danny Lee Shelton, either undisciplined, endorsed or allowed by affirmation of the Board of Directors of 3ABN that resulted in the possibility, either real or imaginary, that viewers have ceased support of the ministry and donors have reduced or stopped donations to 3ABN.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury for all issues so triable.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs respectfully pray:

1. That judgment be entered in favor of Plaintiffs and against Defendants for all claims in Plaintiffs' Complaint on the grounds that Defendants have knowingly and willfully infringed upon and diluted Plaintiffs' trademarks, have willfully and maliciously defamed plaintiffs, and have willfully and intentionally interfered with Plaintiffs' advantageous economic relations.

Answer of Defendants to 1: Judgment be conferred in favor of defendants, that the honorable court find the Plaintiffs action is frivolous, without merit and a fraud upon the court, Plaintiffs are without a remedy at law and therefore not entitled to relief.

2. That a permanent injunction issue restraining Defendants, their agents, successors, assigns and all others in concert and privity with Defendants, from infringing on 3ABN's Marks and dilution of 3ABN's Marks.

Answer of Defendants : Pray the court find the Plaintiffs action is frivolous, without merit and a fraud upon the court, therefore, Plaintiffs are without a remedy at law and therefore not entitled to injunctive relief.

3. That a permanent injunction issue restraining Defendants, their agents, successors, assigns and all others in concert and privity with Defendants, from using the 3ABN Marks in any internet domain name, internet website name, or internet website metatags.

Answer of Defendants : Plaintiffs action is frivolous, without merit and a fraud upon the court, Plaintiffs are without a remedy at law and therefore not entitled to injunctive relief.

4. That a permanent injunction issue restraining Defendants, their agents, successors, assigns and all others in concert and privity with Defendants, from using the Infringing Domain, Directing Domain or the Infringing Website.

Answer of Defendants to 4: That the honorable court find the domain is not infringing and that the Plaintiffs action is frivolous, without merit and a fraud upon the court, Plaintiffs are without a remedy at law and therefore not entitled to injunctive relief.

5. That Defendant Joy be ordered to immediately surrender the Infringing Domain and transfer registration of the Infringing Domain and Directing website to Plaintiff 3ABN, completing all paperwork necessary to transfer and paying all fees and costs associated with transfer of the domain registration.

Answer of Defendants : Plaintiffs are not entitled to the relief requested, there is no "Infringing Domain" or "Directing Website" and Defendant has the right to engage in non-commercial speech even if it is contrary to the public image Plaintiffs seek to display.

6. That Defendants be ordered to immediately remove from all print and electronic publications the false statements of fact alleged herein and otherwise established at trial.

Answer of Defendants : Plaintiffs action is frivolous and without merit and their assertion that any false statements have been alleged will be proven both puffery and sadly untrue.

7. That Defendants be ordered to immediately publish a retraction of the

false statements of fact alleged herein and otherwise established at trial, and to publish that retraction in the same forms and forum and to the same general and specific audience as the false statements were originally made.

Answer of Defendants : Plaintiffs are not entitled to the requested relief and that they request this be ordered of the Defendants is inconsistent with their earlier prayers that the Defendants websites be transferred to them, leaving the Defendants without a soapbox from which to publish any retractions

8. That compensatory damages be awarded to Plaintiffs in an amount to be determined at trial, but in no event less than \$75,000 (exclusive of costs and interest).

Answer of Defendants : Plaintiffs have no claim for any damages but Defendants should be compensated for the need to defend this frivolous action which is without basis in fact or law.

9. That statutory damages be awarded Plaintiffs in an amount to be determined at trial.

Answer of Defendants : Plaintiffs request for statutory damages ignores the similar cases in which Plaintiffs were not entitled to relief, and Plaintiffs here have no entitlement to relief.

10. That Plaintiffs be awarded all costs and fees, including attorneys' fees, incurred in the prosecution of this action.

Answer of Defendants : Plaintiffs action is frivolous and without merit and as such Defendants should be granted their fair and reasonable attorney fees and costs as a sanction.

11. That Plaintiffs are awarded such other and further relief as this Honorable Court may deem just and equitable.

Answer of Defendants : Plaintiffs are entitled to no such relief but the Defendants are confident that this Honorable Court will fashion a fair and reasonable decree.

RESPECTFULLY SUBMITTED this 21st Day of May, 2007,  
for the defendants, Gailon Arthur Joy and Bob Pickle.

A handwritten signature in cursive script, reading "Laird J. Heal".

Laird J. Heal, BBO # 553901  
3 Clinton Road, PO Box 365  
Sterling, MA 01564  
(978) 422-0135



**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

\_\_\_\_\_)  
Three Angels Broadcasting Network, an )  
Illinois non-profit corporation, )  
and )  
Danny Lee Shelton, individually, )

Plaintiffs )

vs. )

Gailon Arthur Joy )  
and )  
Robert Pickle )

Defendants )  
\_\_\_\_\_)

C.A. No. 07-40098-FDS

**CERTIFICATE OF SERVICE**

I, Laird J. Heal, do certify that I am over the age of 18 years of age and on this day I have caused service of the within-enclosed Answer of Robert Pickle and Gailon Arthur Joy upon the Plaintiffs by mailing, first-class postage prepaid, to their attorney of record,

John P. Pucci,  
Fierst, Pucci & Kane, LLC  
64 Gothic Street  
Northampton, MA 01060



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