

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Three Angels Broadcasting Network, Inc.,  
an Illinois non-profit corporation, and  
Danny Lee Shelton, individually,

Plaintiffs,

V.

Gailon Arthur Joy and Robert Pickle,

Defendants.

Case No.: 07-40098-FDS

## DEFENDANTS' MOTIONS TO RECONSIDER AND MOTION TO AMEND FINDINGS

**ORAL ARGUMENT REQUESTED**

Pursuant to Fed. R. Civ. P. 59(e), 60(b) for factors that cannot be considered under 59(e), and 52(b), Defendants move the Court to reconsider its denial of Defendants' motion to impose costs (Doc. 130), move the Court to reconsider its denial of Defendants' motion to file under seal (Doc. 153), and move the Court to amend the findings in its orders of April 13 and 15, 2009.

Defendants' motion to file under seal concerned documents relevant to the motion to impose costs, documents which indisputably demonstrate that Plaintiffs filed a frivolous suit, and vexatiously multiplied proceedings.

The Court in its order of April 13, 2009, made the clearly erroneous finding,

“There is nothing in the record to suggest that the plaintiffs filed this suit simply to harass, embarrass, or abuse the defendants or that they sought to increase their costs ....”

On April 15, 2009, Defendants inquired about the status of the motion to file under seal.

Later that same day the motion was denied, stating, “The documents do not appear to be relevant,” which cannot possibly be true.

The only condition imposed upon Plaintiffs in their Rule 41(a)(2) dismissal may be unenforcible, and Defendants may therefore be left without any curative conditions to alleviate prejudice. The order of April 13 incorrectly suggests otherwise. Defendants also seek clarification of the findings regarding Defendants’ experts and miscellaneous expenses.

Defendants, with their limited resources, will be unduly burdened by the incurring of duplicative expenses for discovery and obtaining favorable rulings.

Plaintiffs made material misrepresentations in obtaining their Rule 41(a)(2) dismissal and opposing the motions in question, and used the confidentiality order to hamper or prevent Defendants’ submission of relevant evidence of Plaintiffs’ culpability to the Court.

Plaintiffs have asserted that the dismissal order of November 3, 2008, was not a final order. Defendants disagree. But if Plaintiffs are correct, and only if Plaintiffs are correct, Defendants hereby incorporate the request for relief found in the conclusion of Defendants’ Brief of Defendants-Appellants. (Affidavit of Robert Pickle Ex. B at p. 68).

WHEREFORE, Defendants pray the Court to ALTER or AMEND the orders of April 13 and 15, 2009, in order to GRANT in whole or in part Defendants’ motion to impose costs, GRANT Defendants’ motion to file under seal, and AMEND the findings in question.

Respectfully submitted,

Dated: April 26, 2009

/s/ Gailon Arthur Joy, *pro se*  
Gailon Arthur Joy, *pro se*  
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and

/s/ Robert Pickle, *pro se*

Robert Pickle, *pro se*

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### **LOCAL RULE 7.1 CERTIFICATE**

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

Dated: April 26, 2009

/s/ Bob Pickle

Bob Pickle

### **AFFIDAVIT OF SERVICE**

Under penalty of perjury, I, Bob Pickle, hereby certify that this document, with accompanying memorandum, affidavit, and exhibits, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF). I also certify that I served Exhibit H on plaintiffs' counsel by First Class U.S. Mail on April 24, 2009, and that I mailed it to the following address:

Attn: G. Duffy, J. M. Hayes, K. L. Kingsbury, W. C. Penwell, G. Simpson  
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Dated: April 26, 2009

/s/ Bob Pickle

Bob Pickle