

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.
78 Worcester Road
P. O. Box 365
Sterling, MA 01564
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Assistant U.S. Trustee

Richard King
Office of US. Trustee
446 Main Street
14th Floor
Worcester, MA 01608

**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**

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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)
		Declaration Re: Electronic Filing . filed by Debtor Gailon Arthur

08/14/2007	<u>3</u>	Joy (Heal, Laird) (Entered: 08/14/2007)
08/14/2007	<u>4</u>	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	<u>5</u>	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	<u>6</u>	Certificate of Appointment and Acceptance of Trustee and Fixing of Bond. (ADI) (Entered: 08/15/2007)
08/15/2007	<u>7</u>	Order to Update Re: <u>1</u> 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	<u>8</u>	BNC Certificate of Mailing. RE: <u>7</u> Order to Update Service Date 08/17/2007. (Admin.) (Entered: 08/18/2007)
08/20/2007	<u>9</u>	Court's Notice of 341 sent. (pf, USBC) (Entered: 08/20/2007)
08/22/2007	<u>10</u>	BNC Certificate of Mailing - Meeting of Creditors. RE: <u>9</u> Court's Notice of 341 sent Individual No Asset Service Date 08/22/2007. (Admin.) (Entered: 08/23/2007)
08/28/2007	<u>11</u>	Request for Notice by Recovery Management Systems Corporation. (Singh, Ramesh) (Entered: 08/28/2007)
09/11/2007	<u>12</u>	Certificate of Credit Counseling with <i>Certificate of Service</i> (Re: <u>1</u> Voluntary Petition (Chapter 7)). filed by Debtor Gailon Arthur Joy (Attachments: # <u>1</u> 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	<u>13</u>	Notice of Requirement to Complete Course in Financial Management (ADI) (Entered: 10/18/2007)
10/20/2007	<u>14</u>	BNC Certificate of Mailing. RE: <u>13</u> Notice of Requirement to Complete Course in Financial Management Service Date 10/20/2007. (Admin.) (Entered: 10/21/2007)
11/08/2007	<u>15</u>	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	<u>16</u>	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	<u>17</u>	Motion filed by Interested Party Danny Lee Shelton, Creditor Three Angels Broadcasting Network, Inc. For Expedited Determination (Re: <u>16</u> Motion for Relief From Stay) with certificate of service (Roumeliotis, George) (Entered: 11/13/2007)
11/13/2007	<u>18</u>	Endorsed Order Dated 11/13/07 Granting: <u>17</u> Motion filed by Interested Party Danny Lee Shelton, Creditor Three Angels Broadcasting Network, Inc. For Expedited Determination Re: <u>16</u> 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: <u>16</u> 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	<u>19</u>	Certificate of Service of Notice of Hearing (Re: <u>16</u> 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	<u>20</u>	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: # <u>1</u> Exhibit 1, Motion for Status Conference in Violation of the Automatic Stay# <u>2</u> Exhibit 2, Petition in Bankruptcy Case Attached to Motion for Status Conference# <u>3</u> Exhibit 3, Letter of Jerrie M. Hayes to Debtor, November 6, 2007# <u>4</u> Exhibit 4, Letter of Jerrie M. Hayes to Debtor and Counsel, November 5, 2007# <u>5</u> 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: <u>16</u> 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	<u>21</u>	Order Dated 11/15/07 Regarding <u>16</u> 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	<u>22</u>	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	<u>23</u>	Withdrawal of No Distribution Report Trustee Janice G. Marsh.. (Marsh, Janice) (Entered: 11/16/2007)
11/16/2007	<u>24</u>	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	<u>25</u>	Endorsed Order Dated 11/19/07 Granting <u>24</u> 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	<u>26</u>	Opposition filed by Debtor Gailon Arthur Joy Re: <u>16</u> 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	<u>27</u>	Affidavit of Bob Pickle <i>in Support of Opposition to Motion for Relief from the Automatic Stay</i> with certificate of service (Re: <u>26</u> Opposition,). filed by Debtor Gailon Arthur Joy (Attachments: # <u>1</u> Certificate of Service) (Heal, Laird) (Entered: 11/20/2007)
11/21/2007		Hearing Held Re: <u>16</u> 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	<u>28</u>	Order Dated 11/21/07 Granting <u>16</u> 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	<u>29</u>	BNC Certificate of Mailing - PDF Document. RE: <u>25</u> Order on Motion to Extend Service Date 11/21/2007. (Admin.) (Entered: 11/23/2007)
11/23/2007	<u>31</u>	BNC Certificate of Mailing - PDF Document. RE: <u>28</u> Order on Motion For Relief From Stay Service Date 11/23/2007. (Admin.) (Entered: 11/29/2007)
11/26/2007	<u>30</u>	Endorsed Order Dated 11/26/07 Granting <u>15</u> 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	<u>32</u>	BNC Certificate of Mailing - PDF Document. RE: <u>30</u> Order on Motion to Extend, Service Date 11/28/2007. (Admin.) (Entered: 11/29/2007)
		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,

11/30/2007	<u>33</u>	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	<u>34</u>	Motion filed by Trustee Janice G. Marsh to Shorten Notice (Re: <u>33</u> 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	<u>35</u>	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 <u>33</u> . Modified on 12/4/2007 (jk, USBC). (Entered: 11/30/2007)
12/04/2007	<u>36</u>	Order Dated 12/3/07 Granting <u>22</u> 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	<u>37</u>	Endorsed Order Dated 12/4/07 Granting <u>34</u> Motion filed by Trustee Janice G. Marsh to Shorten Notice Re: <u>33</u> 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	<u>38</u>	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 <u>33</u> 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	<u>39</u>	Certificate of Service of Notice of Hearing 12-18-07 at 11:30 am (Re: <u>33</u> Motion to Sell,). filed by Trustee Janice G. Marsh (Attachments: # <u>1</u> Appendix #38) (Marsh, Janice) (Entered: 12/05/2007)
12/06/2007	<u>40</u>	BNC Certificate of Mailing - PDF Document. RE: <u>36</u> Order on Application to Employ Service Date 12/06/2007. (Admin.) (Entered: 12/07/2007)
12/06/2007	<u>41</u>	BNC Certificate of Mailing - PDF Document. RE: <u>37</u> Order on Motion To Limit/Shorten Notice, Service Date 12/06/2007. (Admin.) (Entered: 12/07/2007)

12/11/2007	<u>42</u>	Motion filed by Debtor Gailon Arthur Joy to Dismiss Case (Heal, Laird) (Entered: 12/11/2007)
12/12/2007	<u>43</u>	Objection with certificate of service filed by Trustee Janice G. Marsh Re: <u>42</u> Motion filed by Debtor Gailon Arthur Joy to Dismiss Case (Marsh, Janice) (Entered: 12/12/2007)
12/12/2007	<u>44</u>	Endorsed Order Regarding <u>42</u> 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: <u>42</u> Motion filed by Debtor Gailon Arthur Joy to Dismiss Case. (jk, USBC) (Entered: 12/12/2007)
12/12/2007	<u>45</u>	Brief/Memorandum <i>and Affidavit</i> In Support of <i>Motion to Dismiss</i> (Re: <u>42</u> Motion to Dismiss Case). filed by Debtor Gailon Arthur Joy (Attachments: # <u>1</u> Affidavit Gailon Joy's Supporting Affidavit# <u>2</u> Certificate of Service) (Heal, Laird) (Entered: 12/12/2007)
12/12/2007	<u>46</u>	Certificate of Service of Notice of Hearing (Re: <u>42</u> Motion to Dismiss Case). filed by Debtor Gailon Arthur Joy (Attachments: # <u>1</u> Notice of Hearing) (Heal, Laird) (Entered: 12/12/2007)
12/14/2007	<u>47</u>	Objection with certificate of service filed by Debtor Gailon Arthur Joy Re: <u>33</u> 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	<u>48</u>	Affidavit of Bob Pickle <i>In Support of Objection to Trustee's Motion to Sell</i> [# <u>33</u>] (Re: <u>47</u> Objection,). filed by Debtor Gailon Arthur Joy (Heal, Laird) (Entered: 12/14/2007)
12/17/2007	<u>49</u>	Objection with certificate of service filed by Creditor Three Angels Broadcasting Network, Inc. Re: <u>42</u> Motion filed by Debtor Gailon Arthur Joy to Dismiss Case (Collins, Joseph) (Entered: 12/17/2007)
		Hearing Held and Continued for 1/31/2008 at 10:30 AM Worcester Courtroom 3 - JBR Re: <u>33</u> Motion filed by Trustee Janice G. Marsh for Sale of Property Under Section 363 (b) (1)

12/18/2007		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: <u>42</u> Motion to Dismiss Case filed by Debtor Gailon Arthur Joy. (mbd, USBC) (Entered: 12/19/2007)
12/19/2007	<u>50</u>	Order Dated 12/18/07 Regarding <u>33</u> 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	<u>51</u>	Order Dated 12/18/07 Denying <u>42</u> Motion filed by Debtor Gailon Arthur Joy to Dismiss Case. #42 DENIED. (mbd, USBC) (Entered: 12/19/2007)
12/21/2007	<u>52</u>	BNC Certificate of Mailing - PDF Document. RE: <u>51</u> Order on Motion to Dismiss Case Service Date 12/21/2007. (Admin.) (Entered: 12/22/2007)
01/14/2008	<u>53</u>	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)
01/24/2008	<u>54</u>	Motion filed by Trustee Janice G. Marsh For Contempt with certificate of service, in addition to Motion filed by Trustee Janice G. Marsh For Sanctions or Costs with certificate of service (Attachments: # <u>1</u> Exhibit 12-18-07 fax to Mr. Heal) (Marsh, Janice) (Entered: 01/24/2008)
01/24/2008	<u>55</u>	Emergency Motion filed by Trustee Janice G. Marsh For Emergency Hearing (Re: <u>54</u> Motion for Contempt,, Motion for Sanctions/Costs,) 1-31-08 at 10:30 am with certificate of service (Marsh, Janice) (Entered: 01/24/2008)
01/24/2008	<u>56</u>	Endorsed Order Dated 1/24/08 Granting: <u>54</u> Emergency Motion filed by Trustee Janice G. Marsh For Emergency Hearing Re: <u>54</u> Motion for Contempt, Motion for Sanctions/Costs. ALLOWED. THE TRUSTEE'S MOTION FOR CONTEMPT <u>54</u> WILL BE HEARD 1/31/08 AT 10:30 A.M. TRUSTEE TO PROVIDE NOTICE FORTHWITH. (mbd, USBC) (Entered: 01/24/2008)

01/24/2008	<u>57</u>	Certificate of Service of Notice of Hearing 1-31-08 at 10:30 am (Re: <u>54</u> Motion for Contempt,, Motion for Sanctions/Costs,). filed by Trustee Janice G. Marsh (Marsh, Janice) (Entered: 01/24/2008)
01/29/2008	<u>58</u>	Endorsed Order Dated 1/28/08 Granting <u>53</u> 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 (3/17/08). ALLOWED. NO OBJECTIONS FILED. (mbd, USBC) (Entered: 01/29/2008)
01/31/2008		Hearing Held Re: <u>54</u> Motion filed by Trustee Janice G. Marsh For Contempt, in addition to Motion filed by Trustee Janice G. Marsh For Sanctions or Costs. (mbd, USBC) (Entered: 01/31/2008)
01/31/2008	<u>59</u>	Document Filed by Trustee Janice G. Marsh Re: <u>54</u> Motion filed by Trustee Janice G. Marsh For Contempt, in addition to Motion filed by Trustee Janice G. Marsh For Sanctions or Costs. FILED IN OPEN COURT ON 1/31/08. (mbd, USBC) Modified on 1/31/2008 (mbd, USBC). (Entered: 01/31/2008)
01/31/2008	<u>60</u>	Document filed by Trustee Janice G. Marsh Re: <u>54</u> Motion filed by Trustee Janice G. Marsh For Contempt, in addition to Motion filed by Trustee Janice G. Marsh For Sanctions or Costs. FILED IN OPEN COURT ON 1/31/08. (mbd, USBC) (Entered: 01/31/2008)
01/31/2008	<u>61</u>	Order Dated 1/31/08 Granting: <u>54</u> Granting Motion filed by Trustee Janice G. Marsh For Contempt, in addition to Motion filed by Trustee Janice G. Marsh For Sanctions or Costs. # <u>54</u> GRANTED. THE DEBTOR AND ATTORNEY HEAL ARE HEREBY FOUND IN CONTEMPT AND ARE HEREBY SANCTIONED \$1,000.00 EACH FOR FAILURE TO ABIDE BY THE COURT'S ORDER OF 12/18/07. PAYMENT TO BE MADE TO "CLERK OF COURT" WITHIN 10 DAYS. (mbd, USBC) (Entered: 01/31/2008)
01/31/2008	<u>62</u>	Court Certificate of Mailing Re: <u>61</u> Order on Motion for Contempt and Motion For Sanctions/Costs. (mbd, USBC) (Entered: 01/31/2008)
01/31/2008	<u>63</u>	BNC Certificate of Mailing - PDF Document. RE: <u>58</u> Order on Motion to Extend, Service Date 01/31/2008. (Admin.) (Entered: 02/01/2008)
		Hearing Held Re: <u>33</u> Motion filed by Trustee Janice G. Marsh for Sale of Property Under Section 363 (b) (1) all domain names and

02/01/2008		(2) all prepetition claims against Three Angels Broadcasting Network, Inc., and its officers, directors and shareholders and employees, including Danny Shelton. (mbd, USBC) (Entered: 02/01/2008)
02/01/2008	<u>64</u>	Order Dated 2/1/08 Granting <u>33</u> 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. See Order for Full Text. (mbd, USBC) (Entered: 02/01/2008)
02/03/2008	<u>65</u>	BNC Certificate of Mailing - PDF Document. RE: <u>64</u> Order on Motion To Sell, Service Date 02/03/2008. (Admin.) (Entered: 02/04/2008)
02/08/2008	<u>66</u>	Motion filed by Debtor Gailon Arthur Joy to Reconsider (Re: <u>54</u> Motion for Contempt,, Motion for Sanctions/Costs,, <u>61</u> Order on Motion for Contempt,, Order on Motion For Sanctions/Costs,) with certificate of service (Attachments: # <u>1</u> Affidavit of Debtor# <u>2</u> Exhibit Response to Request of Trustee) (Heal, Laird) (Entered: 02/08/2008)
02/12/2008	<u>67</u>	Endorsed Order Dated 2/11/08 Re: <u>66</u> Motion filed by Debtor Gailon Arthur Joy to Reconsider Re: <u>54</u> Motion for Contempt, Sanctions/Costs or Amend <u>61</u> Order on Motion for Contempt, Sanctions/Costs. ALLOWED AS FOLLOWS: THE DEBTOR IS TO PAY THE \$1,000 IN INSTALLMENTS OF \$250 A MONTH FOR THE NEXT FOUR MONTHS. (jr, USBC) (Entered: 02/12/2008)
02/14/2008	<u>68</u>	BNC Certificate of Mailing - PDF Document. RE: <u>67</u> Order on Motion To Reconsider, Service Date 02/14/2008. (Admin.) (Entered: 02/15/2008)
02/15/2008	<u>69</u>	Motion filed by Creditor Three Angels Broadcasting Network, Inc. for 2004 Examination of Gailon Arthur Joy with certificate of service (Roumeliotis, George) (Entered: 02/15/2008)
03/03/2008	<u>70</u>	Endorsed Order Dated 3/3/08 Granting <u>69</u> Motion filed by Creditor Three Angels Broadcasting Network, Inc. for 2004 Examination of Gailon Arthur Joy. ALLOWED. NO OBJECTIONS FILED. (mbd, USBC) (Entered: 03/03/2008)
03/05/2008	<u>71</u>	BNC Certificate of Mailing - PDF Document. RE: <u>70</u> Order on Motion for Examination Service Date 03/05/2008. (Admin.) (Entered: 03/06/2008)

03/07/2008	<u>72</u>	Trustee's Report of Sale . (Marsh, Janice) (Entered: 03/07/2008)
03/13/2008	<u>73</u>	Motion filed by Attorneys Jerrie M. Hayes, Gerald S. Duffy to Appear pro hac vice with certificate of service (Attachments: # <u>1</u> Affidavit # <u>2</u> Declaration of Electronic Filing # <u>3</u> Affidavit # <u>4</u> Declaration of Electronic Filing) (Roumeliotis, George) (Entered: 03/13/2008)
03/13/2008	<u>74</u>	Endorsed Order Dated 3/13/08 Granting <u>73</u> Motion filed by Attorneys Jerrie M. Hayes, Gerald S. Duffy to Appear pro hac vice. ALLOWED. (mbd, USBC) (Entered: 03/13/2008)
03/13/2008	<u>75</u>	Third 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: 03/13/2008)
03/15/2008	<u>76</u>	BNC Certificate of Mailing - PDF Document. RE: <u>74</u> Order on Motion to Appear pro hac vice Service Date 03/15/2008. (Admin.) (Entered: 03/16/2008)
03/27/2008	<u>77</u>	Endorsed Order Dated 3/27/08 Granting <u>75</u> Third Motion filed by Creditor Three Angels Broadcasting Network, Inc. to Extend Time to Object to Discharge or to Determine the Dischargeability of a Debt (5/19/08). ALLOWED. NO OBJECTIONS FILED. (mbd, USBC) (Entered: 03/27/2008)
05/02/2008	<u>78</u>	Transcript of Hearing Held on 1/31/08 RE: <u>33</u> Motion to Sell filed by Trustee Janice G. Marsh, <u>54</u> Motion for Contempt and for Sanctions filed by Trustee Janice G. Marsh ; AP07-4173 <u>4</u> Motion of Defendants , Danny Lee Shelton, Three Angels Broadcasting Network, Inc. to Dismiss Adversary Proceeding. (ld, USBC) Additional attachment(s) added on 5/2/2008 (ld, USBC). (Entered: 05/02/2008)
05/05/2008		Receipt Number 533233, Fee Amount \$1000.00 Re: <u>61</u> Order on Motion for Contempt and Order on Motion For Sanctions/Costs. (mbd, USBC) (Entered: 05/05/2008)
05/13/2008	<u>79</u>	Fourth 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: 05/13/2008)
		Endorsed Order Dated 5/13/08 Granting <u>79</u> Fourth Motion filed by Creditor Three Angels Broadcasting Network, Inc. to Extend Time to Object to Discharge or to Determine the Dischargeability

05/13/2008	<u>80</u>	of a Debt (7/21/08). ALLOWED. (mbd, USBC) (Entered: 05/13/2008)
05/15/2008	<u>81</u>	BNC Certificate of Mailing - PDF Document. RE: <u>80</u> Order on Motion to Extend Service Date 05/15/2008. (Admin.) (Entered: 05/16/2008)
07/07/2008	<u>82</u>	Trustee's Request for Bar Date. (Marsh, Janice) (Entered: 07/07/2008)
07/08/2008	<u>83</u>	Court's Notice of Assets. Proofs of Claims due by 10/06/2008. Government proof of claim due by 10/06/2008. (ADI) (Entered: 07/08/2008)
07/10/2008	<u>84</u>	BNC Certificate of Mailing. RE: <u>83</u> Asset Notice Report Service Date 07/10/2008. (Admin.) (Entered: 07/11/2008)
07/21/2008	<u>85</u>	Fifth 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: 07/21/2008)
08/05/2008	<u>86</u>	Endorsed Order Dated 8/5/08 Granting <u>85</u> Fifth Motion filed by Creditor Three Angels Broadcasting Network, Inc. to Extend Time to Object to Discharge or to Determine the Dischargeability of a Debt (9/26/08). ALLOWED. NO OBJECTIONS FILED. (mbd, USBC) (Entered: 08/05/2008)
08/07/2008	<u>87</u>	BNC Certificate of Mailing - PDF Document. RE: <u>86</u> Order on Motion to Extend, Service Date 08/07/2008. (Admin.) (Entered: 08/08/2008)
09/23/2008	<u>88</u>	Sixth Motion filed by Creditor Three Angels Broadcasting Network, Inc. to Extend Time to Object to Discharge or to Determine Dischargeability of a Debt with certificate of service (Roumeliotis, George) (Entered: 09/23/2008)
10/07/2008	<u>89</u>	Endorsed Order Dated 10/7/08 Granting <u>88</u> Sixth Motion filed by Creditor Three Angels Broadcasting Network, Inc. to Extend Time to Object to Discharge or to Determine Dischargeability of a Debt (10/27/08). ALLOWED. NO OBJECTIONS FILED. NO FURTHER EXTENSIONS WILL BE GRANTED ABSENT EXTRAORDINARY CIRCUMSTANCES. (mbd, USBC) (Entered: 10/07/2008)
		Motion filed by Attorneys M. Gregory Simpson, Kristen M. Kingsbury to Appear pro hac vice (Attachments: # <u>1</u> Affidavit # <u>2</u>

10/07/2008	<u>90</u>	Affidavit # 3 Declaration of Electronic Filing # 4 Declaration of Electronic Filing (Roumeliotis, George) (Entered: 10/07/2008)
10/07/2008	<u>91</u>	Certificate of Service (Re: <u>90</u> Motion to Appear pro hac vice). filed by Attorney George I. Roumeliotis (Roumeliotis, George) (Entered: 10/07/2008)
10/09/2008	<u>92</u>	Endorsed Order Dtaed 10/9/08 Granting <u>90</u> Motion filed by Attorneys M. Gregory Simpson, Kristen M. Kingsbury to Appear pro hac vice. ALLOWED. (mbd, USBC) (Entered: 10/09/2008)
10/09/2008	<u>93</u>	BNC Certificate of Mailing - PDF Document. RE: <u>89</u> Order on Motion to Extend, Service Date 10/09/2008. (Admin.) (Entered: 10/10/2008)
10/16/2008	<u>94</u>	Notice of Change of Address of Debtor Gailon Arthur Joy with certificate of service. filed by Debtor Gailon Arthur Joy (Heal, Laird) (Entered: 10/16/2008)

PACER Service Center			
Transaction Receipt			
05/13/2009 17:07:39			
PACER Login:	sb0298	Client Code:	24681D002
Description:	Docket Report	Search Criteria:	07-43128 Fil or Ent: filed Doc From: 0 Doc To: 99999999 Format: html
Billable Pages:	7	Cost:	0.56

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

In re

Case No: 4:08-CV-40090-FDS

GAILON ARTHUR JOY

Debtor

GAILON ARTHUR JOY

Plaintiff

v.

THREE ANGELS BROADCASTING
NETWORK, INC.,
DANNY LEE SHELTON,
JOHN P. PUCCI, ESQ.,
JERRIE M. HAYES, ESQ.,
GERALD S. DUFFY, ESQ.,
FIERST, PUCCI & KANE LLP,
and
SIEGEL BRILL GRUEPNER
DUFFY & FOSTER, P.A.

Defendants

AFFIDAVIT OF GERALD S. DUFFY

(Submitted in Support of Defendants' Motion for Summary Judgment)

NOW COMES Attorney Gerald S. Duffy and under oath does hereby depose and say as follows based on my knowledge, information, or belief:

1. I am a shareholder with the firm Siegel Brill Greupner Duffy & Foster, P.A. My firm, including myself and Attorney Jerrie Hayes, represented Three Angels Broadcasting Network ("3ABN") and Danny Lee Shelton ("Shelton") in the Civil Action entitled Three Angels Broadcasting Network, Inc., an Illinois non-profit corporation and Danny Lee Shelton v.

EXHIBIT

2

Gailon Arthur Joy and Robert Pickle, docketed as Case No. 4:07-cv-40098-FDS (“Civil Action”) in the United States District Court for the District of Massachusetts.

2. 3ABN and Shelton were also represented by the law Fierst, Pucci & Kane LLP, including Attorney John Pucci, as local counsel.

3. I, along with Attorneys Pucci and Hayes, and our two law firms have all been named as Defendants in the above-captioned adversarial proceeding.

4. I am submitting this Affidavit in support of Defendants’ Motion for Summary Judgment as to Gailon Arthur Joy’s (“Joy”) Amended Adversarial Complaint.

5. Neither 3ABN, Shelton, nor any of their attorneys in the Civil Action received notice from Joy or his bankruptcy attorney, Laird Heal (“Heal”), that Joy had filed a voluntary Chapter 7 Bankruptcy Petition on August 14, 2007.

6. Instead, on or about August 29, 2007, this office independently learned that Joy had filed bankruptcy, by undertaking a “party-search” on PACER in the ordinary course of preparing for the Civil Action. That information was then shared with our clients and co-counsel Fierst Pucci & Kane LLP.

7. I, along with Attorney Pucci, appeared on behalf of 3ABN and Shelton at the Status Conference in the Civil Action on November 13, 2007. The conference addressed the issues raised by 3ABN and Shelton in the Motion for Status Conference, namely the preservation of electronic evidence and the potential conflict of interest in Heal’s continued representation of Pickle in the Civil Action. During the conference, Attorneys Pucci and I advised the Court that 3ABN and Shelton had filed their Motion for Relief from the Automatic Stay in the Bankruptcy Case earlier that day.

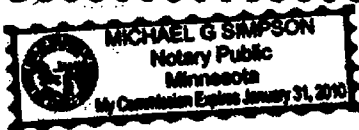
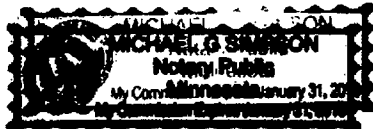
Sworn to under the pains and penalties of perjury this 11th day of May,

2009.

Gerald S. Duffy
Gerald S. Duffy

Subscribed and Sworn to me
this 11th day of May, 2009

[Signature]
Notary Public



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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

In re

GAILON ARTHUR JOY

Debtor

Chapter 7, No. 07-43128-JBR

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

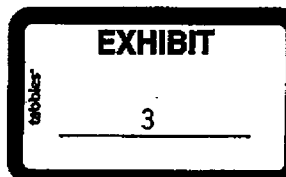
To the HONORABLE JOEL B. ROSENTHAL, Bankruptcy Judge:

Now come Three Angels Broadcasting Network, Inc. ("3ABN") and Danny Lee Shelton ("Shelton"), creditors and parties in interest, and pursuant to 11 U.S.C. §362(d)(1) they do hereby seek relief from the automatic stay for the purpose of obtaining injunctive relief from the U.S. District Court for the District of Massachusetts in litigation pending between 3ABN, Shelton and the Debtor. In support thereof, 3ABN and Shelton respectfully represent as follows:

1. On August 14, 2007, the Debtor filed a Voluntary Petition under the provisions of Chapter 7 of the United States Bankruptcy Code.

2. Janice G. Marsh is the duly appointed Chapter 7 Trustee in this case and continues to serve in that capacity.

3. On April 6, 2007, 3ABN and Shelton commenced an action in the U.S. District Court for the District of Massachusetts entitled Three Angels Broadcasting Network, Inc., an Illinois



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non-profit corporation and Danny Lee Shelton v. Gailon Arthur Joy and Robert Pickle, which case is pending as Case No. 4:07-cv-40098-FDS ("Civil Action"). A copy of the Complaint filed initiating the Civil Action is attached hereto as Exhibit "A".

4. 3ABN is an entity founded in Illinois in the mid 1980's to operate and manage a Christian television and radio broadcast ministry; one of its founders is Shelton, also a plaintiff in the Civil Action. 3ABN's slate of programming includes both spiritual and lifestyle presentations, and it has a ministry focus of "Mending Broken People".

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

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

7. To help it protect this reputation and goodwill, 3ABN has registered "3ABN" and "Three Angels Broadcasting Network" as trademarks with the U.S. Patent and Trademark Office. In 2004 and 2005, several trademark registrations were issued to 3ABN

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for the marks "3ABN" and "Three Angels Broadcasting Network" for various uses, all of which claimed a date of first use of January 1985. Further detail regarding these trademark registrations is contained in Paragraphs 15 through 20 of the Complaint attached hereto as Exhibit "A".

8. 3ABN also has a significant internet operation, primarily through its website, www.3abn.org (targeting North American audiences), and through secondary websites www.3abnaustralia.org.au (for Australia) and www.3angels.ru (for Russia). These websites offer pastoral support, streaming audio and video programming and information about 3ABN's mission and operations. Visitors to the websites can also purchase books and recordings produced by 3ABN and can make donations to its ministry.

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

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

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11. According to 3ABN, the website at www.save3ABN.com contains information that is antithetical to 3ABN's message, and contains gross misstatements of fact concerning 3ABN's actions and operations, and contains baseless and untrue allegations of criminal conduct by 3ABN, Shelton and persons involved with 3ABN, and also contains disparaging characterizations of 3ABN, its broadcast network and Shelton.

12. The Debtor has also embedded www.save3ABN.com with the metatags "3ABN", "3-ABN", and "Three Angels Broadcasting Network", which are words and phrases used by internet search engines to locate websites that use 3ABN trademarks.

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

14. The Debtor's use of the save3ABN.com and save3ABN.org domains and websites in the aforementioned manner continues to this date, 3 months after his Chapter 7 bankruptcy filing.

15. The Complaint filed in the Civil Action seeks damages for the Debtor's conduct, as well as injunctive relief requiring, among other things, that the Debtor stop infringing on 3ABN's trademarks and using the 3ABN.com and 3ABN.org domains and websites.

16. The Debtor's continuing infringement of 3ABN's marks and his continuing defamatory conduct constitute cause, pursuant to 11 U.S.C. §362(d)(1), for relief from stay for the purpose of proceeding with the Civil Litigation to obtain injunctive relief related to the Debtor's continued, postpetition, use of the 3ABN.com and 3ABN.org domains and websites. 3ABN believes that the U.S. District Court for the District of Massachusetts is best suited to consider the requested injunctive relief in that it is already familiar with the subject matter of the Civil Action, and handles federal trademark and defamation issues more frequently than the Bankruptcy Court. Relief from stay is warranted to limit the Debtor's damaging post-petition conduct. See, e.g., In re Deep, 279 B.R. 653 (Bankr. N.D.N.Y. 2002).

17. Also in connection with the Civil Action, 3ABN has sought discovery in the form of records, including electronic records stored on computers and servers that the Debtor owns, controls or to which he has access. 3ABN further seeks relief from stay to permit it to seek an appropriate Order from the District Court directing the Debtor to preserve such information ("Records Preservation") or to enforce any previously entered Orders with respect to Records Preservation. Alternatively, 3ABN would request that this Court direct the Debtor to so preserve such information.

18. Notwithstanding the limited relief sought herein, 3ABN and Shelton reserve the right to bring an appropriate action or motion against the Debtor for damages he has caused from postpetition conduct.

19. A status conference is currently scheduled in the Civil Action for Tuesday, November 13, 2007, at 1:00 p.m. at

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which 3ABN and Shelton will remind the District Court of the Debtor's pending bankruptcy case and inform the District Court of this Motion for Relief from Stay.

WHEREFORE, 3ABN and Shelton respectfully requests the entry of an Order:

(a) Granting 3ABN and Shelton relief from the automatic stay in connection with the Civil Action for the purpose of seeking the injunctive relief described herein to prevent the Debtor from continuing to use the 3ABN.com and 3ABN.org domains and websites, from continuing to defame and disparage 3ABN and Shelton, and from continuing to interfere with 3ABN's business;

(b) Granting 3ABN and Shelton relief from the automatic stay in connection with the Civil Action for the purpose of seeking appropriate Orders pertaining to the Debtor's Records Preservation (or alternatively, that this Court Order the Debtor to so preserve such records); and

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(c) For such other and further relief as may be just and proper.

THREE ANGELS BROADCASTING
NETWORK, INC.
DANNY LEE SHELTON

Dated: November 13, 2007

By: /s/ George I. Roumeliotis
JOSEPH B. COLLINS, ESQ.
(BBO No. 092660)
GEORGE I. ROUMELIOTIS, ESQ.
(BBO No. 564943)
HENDEL & COLLINS, P.C.
101 State Street
Springfield, MA 01103
Tel. (413) 734-6411
groumeliotis@hendelcollins.com

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

COPY

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

Case No. _____

Plaintiffs,

v.

Gailon Arthur Joy and Robert Pickle,

Defendants.

PLAINTIFFS' COMPLAINT

Three Angels Broadcasting Network, Inc. (hereinafter "3ABN") and Danny Lee Shelton (hereinafter "Shelton") (hereinafter collective "Plaintiffs"), as and for their Complaint against Defendants Gailon Arthur Joy (hereinafter "Joy") and Robert Pickle (hereinafter "Pickle") (hereinafter collectively "Defendants") do hereby state and allege as follows:

NATURE OF THE ACTION

1. This action arises under the trademark laws of the United States, namely Title 15 of the United States Code (15 U.S.C. §1051 *et seq.*) and Title 17 of the United States Code (17 U.S.C. §501 *et seq.*), and under state and federal common law and is for trademark infringement, trademark dilution, defamation, and intentional interference with advantageous economic prospective business advantage.

PARTIES

2. Plaintiff Three Angels Broadcasting Network, Inc. is a non-profit corporation organized and existing under the laws of the state of Illinois, with its principle place of business located at 3391 Charley Good Road, West Frankfurt, Illinois 62896.

3. Individual Plaintiff Danny Lee Shelton is a resident of Illinois and is the current President of Plaintiff Three Angels Broadcasting Network, Inc.

4. Defendant Gailon Arthur Joy is a resident of Sterling, Massachusetts. Joy is the register of the internet domain name "save3abn.com" and, upon information and belief, is the host, author, and webmaster of the internet web sites "www.save3abn.com" and "www.save3abn.org."

5. Defendant Robert Pickle is a resident of Halstad, Minnesota.

JURISDICTION

6. This court has original subject matter jurisdiction over this matter pursuant to 15 U.S.C. §1121 as an action arising under the Federal Trademark Act and pursuant to 28 U.S.C. §1338 as an action arising under an Act of Congress related to copyright and trademark. This court also has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §1332 as an action where the matter in controversy is between citizens of different states and the amount in controversy exceeds \$75,000 (exclusive of costs and interest).

7. The Court has personal jurisdiction over Defendant Joy as he is a resident of the District and State of Massachusetts. The Court has personal jurisdiction over Defendant Pickle as he has purposefully availed himself of the jurisdiction of this Court pursuant to the Massachusetts Long Arm statute and the United States Constitution.

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VENUE

8. Venue in this District is proper pursuant to 28 U.S.C. §1391 because it is the judicial district where one or more of the Defendants resides and because it is a judicial district in which a substantial part of the events giving rise to Plaintiffs' claims and causes of action occurred.

FACTUAL ALLEGATIONS RELEVANT TO ALL COUNTS

Three Angels Broadcasting

9. Founded in 1985 and incorporated in 1986, 3ABN is an Illinois non-profit corporation, the primary business of which is to operate and manage a Christian television and radio broadcast ministry. Plaintiff Shelton was an original founder of 3ABN and has been continuously involved in the ministry and its operations since its inception. Today, Shelton serves as President of 3ABN and is one of 3ABN's on-air ministry and music presenters.

10. Although many of 3ABN's employees and volunteers, including Plaintiff Shelton, are members of the Seventh-Day Adventist faith, 3ABN is a non-denominational Christian ministry which is not owned by, affiliated with, or financed by any specific church, denomination, or organization.

11. 3ABN, whose ministry focus is "Mending Broken People," offers a broad, Christ-centered slate of programming for adults and children that includes both spiritual (worship, Bible study, inspirational music) and lifestyle (health, cooking, smoking cessation) presentations.

12. Since its inception, Shelton and 3ABN have worked tirelessly to promote 3ABN's ministry and to spread its unique, non-denominational "Return to God" message. For over two decades, 3ABN has spent countless hours and hundreds of thousands of dollars publicizing itself through print and broadcast advertisements, special live events, direct-mail campaigns, and

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group presentations. While building a successful worldwide ministry, Plaintiffs have also successfully built considerable name recognition and goodwill for themselves and for their moniker "3ABN."

13. Today, 3ABN is one of the larger Christian networks in North America and, operating from its headquarters and primary production facility in West Frankfort, Illinois, 3ABN broadcasts 24-hour television and radio programming through a global satellite network with potential viewers and listeners well into the millions. In support of its global ministry, 3ABN also operates a production facility in Nizhny Novogorod, Russia, and television facilities in the Philippines and New Guinea.

14. As a provider of religious, spiritual and ministerial program services, 3ABN depends upon its reputation for theological integrity, operational capability, and financial soundness, in order to attract new viewers and listeners, retain current viewers and listeners, and sustain financial support for the ministry. 3ABN relies extensively and almost exclusively on the donations of viewers and supporters for its continued operation.

3ABN's Trademarks

15. To protect its rights and goodwill, 3ABN has registered "3ABN" and "Three Angels Broadcasting Network" as trademarks with the United States Patent and Trademark Office.

16. On October 19, 2004, Registration No. 2895078 (Classes 009, 016, 038, and 041) on the Principal Register of the U.S. Patent and Trademark Office, was duly and legally issued to Three Angels Broadcasting Network, Inc. for the mark 3ABN, claiming a date of first use of January 1985, as applied to "(a) videocassettes, audio cassettes and compact disks on which are recorded video and audio programs in the fields of religion, health, nutrition, education, family

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life, and programs directed to children and teenagers;" (b) "books, magazines and newsletters featuring the subjects of religion, health, nutrition, education, family life, and subject matter directed to children and teenagers;" (c) "radio and television broadcast services, satellite broadcasting services, information services provided on a global computer network in the nature of lectures, sermons, articles and study materials in the field of religion, health, nutrition, education, family, life, and subject matter directed to children and teens;" and (d) "production and distribution of radio and television programming for broadcast and audio and video programming for release on a global computer network and directly to the public." A copy of the Certificate of Registration is attached hereto as **Exhibit A**.

17. On May 25, 2004, Registration No. 2844695 (Class 09) on the Principal Register of the U.S. Patent and Trademark Office, was duly and legally issued to Three Angels Broadcasting Network, Inc. for the mark Three Angels Broadcasting Network, claiming a date of first use of January 1985, as applied to "prerecorded video cassettes and audio cassettes featuring musical performances, sermons, lectures, and interviews in the fields of religion, health, education and family life; and prerecorded compact disks and digital video disks featuring musical performances, sermons, lectures and interviews in the fields of religion, health, education and family life." A copy of the Certificate of Registration is attached hereto as **Exhibit B**.

18. On March 23, 2004, Registration No. 2825028 (Class 016) on the Principal Register of the U.S. Patent and Trademark Office, was duly and legally issued to Three Angels Broadcasting Network, Inc. for the mark Three Angels Broadcasting Network, claiming a date of first use of January 1985 as applied to "books, magazines, newsletters, pamphlets all in the fields

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of religion, health, education, and family life." A copy of the Certificate of Registration is attached hereto as **Exhibit C**.

19. On April 20, 2004, Registration No. 2834345 (Class 038) on the Principal Register of the U.S. Patent and Trademark Office was duly and legally issued to Three Angels Broadcasting Network, Inc. for the mark Three Angels Broadcasting Network, claiming a date of first use of January 1985 as applied to "radio and television broadcasting services, satellite broadcasting services." A copy of the Certificate of Registration is attached hereto as **Exhibit D**.

20. On June 28, 2005, Registration No. 2963899 (Class 041) on the Principal Register of the U.S. Patent and Trademark Office, was duly and legally issued to Three Angels Broadcasting Network, Inc. for the mark Three Angels Broadcasting Network, claiming a date of first use of January 1985 as applied to "production of radio and television programs; distribution of radio and television programs for others; programming, namely, scheduling of audio and video programs on a global computer network; television and radio programming." A copy of the Certificate of Registration is attached hereto as **Exhibit E**.

21. The registration of the marks set forth in paragraphs 16 through 20 (hereinafter collectively referred to as "3ABN Marks") constitute *prima facie* evidence of 3ABN's exclusive right to use and register the 3ABN Marks or any colorable imitations thereof.

22. As a consequence of 3ABN's continuous and widespread global use, promotion, and marketing of the 3ABN Marks, 3ABN has acquired substantial and protectable goodwill in such Marks. 3ABN has also extensively used and advertised the 3ABN Marks for decades, making the 3ABN Marks instantly recognizable to the public consumer as symbols of 3ABN's ministry, message, programming, broadcasting, and audio-visual products.

3ABN's Trademark on the Internet

23. In conjunction with the provision of information services on the global computer network, 3ABN also has a considerable presence on the World Wide Web, with its primary website at "www.3abn.org" (North America) and secondary web sites at "www.3abnaustralia.org.au" (Australia) and "www.3angels.ru" (Russia). These web sites offer pastoral support (prayer requests, online Bible study, etc.), streaming audio and video programs, and information about 3ABN's mission and operations. Visitors can also use the 3ABN website to purchase 3ABN-produced inspirational books and music recordings and to make financial donations to the ministry.

24. In further protection of its trademarks and use of the 3ABN Marks on the internet, 3ABN has also registered over three dozen internet domain names, all of which contain Plaintiff's registered "3ABN" trademark, including but not limited to the following:

3ABN.com
3ABN.org
3ABN.tv
3ABNtelevision.com
3ABNradio.com
3ABNmusic.com
3ABNbooks.com
3ABNtv.com
3ABNtv.org

Defendant's Website

25. In January 2007, 3ABN discovered that Defendant Joy had registered the domain name "save3ABN.com" with NamesDirect.com, Inc. (hereinafter "Infringing Domain"). A copy of the registration information for the domain name is attached hereto as **Exhibit F**.

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26. In March, 2007, 3ABN discovered that Defendant Joy had registered the domain name "save3ABN.org" with NamesDirect.com, Inc. (hereinafter "Directing Domain"). A copy of the registration information for the domain name is attached hereto as Exhibit G.

27. Defendants have constructed and published a website at the Infringing Domain URL that contains information antithetical to 3ABN's message. Specifically, the website, "www.save3abn.com" (hereinafter "Infringing Website"), which is registered to Defendant Joy, contains gross misstatements of fact concerning 3ABN's actions and operations, contains baseless and untrue allegations of criminal conduct by the organization, and disparaging characterizations of 3ABN and its broadcast network.

28. Defendants have also imbedded the Infringing Website with metatags "3ABN," "3-ABN," and "Three Angels Broadcasting Network" (hereinafter "Infringing Metatags"), which are words and phrases utilized by internet users' search-engines to find and locate websites that use the 3ABN Marks.

29. Defendants have also registered the domain name "www.save3ABN.org," (hereinafter "the Directing Website") and use the Website at that URL to direct visitors to the "www.save3ABN.com" website.

30. The Infringing Website also contains an unauthorized embedded copy of a copyrighted 3ABN broadcast, which visitors can either launch and watch while on the Infringing Website or duplicate by copying the program, via electronic download, from the Infringing Website.

31. The Infringing Domain, Infringing Website, Directing Website, and Infringing Metatags incorporate a trademark that Three Angels Broadcasting Network, Inc. has continuously used for over twenty years in connection with its ministry, broadcasts, and related

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audio and video products. Notwithstanding the reputation and goodwill represented by the 3ABN Marks, and Defendants' awareness thereof, and, upon information and belief, precisely because of said awareness, Defendants (a) willfully registered, used, and plan to continue using the Infringing Domain, and (b) willfully used and plan to continue to use the Infringing Website, Directing Website, and Metatags.

32. The registration and/or the use and planned use of the Infringing Domain, Infringing Website, Directing Website, and Infringing Metatags by the Defendants have been without 3ABN's consent or authorization.

33. The registration and/or the use and planned used of the Infringing Domain, Infringing Website, Directing Website, and Metatags by the Defendants have caused and are likely to cause confusion and mistake in the minds of the public and, in particular, tends to and in fact does deceivingly and falsely create the impression that the Infringing Domain, and the content therein, are affiliated with and authorized, sponsored, or approved by 3ABN.

34. Not only would persons familiar with the 3ABN Marks be likely to believe that the Infringing Domain and Infringing Website originate with and are sponsored by 3ABN, but any such confusion could seriously injure 3ABN to the extent that the content of the Infringing Website located at the Infringing Domain negatively reflects upon the reputation, goodwill and character established by 3ABN for its ministry, broadcast, and corporation over the past 22 years. Because of the confusion engendered by Defendants' unauthorized uses of the 3ABN Marks, 3ABN's valuable goodwill with respect to its trademarks is jeopardized by Defendants.

35. The registration and/or the use and planned use of the Infringing Domain by Defendant has been deliberate, designed specifically to trade upon the enormous goodwill and familiarity of the 3ABN Marks, in order to lure the public to a site that disparages and defames

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the organization. 3ABN's use of the 3ABN Marks predates any use Defendant may have made in connection with the term "3ABN."

36. The registration and/or the use and planned use of the Infringing Domain, Directing Website, and Infringing Metatags by the Defendant has been deliberate, designed specifically to trade upon the enormous goodwill and familiarity of the 3ABN Marks in order to wrongfully identify Plaintiff as the source of the Infringing "www.save3abn.com" Website.

37. On or about January 30, 2007, 3ABN demanded in writing that Defendants cease and desist from, among other things, all unauthorized use of the 3ABN Marks, including but not limited to the Infringing Domain and Infringing Website. Defendants have to date failed and refused to comply with the demands of that cease and desist letter.

Defendants' Conspiratorial Conduct

38. Upon information and belief, Gailon Joy and Robert Pickle are members of the Seventh Day Adventist Church and met former 3ABN director and employee Linda Shelton through their common religious affiliation.

39. Upon information and belief, Linda Shelton has communicated to Gailon Joy and Robert Pickle statements critical of 3ABN, its board of directors, its officers and/or its employees for them to publish as her agents.

40. Upon information and belief, Gailon Joy and Robert Pickle desire to see Linda Shelton reinstated as an employee and director at 3ABN and intend to discredit and damage the ministry as a means of facilitating Linda Shelton's reinstatement.

41. Gailon Joy and Robert Pickle are visitors and frequent participants in various websites and chat rooms that are frequented by members of the Seventh-Day Adventist Church, where Defendants have, by electronic posting, published numerous statements related to 3ABN

and Danny Shelton. Joy also operates a website at "www.save3ABN.com" where he has also published numerous statements related to 3ABN and Danny Shelton. Joy also operates a website at "www.save3ABN.org" where he directs visitors to the "www.save3ABN.com" website.

42. Gailon Joy and Robert Pickle have, upon information and belief, conspired, and colluded to enable, facilitate, encourage, and promote the publication and dissemination of defamatory, disparaging, and slanderous statements regarding 3ABN and its President Danny Shelton at the internet website "www.save3ABN.com," and other internet websites, wherein numerous false statements regarding 3ABN and its President Danny Shelton have been published by Defendants.

43. Defendants have participated in this conspiracy by jointly authoring many or all of the published statements on "www.save3ABN.com" and by jointly authoring statements published by one or both of them on websites frequented by members of the Seventh-Day Adventist Church, such as "www.blacksda.com," "www.maritime-sda-online.org," "www.christianforum.com," and the Yahoo Prophecy Board forum.

44. Defendants have also participated in this conspiracy by jointly marketing, advertising, and promoting the "www.save3ABN.com" website, which they have done by posting electronic links to the website on numerous bulletin boards and websites frequented by members of the Seventh-Day Adventist Church, by mailing advertising postcards to Seventh-Day Adventist Churches across the United States directing Church Members to the "www.save3ABN.com" website, and by encouraging Internet users to visit the "www.save3ABN.com" website to "learn the truth" about 3ABN and its President Danny Shelton.

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45. Defendants have also participated in this conspiracy by each disseminating, distributing, and reprinting the other's published statements.

Defendants' Untrue Statements

46. Gailon Joy and Robert Pickle have published numerous untrue statements that 3ABN and its President Danny Shelton have committed financial improprieties with donated ministry funds. Among those untrue statements made by Joy and Pickle are, *inter alia*, that:

a. For the last several years, the international television ministry known as Three Angels' Broadcasting Network (3ABN) has found itself beset by a growing number of moral, ethical, and financial allegations. Despite the serious nature of these allegations, repeated calls for investigation, reform, and accountability have gone unheeded by its officers and directors.

b. Danny Shelton purchased a 3-year-old van using 3ABN funds, then sold the van to a member of his family for just \$10.00.

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.

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.

e. The 3ABN Board of Directors has failed in its responsibility to oversee and manage 3ABN's financial assets.

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.

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

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.

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.

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

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.

47. 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.

48. 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

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managers, officers, and directors. Among those untrue statements made by Defendants are, *inter alia*, that:

- a. 3ABN engages in nepotism in the hiring and firing of staff.
- b. 3ABN violated the Federal Equal Opportunity Act by taking adverse employment actions against two whistle-blower employees of 3ABN's Trust Services division.
- c. The 3ABN Board of Directors has failed in its responsibility to oversee the governance and administration of the organization.
- 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.

49. 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.

50. 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:

- 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.
- b. Danny Shelton and ASI conspired to prevent various allegations and issues from being included in the fact-finding tribunal.
- c. It was Danny Shelton that participated in an extra-marital affair by becoming "involved" in "after hours activities" with 3ABN employee Brenda Walsh.
- d. During his marriage to Linda Shelton, Danny Shelton had several inappropriate extra-marital relationships, of which 3ABN staff and board members were aware.
- e. Danny Shelton was preparing to divorce Linda Shelton beginning in 2003.
- 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.
- g. Danny Shelton lied by claiming to have joint title with Linda Shelton to a Toyota Sequoia automobile.
- 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.
- i. Danny Shelton perjured himself through the course of court proceedings relating to his divorce from Linda Shelton.

51. 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.

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52. 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.

CAUSES OF ACTION

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

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

54. 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.

55. Defendant Joy has used Plaintiff 3ABN's Marks in the registered domain names "save3abn.com" and "save3abn.org."

56. Defendant Joy has used Plaintiff 3ABN's Marks in the internet websites "www.save3abn.com" and "www.save3abn.org."

57. Defendant Joy has used Plaintiff 3ABN's Marks in the embedded metatags "3ABN," "3-ABN," and "Three Angels Broadcasting Network" on the Infringing Website.

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

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

60. 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.

61. 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.

62. 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.

63. 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.

64. 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.

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

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

66. 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,

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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.

67. 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.

68. 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.

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

70. 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.

71. 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.

COUNT III: Defamation

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

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

74. 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.

75. 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*.

76. 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.

77. 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.

78. 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.

COUNT IV: Intentional Interference With Advantageous Economic Relations

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

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

81. 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.

82. 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.

83. As a direct and proximate result of Defendant's actions, viewers and donors have discontinued their financial support of the ministry.

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.
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.
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.
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.

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.

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.

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.

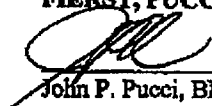
8. That compensatory damages be awarded to Plaintiffs in an amount to be determined at trial, but in no event less than \$75,000 (exclusive of costs and interest).

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

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

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

Dated: April 5, 2007

By: 
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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

In re

GAILON ARTHUR JOY

Debtor

Chapter 7, No. 07-43128-JBR

CERTIFICATE OF SERVICE

I, GEORGE I. ROUMELIOTIS, ESQ. of the law firm of HENDEL & COLLINS, P.C., 101 State Street, Springfield, Massachusetts, do hereby certify that on the 13th day of November, 2007, I electronically filed the Motion of Three Angels Broadcasting Network, Inc. and Danny Lee Shelton for Relief From the Automatic Stay. I further hereby certify that upon receipt of the Notice of electronic service of said Motion, a copy thereof will be served by first class mail, post prepaid, to any of the parties listed on the attached Exhibit "A" not noted as having received electronic service, said service being made on the 13th day of November, 2007.

/s/ George I. Roumeliotis
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EXHIBIT "A"

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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

In re

GAILON ARTHUR JOY

Debtor

Chapter 7, No. 07-43128-JBR

MOTION FOR EXPEDITED DETERMINATION
OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY

To the HONORABLE JOEL B. ROSENTHAL, Bankruptcy Judge:

Now come Three Angels Broadcasting Network, Inc. ("3ABN") and Danny Lee Shelton ("Shelton"), creditors and parties in interest, and hereby request that their Motion for Relief from Stay be considered on an expedited basis. In support thereof, 3ABN and Shelton respectfully represent as follows:

1. Contemporaneously herewith, 3ABN and Shelton are filing their Motion for Relief from Stay ("Motion"), which seeks authority to proceed with certain prepetition litigation pending in the United States District Court for the purpose of obtaining injunctive relief against the Debtor requiring him to cease his continuing violations of 3ABN's federally protected trademarks and his ongoing defamatory conduct towards 3ABN and Shelton. In the Motion, 3ABN and Shelton also seek authority to obtain Orders pertaining to the preservation of records and other information.

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EXHIBIT

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2. On April 6, 2007, 3ABN and Shelton commenced an action in the U.S. District Court for the District of Massachusetts entitled Three Angels Broadcasting Network, Inc., an Illinois non-profit corporation and Danny Lee Shelton v. Gailon Arthur Joy and Robert Pickle, which case is pending as Case No. 4:07-cv-40098-FDS ("Civil Action"). In connection with the Civil Action, 3ABN and Shelton maintain that the Debtor has and is continuing to violate 3ABN's trademarks and has and is continuing to defame 3ABN and Shelton. The Debtor's conduct against 3ABN and Shelton continue to the present day, some 3 months after the Debtor's Chapter 7 filing.

3. The Debtor's trademark violations and defamatory conduct are committed primarily through his operation of two websites, www.save3ABN.com and www.save3ABN.org, to which 3ABN and Shelton maintain the Debtor is directing internet users that intend to reach 3ABN's website by improperly using metatags that internet search engines utilize in finding and ranking websites. On his website, the Debtor defames and disparages 3ABN and Shelton. This conduct is having an impact on 3ABN's mission and business, and is negatively impacting its ability to collect donations from viewers and listeners. Accordingly, the Debtor's conduct continues to harm 3ABN and Shelton each day it continues.

4. The Motion also seeks authority to permit 3ABN and Shelton to request Orders compelling the Debtor to preserve records and other information which 3ABN and Shelton fear the Debtor may destroy.

5. Accordingly, in order to minimize future harm to 3ABN and Shelton, and to preserve records and information central to

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the Civil Action, they request that the Motion be heard on an expedited basis.

WHEREFORE, 3ABN and Shelton respectfully request that the Motion be heard on an expedited basis.

THREE ANGELS BROADCASTING
NETWORK, INC.
DANNY LEE SHELTON

Dated: November 13, 2007

By: /s/ George I. Roumeliotis
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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

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)	
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)	
Debtor)	
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CERTIFICATE OF SERVICE

I, GEORGE I. ROUMELIOTIS, ESQ. of the law firm of HENDEL & COLLINS, P.C., 101 State Street, Springfield, Massachusetts, do hereby certify that on the 13th day of November, 2007, I electronically filed the Motion for Expedited Determination of the Motion of Three Angels Broadcasting Network, Inc. and Danny Lee Shelton for Relief From the Automatic Stay. I further hereby certify that upon receipt of the Notice of electronic service of said Motion, a copy thereof will be served by first class mail, post prepaid, to any of the parties listed on the attached Exhibit "A" not noted as having received electronic service, said service being made on the 13th day of November, 2007.

/s/ George I. Roumeliotis
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EXHIBIT "A"

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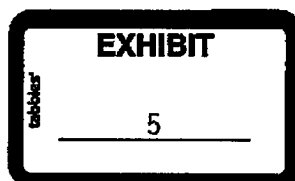
IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In Re)
)
Gailon Arthur Joy,)
)
Debtor.)
)
)

DEBTOR'S OPPOSITION TO THE MOTION FOR RELIEF FROM THE AUTOMATIC STAY

Now comes GAILON ARTHUR JOY and submits the following in Opposition to the Motion for Relief for the Automatic Stay filed by Danny Shelton and Three Angels Broadcasting Network, Inc.:

1. Admit.
2. Admit.
3. Admit.
4. Admit that 3ABN was founded in the mid-1980's by Danny Lee Shelton and others, but deny the remaining allegations and in particular the mission of the enterprise.
5. Cannot confirm or deny but note that 3ABN is a not-for-profit enterprise and the amount of its spending is meaningless as its business is not one of obtaining a return on its monetary investments.
6. Cannot confirm or deny these allegations.
7. Admit that 3ABN and Danny Shelton have various trademark registrations some of which are in the nature of being recognizable marks of 3ABN or Three Angels Broadcasting Network, Inc.
8. Cannot confirm or deny these allegations but allege in response that the trademarks held by 3ABN for internet use are earmarked solely for education of children.
9. Cannot confirm or deny these allegations.
10. Cannot confirm or deny these allegations but admit that the websites in question were not listed as assets by the debtor.
11. Deny, but allege that 3ABN.com has a save3ABN web page deliberately designed to capture searches for save3ABN or at least rank within the top ten responses returned by search engines.
12. Deny that the Debtor has placed anything on the websites in question and allege that he does not have the technical expertise to do so, and allege that he would not be able to insert search engine information including the META tag..
13. Admit that the Complaint in the District Court makes such allegations but deny their validity.
14. Deny.



15. Admit that the complaint seeks such relief but deny that the movant made any request of the District Court for such an order prior to the defendants entering their respective appearances pro se.
16. Deny these allegations.
17. Admit that 3ABN has sought discovery from the date of the Bankruptcy Petition in this case. Deny that this Court would have to enter an order to implement what was described earlier. Deny that the order to copy the debtor's computers, which include confidential financial information of customers and his correspondence with his attorney, would be an effective step in preserving information that would consume innumerable hours separating the privileged from the non-privileged, when complete disclosure was already made.
18. Deny that the debtor has engaged in such post-petition conduct that would lend itself to a motion for damages.
19. Admit that the status conference was held and the debtor received first word of This Motion.
Stating in further opposition to the Motion.
20. These creditors come to this Court with the most unclean hands imaginable, having asked the Court to ratify their complete disregard of the Automatic Stay, as detailed in the Adversary Proceeding filed as 07-04173, by granting a motion for relief from the Automatic Stay.
21. Neither do these creditors ask for retroactive relief.
22. Even a cursory examination of the creditor plaintiffs' affidavits shows they are saying that the actions of the debtor have cost them money - when their public financial filings indicate that they are experiencing continual growth and growth when they say the debtor is causing losses.
23. An illustrative case is *In re Anderson*, USBC (S.D.) 01-10280, available at <http://www.sdb.uscourts.gov/Decisions/2002Decisions/2002%20-04%20Anderson.htm> and citing *Blan v. Nachodoches County Hosp.* (In re *Blan*), 237 B.R. 737, 739 (8th Cir. BAP 1999).

24. "When faced with the question of whether to permit relief from the automatic stay to allow a proceeding before another tribunal to continue, the Court must find "cause" to do so. 11 U.S.C. 362(d)(1). Although "cause" has not been defined within the Bankruptcy Code, Congress intended that the automatic stay could be lifted to allow litigation involving the debtor to continue in a nonbankruptcy forum under certain circumstances. H.R.Rep. No. 95-595, at 341 (1977); S.Rep. No. 95-989, at 50 (1978) ("It will often be more appropriate to permit proceedings to continue in their place of origin, when no great prejudice to the bankruptcy estate would result, in order to leave the parties to their chosen forum and to relieve the bankruptcy court from duties that may be handled elsewhere."); see *In re United Imports, Inc.*, 203 B.R. 162, 166 (Bankr. D. Neb.1996). In making the determination of whether to grant relief from the stay, the court must balance the potential prejudice to the Debtor[,] to the bankruptcy estate, and to the other creditors against the hardship to the moving party if it is not allowed to proceed in state court. *Internal Revenue Service v. Robinson* (In re *Robinson*), 169 B.R. 356, 359 (E.D.Va.1994); *United Imports*, 203 B.R. at 166; *In re Marvin Johnson's Auto*

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Service, Inc., 192 B.R. 1008, 1014 (Bankr. N.D. Ala.1996); Smith v. Tricare Rehabilitation Systems, Inc. (In re Tricare Rehabilitation Systems, Inc.), 181 B.R. 569, 572-73 (Bankr. N.D. Ala.1994).

25. "Blan v. Nachogdoches County Hospital (In re Blan), 237 B.R. 737, 739 (B.A.P. 8th Cir. 1999). The factors used to balance the hardships include: (1) judicial economy; (2) trial readiness; (3) the resolution of preliminary bankruptcy issues; (4) the creditor's chance of success on the merits; and (5) the cost of defense or other potential burden to the bankruptcy estate and the impact of the litigation on other creditors. Id."
26. The issue of judicial economy is of limited relevance because the bankruptcy case and the civil case, referred to the Magistrate Judge, may each be heard by the district court should the reference be removed.
27. The cases have barely begun discovery and the bankruptcy court could hear the matter as well as the Magistrate Judge, albeit with much more consideration to the devastating financial impact upon the debtor who is trying to change his mortgage loan business for one that is not beset by the current financial crisis.
28. The creditor had very limited chance of success on the merits. Case after case have ruled in accordance with Taubman v. Webfeats, 319 F.3d 770 (6th Cir. 2003) that held that including a trademark as part of a website name was not an infringing use, and where as here the META tag inclusions were removed, there was no grounds to enjoin anything.
29. The Debtor can ill afford the time and attention the plaintiff creditors are giving him. This Court should deny the Motion.

WHEREFORE, the Debtor respectfully request the Court deny the Motion.

RESPECTFULLY SUBMITTED

Gailon Arthur Joy, Debtor,
By His Attorneys,

/s/ Laird J. Heal
Laird J. Heal BBO #533901
78 Worcester Road, P. O. Box 365
Sterling, MA 01564
978-422-0135

Dated: November 20, 2007

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

In re

GAILON ARTHUR JOY

Debtor

Chapter 7, No. 07-43128-JBR

ORDER MOTION FOR RELIEF FROM THE AUTOMATIC STAY

At Worcester, in said District, this 21st day of November, 2007.

Upon the Motion of Three Angels Broadcasting Network, Inc. and Danny Lee Shelton seeking relief from the automatic stay ("Motion"), after notice and hearing, and for cause shown, it is hereby

ORDERED that cause exists pursuant to 11 U.S.C. §362(d) (1) for the entry of an Order granting relief from stay for the purposes described in the Motion; and it is further

ORDERED that Three Angels Broadcasting Network, Inc. ("3ABN") and Danny Lee Shelton ("Shelton") are hereby granted relief from the automatic stay so that they may continue to prosecute the Civil Action (as defined in the Motion), seek the injunctive relief described in the Motion to prevent the Debtor from continuing to use the 3ABN.com and 3ABN.org domains and websites, seek the injunctive relief described in the Motion to prevent the Debtor from continuing to defame and disparage 3ABN and Shelton, and seek the injunctive relief described in the Motion to prevent the Debtor from continuing to interfere with 3ABN's business; and it is further

EXHIBIT

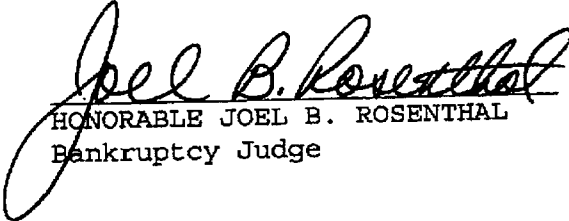
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↑
Provided, however, Neither 3ABN or Shelton shall seek damages in the Civil Action on account of any prepetition claim;

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ORDERED that the 10 day stay on the effectiveness of this Order as provided by Fed. R. Bankr. P. 4001(a)(3) is not applicable.


HONORABLE JOEL B. ROSENTHAL
Bankruptcy Judge

Y:\MSK\Reliant\three\Motion for Relief From Stay.doc

Case 07-04173 UNITED STATES BANKRUPTCY COURT:58:26 Desc Main
 DISTRICT OF MASSACHUSETTS
 Proceeding Memorandum/Order

In re GAILON ARTHUR JOY

In Re: Gailon Arthur Joy v. Danny Lee Shelton et al

Case Number: 07-04173 (JBR)

Matter:

Chapter:

#4 Motion of Defendants, Danny Lee Shelton, Three Angels Broadcasting Network, Inc., to Dismiss Adversary Proceeding and #15 Opposition of Debtor

MOVANT/APPLICANT/PARTIES

George I. Roumeliotis for Defendants
 Laird J. Heal for Plaintiff

COURT ACTION:

Show Cause Order _____ Released _____ Enforced
 #4 Granted _____ Approved _____ Moot
 _____ Denied _____ Denied without Prejudice
 _____ Withdrawn in Open Court
 _____ Sustained _____ Overruled
 _____ Continued to: _____
 _____ Proposed Order to be Submitted by: _____
 _____ Stipulation to be Submitted by: _____
 _____ Taken Under Advisement

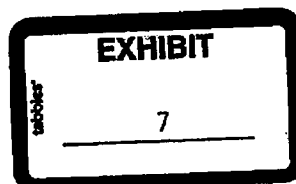
DECISION SET OUT MORE FULLY BY COURT AS FOLLOWS:

Plaintiff has failed to allege all elements of 11 U.S.C. § 362(k) under the standard set forth in the Supreme Court Bell Atlantic case. Plaintiff shall have until January 11, 2008 to file an amended complaint.

SO ORDERED:

Joel B. Rosenthal
 Joel B. Rosenthal

Dated: 2/1/08



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UNITED STATES BANKRUPTCY COURT

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DISTRICT OF MASSACHUSETTS

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In Re:

Case No. 07-43128-JBR

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Gailon Arthur Joy,
Debtor

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FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004

14

EXAMINATION OF: GAILON ARTHUR JOY, to be taken

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before Sarah L. Mubarek, a Notary Public for the

16

Commonwealth of Massachusetts, at the offices of

17

Hendel & Collins, P.C., 101 State Street,

18

Springfield, Massachusetts 01103, on September 9,

19

2008, commencing at 10:30 a.m.

20

21

22

APPEARANCES:

23

(Please see page 2)

EXHIBIT

8

1 MR. HEAL: Are you having any trouble
2 hearing, Bob?

3 MR. PICKLE: No, I'm hearing pretty
4 good. Thank you for asking.

5 Q. So your testimony just now is that you
6 were the branch manager for New England Merchants
7 Corporation. When did it close? When did it go
8 out of business, as you say?

9 A. Let's see. I guess it was probably in
10 July. I don't remember the date. Sometime in
11 July.

12 Q. Of last year?

13 A. Yeah.

14 Q. 2007?

15 A. Something like that, yeah. But it
16 actually -- we ended up -- it took us a while to
17 finish up, cleaning out records, and we didn't
18 finish that until sometime in probably September,
19 October, because we had several years' worth of
20 records there.

21 Q. When you refer to cleaning out records, is
22 that just you're putting things in storage? What
23 was that activity?

1 Q. Do you believe you're entitled to receive
2 it if you had filed your 2007 tax return?

3 A. No, do not.

4 Q. And the reason why you don't think you'll
5 be entitled to it?

6 A. State would have taken it.

7 Q. Why would the state have taken it?

8 A. I think I owe them \$1,800.

9 Q. You owe the state of Massachusetts --

10 A. I believe so.

11 Q. -- \$1,800 for what, past taxes?

12 A. Yeah.

13 Q. And is that on account of some annual tax
14 return?

15 A. Yeah. I think 2005.

16 Q. What, sir, have you done for gainful
17 employment, for income, since the closing of NEMCO,
18 which you said took place in roughly July or August
19 2007?

20 A. Well, actually we didn't finish up until
21 probably September or October, something like that.
22 I can't remember when it was.

23 Q. When you say you didn't finish up, are you

1 saying that you continued to be paid for a little
2 while longer?

3 A. We didn't get paid. As you can see, we
4 didn't get paid. We were supposed to get paid. We
5 didn't get paid. As a matter of fact, we didn't
6 get credit for any of our work that was done in
7 July or August.

8 Q. Okay. So your last income then was when?

9 A. You mean with NEMCO?

10 Q. From NEMCO, yes.

11 A. Apparently July. I didn't get paid beyond
12 that.

13 Q. What have you done -- what do you do now
14 for income?

15 A. Well, if the question is a post-petition
16 question, when I left NEMCO, I went to work with
17 First American Mortgage Trust again.

18 Q. First American Mortgage Trust?

19 A. Yup.

20 Q. One of your prior employers?

21 A. Exactly, yeah.

22 Q. Are you still working for First American
23 Mortgage Trust?

1 A. No, they failed, and we didn't get paid by
2 them sometime in February I think, January,
3 February.

4 Q. When did you go back to work for First
5 American Mortgage Trust?

6 A. In November maybe, late November.

7 Q. Late November?

8 A. Sometime in November. I don't remember
9 when. You know what? I may have been putting in
10 accounts in October. I don't recall. I'd have to
11 look and see. I have no clue, to be honest with
12 you.

13 Q. And then you say that that employer failed
14 when?

15 A. First part of the year they collapsed.

16 Q. January 2008 approximately?

17 A. Yeah, but I think they -- I think the
18 final undoing was the Bear Stearns. They started
19 having incredible difficulty. They could not move
20 their product. You know, they couldn't sell their
21 loans beginning sometime in January, and then from
22 there on in, it just wholesale collapsed by March.

23 Q. Were you an employee from November to

1 January of First American Mortgage Trust?

2 A. Well, I was an account exec for them, but
3 didn't get paid during that period.

4 Q. You never got paid anything from them?

5 A. No. The company collapsed. They took the
6 money with them.

7 Q. So you worked for two months or so and
8 never received any compensation?

9 A. Well, I received about \$3,000 in December,
10 I think, if I recall.

11 Q. Subsequent to First American Mortgage
12 Trust's failure, have you worked for somebody else
13 or something else?

14 A. I tried several things. Nothing seems to
15 have gained traction yet significantly.

16 Q. My specific question is have you worked
17 for somebody else? Have you been an employee with
18 another firm or another company since January of
19 2008?

20 A. I haven't -- not really, no. I have
21 talked to several, but we've never consummated a
22 deal.

23 Q. And you alluded to some other efforts that

1 deliver them to Mr. Heal's office and it would be
2 done there. That's my recollection of it.

3 Then we had a hearing all the way in
4 Boston, which I had to go to. To say the least,
5 that was aggravating. I had a setback, by the way,
6 from that hearing.

7 Q. When was that hearing that you attended?

8 A. You don't believe me, do you?

9 Q. We'll talk about that. When was that
10 hearing that you attended?

11 A. I don't recall.

12 Q. Was that November 13th, 2007?

13 A. Probably makes sense, yeah.

14 Q. Status conference?

15 A. Yeah.

16 MR. HEAL: I believe so.

17 A. And we had to -- no, it was not. It was a
18 specific conference before the magistrate. That
19 would not have been a status conference.

20 Q. How many conferences did you attend in the
21 District Court or hearings did you attend in the
22 District Court personally in connection with --

23 A. I've attended all hearings, so whatever

1 was during that period of time, I attended them.

2 Q. I believe that the only hearing that took
3 place prior to the lifting of the stay that is at
4 question was the November 13th, 2007 status
5 conference.

6 A. That's not true. We had a whole hearing
7 on the production of the -- we had a -- let me
8 think. We had a -- I'm trying to remember the date
9 on that. We had a full hearing before the judge
10 magistrate.

11 Q. In connection with your attendance at
12 those hearings, did you have to reschedule any
13 appointments or anything that would have otherwise
14 led to income opportunities?

15 MR. HEAL: I'm sorry. Is this a Rule
16 2004 exam or a deposition?

17 MR. ROUMELIOTIS: I acknowledge that
18 this leads into issues dealing more directly with
19 the adversary proceeding. If you're willing to
20 answer them, I would appreciate it. If you're not,
21 then tell me so.

22 A. I don't recall the dates of the hearings
23 or what the circumstances were. If it's a question

1 of whether or not there was a huge income
2 opportunity, I seriously doubt it given the fact
3 that we were in bankruptcy. I can't imagine
4 anybody in bankruptcy -- but I guess there's some
5 people that don't really have bankruptcies that
6 file for bankruptcy -- but mine was a real
7 bankruptcy.

8 Q. So it's your testimony then that you were
9 not deprived of any real income producing
10 opportunities as a result of your having to attend
11 the hearings?

12 A. How would I know? I wouldn't know. If I
13 was attending hearings, how would I know if I
14 missed something?

15 Q. Were there any messages?

16 A. Let's put it this way. If I would have
17 earned it, I probably wouldn't have gotten paid
18 anyway, so what difference does it make?

19 MR. ROUMELIOTIS: Why don't we take a
20 break for a half hour, hour?

21 (Lunch recess taken at 12 p.m.)

22 (The examination resumed at 1:15 p.m.)

23 Q. Back on the record. I think we were

1 that, and finally just decided that the only way to
2 deal with it was to go to a hearing, and we did.

3 Q. And what happened at that hearing?

4 A. They brought their expert from Minnesota,
5 and we actually had an evidentiary hearing, and it
6 took us about maybe three hours, four hours,
7 something like that, while we demonstrated that he
8 wasn't as expert as he thought he was.

9 Q. And then the third item that you stated in
10 here is, "Attending the status conference hearing
11 at which you objected, through your bankruptcy
12 attorney, to the violation of the automatic stay."
13 Is that the hearing you're referring to?

14 A. No, separate hearing.

15 Q. Separate hearing?

16 A. Later on we were asked to appear before --
17 it was an ongoing debate. I can't remember the
18 exact sequence. Something happened, and suddenly
19 the judge magistrate realized that he had a little
20 problem; that there was a bankruptcy hearing and he
21 had to deal with that issue first, so he reversed
22 his order.

23 So then we went to a hearing in Boston

1 sometime in November. At that point I had
2 pleurisy, and I went down there, and unfortunately
3 we had to park almost like a mile from the bloody
4 courthouse and it just beyond winded me. I ended
5 up with a remission.

6 Q. You had a what, sir?

7 A. Remission.

8 Q. Of what?

9 A. Pleurisy.

10 Q. You estimate that you spent about ten
11 hours or at least ten hours here in your complaint
12 dealing with these various things. Would you say
13 that that's an accurate number?

14 A. Probably light, probably a light number.
15 That controversy went over what, two months?

16 Q. And you say that you had in the past done
17 paralegal work in attempting to affix a dollar
18 value to the time that you say you spent. Have you
19 ever worked as a paralegal?

20 A. Yes.

21 Q. When?

22 A. Oh, I have worked -- I worked for -- I
23 worked three days a week working with a firm in

1 Vermont from probably around '84 through -- I think
2 the last case I did up there was '93, '94,
3 somewhere in there. Primarily personal injury,
4 medical malpractice, worker's comp.

5 Q. What was the name of that firm?

6 A. Illuzzi Associates.

7 Q. And when did you work there?

8 A. Oh, I think it was somewhere from the
9 period about 1984. I was hired to go up there and
10 actually work with them on a class action case.

11 Q. 1984 through when? I'm sorry.

12 A. Probably '91.

13 Q. You were living in Vermont at that time?

14 A. '93, I'm sorry. Oh, no, no, I commuted
15 back and forth. It was a part-time thing.

16 Q. Part-time thing, at the same time as you
17 were working other jobs?

18 A. Oh, sure, yeah. Since then I have on
19 occasion worked with attorneys on other cases.

20 Q. Also in your complaint you say that you
21 incurred legal fees and costs in the sum of
22 \$1,593.60 in connection with -- it says actually
23 prior to the filing of that adversarial proceeding,

1 A. But you weren't a creditor.

2 Q. Pardon me?

3 A. But you weren't a creditor.

4 Q. But there's pending litigation. Is it
5 your position that the bankruptcy filing did not
6 affect or shouldn't have affected the District
7 Court action?

8 A. Didn't think about it one way or the
9 other.

10 Q. Didn't think about it one way or the
11 other?

12 A. Nope. 3ABN was not on my mind when I
13 filed bankruptcy, believe me. It is the last thing
14 on my mind when I filed bankruptcy.

15 Q. What was the first thing on your mind when
16 you filed bankruptcy? What was the impetus for
17 filing the bankruptcy then?

18 A. The impetus was multi-faceted. I had a
19 situation where we had buybacks coming in from
20 lenders.

21 Q. Hold on. What's a buyback from a lender?

22 A. The lenders were threatening to charge us
23 back with loans that they felt were potentially --

1 to directly notify 3ABN or Danny Shelton?

2 A. I would not have asked him to because I
3 did not consider them creditors, and I still don't,
4 by the way.

5 Q. So if you took no actions to notify them
6 of the bankruptcy filing, would it surprise you
7 then if they took some actions in connection with
8 the District Court case?

9 A. Well, you know, I would have thought that
10 to be a rather stupid thing on their part, but
11 that's their problem.

12 Q. Why would you think that was a stupid
13 thing on their part, to take actions in a District
14 Court case if they knew nothing about the
15 bankruptcy filing?

16 A. Why would they put a notice of bankruptcy
17 on the record in an ongoing litigation issue?

18 Q. So would you have been all right if they
19 simply proceeded with what they were --

20 A. I would have been, except what they did
21 was they used it as the basis to try to come after
22 hard drives. That's what they did. They were
23 malicious.

1 Q. But you have no problem with the fact that
2 they proceeded against you in the District Court
3 litigation, notwithstanding your bankruptcy filing?
4 You had a problem because they were going after the
5 hard drive?

6 A. You know what? I wouldn't have had a
7 problem with that if they had come to us in the
8 right circumstances. But to do it in a malicious
9 way that they did made it absolutely unacceptable,
10 and that's been classic for them, malicious
11 activity. I've engaged in a lot of litigation in
12 my life. These people are particularly malicious,
13 and they happen to have really ticked me off.

14 Q. Again, I want to understand precisely what
15 it was that ticked you off. Did they tick you off
16 because they took action in connection with the
17 District Court litigation that in your mind they
18 shouldn't have because of the bankruptcy filing?
19 Or are you upset because they took action --

20 A. They maliciously abused the idea that
21 there was a bankruptcy in an effort to try to
22 enhance their ability to get information that they
23 knew they already had.

1 conference. There was a status conference
2 scheduled.

3 Q. No, they --

4 A. They filed an emergency petition to get
5 the drives, an emergency petition on drives that
6 they knew were already protected. That was
7 malicious.

8 Q. But the emergency motion though was
9 precipitated by your bankruptcy filing, was it not?

10 A. No, it had been months. We had produced
11 all kinds of information in the meantime. We had
12 done our 26(f). What are you talking about?
13 You're all wet. It was malicious, Mr. Roumeliotis.
14 Get the picture here.

15 Q. I'm asking the questions.

16 A. I'm answering them.

17 Q. What I want to understand is whether you
18 had an expectation that the District Court
19 litigation would stop as a result of --

20 A. No.

21 Q. -- the bankruptcy filing?

22 A. I did not.

23 Q. You did not have an expectation that the

1 District Court litigation would stop?

2 A. Why would I? I had produced
3 documentation --

4 Q. Did you expect it to continue in fact --

5 A. I did not consider 3ABN to be a creditor.

6 Q. So therefore did you expect the District
7 Court litigation to continue notwithstanding your
8 bankruptcy filing?

9 A. Once they put a notice of bankruptcy on
10 the record, they put themselves in a position where
11 they should have stopped, and they didn't do it. I
12 didn't put it on the record; they did. And they
13 utilized that petition maliciously.

14 Q. If 3ABN and Danny Shelton had not put on
15 the record that you were in bankruptcy, and they
16 proceeded with the litigation in the normal course,
17 would you have done anything to stop it?

18 A. Can't imagine. There was --

19 Q. The question is would you have done
20 anything to stop the litigation?

21 A. I can't imagine that I would have done
22 anything to stop the litigation at that point other
23 than exactly what -- the thing that precipitated

1 the entire issue was they put it on record, and
2 then they abused it and used it maliciously to do
3 something that they should never have done.

4 Q. So it is your --

5 A. To gain some form of advantage.

6 Q. So is it your testimony that had they done
7 nothing to inform the District Court of your
8 bankruptcy filing, that you would not have taken
9 any action to inform the District Court of your
10 bankruptcy filing, and in fact you would have
11 simply expected the District Court litigation to
12 continue as if you had never filed bankruptcy? Is
13 that your testimony?

14 MR. HEAL: I'm sorry. This is very
15 hypothetical. I have to object to that. I think
16 he answered the question. You're assuming things
17 that didn't happen, and the line of questioning --

18 MR. ROUMELIOTIS: Mr. Joy has filed a
19 complaint alleging that he's been harmed, and
20 insisting on punitive damages for something that my
21 clients and related parties have done in the
22 District Court litigation. He's sitting here
23 saying, "I fully expected the litigation to go on

1 Q. Is it your recollection that that
2 evidentiary hearing regarding electronic discovery
3 issues before Judge Hillman took place after you
4 filed for bankruptcy?

5 A. I'm pretty sure it did.

6 Q. And so you filed for bankruptcy on I
7 believe it was August 14th, 2007.

8 A. 14th or 15th, something like that.

9 Q. And so your recollection is that this
10 particular evidentiary hearing would have taken
11 place after that?

12 A. With Hillman? Yes, I seem to recall that.

13 Q. At that hearing, do you recall anyone --
14 strike that.

15 So is it your understanding that that
16 evidentiary hearing was in violation of the
17 automatic stay?

18 A. No.

19 Q. That's not your understanding?

20 A. No.

21 Q. And why is that?

22 A. We didn't consider you a creditor.

23 Q. So you didn't consider that the automatic

1 stay was in place because you didn't consider 3ABN
2 and Shelton creditors?

3 A. You were not creditors and you're not to
4 this date.

5 Q. Who's not? You're saying "you," but for
6 clarity on the record, who's "you"?

7 A. The plaintiffs, Shelton and 3ABN, were not
8 creditors at the time I filed and they are still
9 not creditors to this date.

10 Q. So to be clear, you do not consider that
11 evidentiary hearing to have taken place in
12 violation of the automatic stay?

13 A. As I said, we did not consider you
14 creditors.

15 Q. So is your answer no, it wasn't in
16 violation of the automatic stay because 3ABN and
17 Shelton were not creditors?

18 A. We had not invoked the automatic stay, and
19 proceeded to defend the case.

20 Q. Is it your belief that you did invoke the
21 automatic stay at some point?

22 A. We did not. You did.

23 Q. And that was by filing the motion for the

1 status conference?

2 A. Whatever. You're the one that gave
3 notice. Why would you do that if there had already
4 been a hearing on the issue?

5 Q. So is it your belief that whether it was
6 in the motion for the status conference or some
7 other filing, whatever filing was the first filing
8 to put the District Court on notice that you had
9 filed for bankruptcy, that was when the automatic
10 stay was invoked?

11 A. We did not invoke the automatic stay. The
12 plaintiffs, by whatever process, invoked the
13 automatic stay, and they knew or should have known
14 at that point that they needed to quit, and they
15 invoked the automatic stay for a very specific
16 purpose, to abuse and to violate what was already
17 under consideration by the U.S. District Court.

18 Q. And your belief of when the plaintiffs
19 invoked the automatic stay would have been when
20 they first put the District Court on notice that
21 you had filed for bankruptcy?

22 A. Absolutely. They invoked the automatic
23 stay. We did not invoke the automatic stay. We

1 did not consider you creditors. You made yourself
2 creditors artificially.

3 Q. I believe you testified that --

4 A. Hold on. "Parties appeared before the
5 Honorable Timothy S. Hillman on August 9, 2007."
6 Wouldn't that be before August 14th, counselor?

7 Q. I think August 9th goes before the 14th.

8 A. I do too. So there would have been no
9 violation of a stay that didn't exist at the time.

10 Q. So is your recollection now that in fact
11 that evidentiary hearing took place before you
12 filed for bankruptcy? Is that what you're
13 testifying?

14 A. Isn't that what it says in the record?

15 Q. I'm asking you a question about what your
16 recollection is.

17 A. I don't recall. I'm going by the record.
18 By the way, counselor, that's your own record.

19 Q. That's what? I didn't hear what you said.

20 A. That is your own record.

21 Q. I believe that you testified that you did
22 not provide direct notice to 3ABN or Danny Shelton
23 that you had filed for bankruptcy, is that correct?