

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTES

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

Case No. 07-40098-FDS

Plaintiffs,

V.

Gailon Arthur Joy and Robert Pickle,

Defendants.

AFFIDAVIT OF KRISTIN L. KINGSBURY

STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN) SS.

Kristin L. Kingsbury, being first duly sworn upon oath, deposes and states
as follows:

1. I am an attorney licensed in the State of Minnesota and admitted *pro hac vice* to the United States District Court, District of Massachusetts, where I am one of the attorneys representing Plaintiffs in the above-captioned action. I make this affidavit based upon my knowledge and information.

2. A true and correct copy of Defendant Robert Pickle's Requests for Production of Documents and Things to Plaintiff Three Angels Broadcasting Network, Inc. (First Set), dated November 29, 2007, is attached hereto as **Exhibit**

1. See **Exhibit 17** for Plaintiff's Responses. See below, ¶ 20 (**Exhibit 17**) for Plaintiff's Responses.

3. A true and correct copy of Defendant Robert Pickle's Requests for Production of Documents and Things to Plaintiff Danny Shelton (First Set), dated December 7, 2007, is attached hereto as **Exhibit 2**. See below, ¶ 20 (**Exhibit 18**) for Plaintiff's Responses.

4. A true and correct copy of Defendant's Subpoenas to Daniel Hall or Keeper of the records at Remnant Publications, dated November 28, 2007 and January 11, 2008 is attached hereto as **Exhibit 3**.

5. A true and correct copy of Defendant's Subpoenas to Alan Lovejoy, or Keeper of the Records of Gray Hunter Stenn LLP, dated November 30, 2007, and December 28, 2007 is attached hereto as **Exhibit 4**.

6. A true and correct copy of Defendant's Subpoena to Bookkeeping Department of Century Bank & Trust, dated December 6, 2007, is attached hereto as **Exhibit 5**.

7. A true and correct copy of Defendant's Subpoenas to Paula Capes, Jennifer Hengel, Ann Duenow or Keeper of the Records of Midcountry Bank, dated December 6, 2007 and December 12, 2007, are attached hereto as **Exhibit 6**.

8. A true and correct copy of Defendant's Subpoena of Kathi Bottomley, dated March 10, 2008, is attached hereto as **Exhibit 7**.

9. A true and correct copy of Defendant's Subpoena of Glenn Dryden dated May 7, 2008 is attached hereto as **Exhibit 8**.

10. A true and correct copy of Plaintiff Danny Shelton's Notice of Motions and Motions by Plaintiff Danny Shelton to Quash Subpoena *Duces Tecum* or, in the Alternative, for Protective Order, and to Stay and Remit Enforcement of Subpoena *Duces Tecum* or, in the Alternative, to Appoint a Special Master, filed on February 6, 2008 (to which amendments were filed on February 12, 2008), is attached hereto as **Exhibit 9**.

11. A true and correct copy of the Order issued by the Honorable Magistrate Judge Arthur Boylan of the District of Minnesota, Court File 08-mc-00007, relating to the above-referenced motion is attached hereto as **Exhibit 10**.

12. Defendant Robert Pickle filed a Motion to Amend Order on or around June 2, 2008. A true and correct copy of Defendant Robert Pickle's Memorandum in Support of His Motion to Amend Order is attached hereto as **Exhibit 11**.

13. Plaintiff Danny Shelton filed a Memorandum in Opposition to Defendant's Motion to Amend Order on June 18, 2008, a true and correct copy of which is attached hereto as **Exhibit 12**.

14. A true and correct copy of non-party Remnant Publications's Motion Responding to Defendant Robert Pickle's Motion to Compel Production of Documents, dated May 19, 2008, is attached hereto as **Exhibit 13**.

15. Non-party Gray Hunter Stenn, LLP filed a Motion to Quash subpoena on or around June 16, 2008. A true and correct copy of Gray Hunter Stenn, LLP's Memorandum of Law in Support of Motion to Quash, Modify or

Stay Subpoena Duces Tecum with a supporting Affidavit of M. Gregory Simpson, counsel for Plaintiffs (exhibits omitted), is attached hereto as **Exhibit 14**.

16. A true and correct copy of the Order to Show Cause issued on June 18, 2008 by the Honorable Judge J. Phil Gilbert of the Southern District of Illinois, Court File 08-MC-16, attached hereto as **Exhibit 15**.

17. A true and correct copy the Order issued by the Honorable Judge Ellen S. Carmody of the Western District Court of Michigan, Court File 1:-08-mc-0003 is attached hereto as **Exhibit 16**.

18. Plaintiffs will seek a Motion to Reconsider Order in the Western District Court of Michigan, Court File No. Court File 1:-08-mc-0003, following the present Motion, and intend to send a copy of this Motion and its supporting documents to counsel for Remnant Publications.

19. Counsel for Plaintiffs believe that documents produced by Kathi Bottomley and Glenn Dryden were already delivered to Defendant(s), although Plaintiffs have not seen these productions and do not know whether they contained Confidential Information.

20. Attached as **Exhibits 17 and 18**, are true and correct copies of Plaintiffs' responses to Defendants' Requests for Production of Documents and Things to Plaintiff Three Angels Broadcasting Network, Inc. (First Set) and Danny Lee Shelton (First Set), respectively.

21. Attached as **Exhibit 19**, is a true and correct copy of Plaintiffs' exhaustive summarization of each Document Request and Subpoena that Plaintiffs

categorically challenge, that were served by Defendant Robert Pickle and/or Defendant Gailon Arthur Joy on Plaintiffs and the six third parties described in Plaintiffs' present motion.

22. Attached as **Exhibit 20** is a true and correct copy of a post on the Internet chat-room on BlackSDA.com, cited in ¶ 4 to the Affidavit of Mollie Steenson in Support of Motion for Impoundment ¶ 4 [*see* ECF # 10].

23. Attached as **Exhibit 21** is a true and correct copy of page 1 of an E-mail string where Defendant Joy was a participant.

FURTHER YOUR AFFIANT SAYETH NOT.

Dated: June 25, 2008

s/ Kristin L. Kingsbury
Kristin L. Kingsbury

Subscribed and sworn to me
this 25th day of June, 2008.

s/ Amy Jo Ditty
Notary Public
My Commission Expires Jan 31, 2010