

BACKGROUND INFORMATION

1. Summary
2. Overview Of Peebs.Net
3. Dick Wyman Settlement Agreement
4. The Law Suit
5. Twinam Discovery

1. SUMMARY

On Friday February 15th, 2008 the anonymous Owner of the ex-Exclusive Brethren community website known as PEEBS.NET was forced to disclose his identity to Exclusive Brethren lawyers as a result of a SLAPP (Strategic Litigation Against Public Participation) lawsuit brought against the web site PEEBS.NET during 2007. The Exclusive Brethren have directly and indirectly been attempting to discover and harass users of the website since its inception in May 2004.

The Exclusive Brethren, using one of their many hundreds of Trusts the UK-based BIBLE & GOSPEL TRUST, through a firm of Washington DC lawyers, FULBRIGHT & JAWORSKI, served a law suit upon PEEBS.NET and TIMOTHY JOHN TWINAM in January, 2007 (Case Ref: 2:07-cv-17)

The suit alleges that there was a threat to publish two documents known as the 'Copyrighted Materials' by the web site. These documents were previously published on an earlier web site, known as the 'WYMAN SITE'. They became briefly available in 2007 after Wyman Site web pages were found on the Web Archive, a huge Internet web page archive available at WEB.ARCHIVE.ORG.

In 1996 Richard K. Wyman, a Minnesota resident of the United States, commenced operation of a small web site in his personal time. Over the next 7 years it attracted many ex-members of a group known as the Exclusive Brethren.

The Exclusive Brethren have their roots in the Plymouth Brethren, formed in the 1820's in the United Kingdom. Through a process of disputes and schisms, a splinter group was formed that is today known as the Taylorite/Hales Exclusive Brethren. One distinctive doctrine supports an extremist translation and implementation of the Christian principle of "Let every one who names the name of [the] Lord withdraw from iniquity" 2 Timothy 2:19 (Darby Translation).

The Exclusive Brethren interpretation extends to not eating or drinking with those not of the same faith; refusing ability to study in university; refusing access to radio or TV; banning cinema and theatre; banning membership of professional associations; banning ability to live in accommodation with a shared wall; banning the use of a shared sewer; harsh discipline that insists families separate; forced legal separation and divorce between married couples; extreme measures to prevent separated and divorced parents from seeing family members.

As a result the 'Wyman Site' became a focal point for ex-members who had not had the means of communicating with each other for often many years. The Exclusive Brethren commenced legal action against Richard Wyman in 2003 and a legal settlement was reached in 2005. As part of this settlement, Richard Wyman was forced to hand over his web site (EXCLUSIVEBRETHREN.NET) to the Exclusive Brethren and all content therein.

While the legal dispute continued, Wyman was forced to cease site operations as of late 2003. In early 2004 another ex-member of the Exclusive Brethren attempted to reinstate Internet access to the very popular Wyman Guest book. Daniel Little formed WITHDRAWNFROM.COM, but the Exclusive Brethren simply included Little in the Action and Little was also forced to settle.

A participating member of the Wyman website since 1998 was Tim Twinam, a citizen of the United Kingdom, who has been a Permanent Resident of the United States since January 1996. Twinam now lives in Vermont, USA with his American-born wife Sallie. Twinam is a rarity among ex-members as he has extensive Internet software development experience. When he realized that the Exclusive Brethren had successfully silenced the only publicly available means of contact among them, he decided to act.

Twinam formed an anonymous domain called PEEBS.NET using a Californian Domain Registrar in May 2004. Twinam launched the new website a few days later. Since that time, the web site has become known as the premier repository of information relating to the Exclusive Brethren.

PEEBS.NET conducts a Emergency Service to help existing and ex-members of the Exclusive Brethren in the event of a personal crisis. PEEBS.NET offers an Urgent Contact facility for 24/7 access in the event of an urgent need to offer or receive information. There is a comprehensive News Desk and a searchable archive of many hundred examples of news relating to the Exclusive Brethren.

Immediately following the 2005 Settlement of the Exclusive Brethren suit against Richard Wyman, PEEBS.NET received their first SLAPP law suit. The Exclusive Brethren had commissioned their own web site, many believe in an attempt to counteract the growing impact of Peebs.Net. The Domain Registrar for the new Exclusive Brethren web site (THEEXCLUSIVEBRETHREN.COM) was shown to be a Calgary, Alberta firm of lawyers - Gerald Chipeur Advocates. Chipeur objected to this publicly available information being discussed and instigated a \$500,000 lawsuit naming Tim Twinam and Peebs.Net among other Defendants.

Chipeur attempted to force the Domain Registrar for Peebs.Net (IDOTZ.NET) to disclose the identity of the Domain Owner, but failed. A similar attempt to involve the then Web Host for Peebs.Net also failed. Chipeur then concentrated on attempting to lure Twinam to Calgary for questioning. This also failed. As a result Chipeur forced a Motion for Contempt and won a summary judgment.

Meanwhile, the Bible and Gospel Trust brought their own case against Twinam and Peebs.Net in January 2007. Eventually Twinam was forced to disclose his ownership of the site following 9 months of acting on his own behalf.

2. An Overview of Peebs.Net

The Formation and Management of Peebs.Net

Background

The website created by Richard 'Dick' Wyman (the Wyman Site) was the fore-runner of any ex-Exclusive Brethren web sites. It set a high standard and obviously fulfilled a need. When the Wyman site was forced to close, another website (the Little Site) briefly filled the gap with only a simple mission – to display the Guest book from the Wyman Site. This too was forced to close within a few weeks.

The significant need to continue was always centered upon the Guestbook. It was a central communication focus that the thousands of ex-Exclusive Brethren had never had. But with the closure of the Little Site, it appeared that the Guestbook was now irretrievable.

In early 2004, California seemed to offer a partial solution and a Domain Name was secured that seemed to match the two known needs:

1. It was a catchy and memorable name
2. It could be registered as Anonymous.

The name PEEBS.NET was eventually registered with Idotz.net on May 7th, 2004

Now that a Domain Name could be secured, considerable thought had already taken place into what the new vehicle would be used for. It was decided that the site should not be just a Guestbook., but rather should cover a number of areas:

- A Repository of information regarding the Exclusive Brethren
- A casual Guestbook for 'saying Hi' and for Family Member Search
- A Discussion Area that had both Public and Private member-only Forums
- A Central Communications HQ

An in-depth search was commenced for appropriate software to enable some or all of the above. It became quickly apparent that this was going to be a huge project and would not occur overnight.

The site architecture began to take shape during March and April 2004. It initially was quite simple:

- A main 'Landing Page' with a menu to other areas
- A Names Registry similar to that which was on the Wyman Site (not on Little Site)
- A Guestbook similar to that on Wyman Site and Little Site – but database-driven to save work. (Wyman and Little would make entries by hand. Peebs.Net would allow visitors to sign themselves, but would 'moderate' the entries to filter out Spam.)

- A Discussion Forum for general conversations and discussions about anything related to the EB
- A Library to accumulate historical, documents and photographs relating to the EB.

Software was found that managed the following:

- Name Registry (database-driven, written in PHP)
- Guestbook (database-driven, written in PHP)
- Forum (database-driven, written in PHP)

All other site areas had to be written from scratch, by hand.

The above was brought together and tested. Once the software was proven and free from errors and inconsistencies, it was launched May 10th, 2004. A large email circular was sent to all known users of the Wyman site that explained the following:

Peebs.Net was not a Wyman Site replacement, it was a new entity. It stated that no permission had been sought from Wyman to produce the site and that no permission was necessary, because everything was being rebuilt from scratch.

The Name Registry was not pre-populated – those that wished to provide personal contact information and other details such as photographs would have to do so themselves.

The Guestbook was a self-regulating database which Peebs.Net would monitor for Spam and content. That it was to be used for ‘Hellos’ and ‘Family News’. This required some explanation because the Wyman Site and the Little Site only allowed a linear Guestbook format – which had been used extensively for Discussions on a variety of topics.

The Forums were explained. The concept of a Forum, Discussions, Threads and Posts – were all new terminology to the often technophobic ex-Exclusive Brethren who had been brought up to believe computers were evil and the ‘work of the Devil’. It was explained that there would be two separate areas:

- a) A Public Forum where anyone could leave a Post on a specified Thread
- b) Private Forums which could not be accessed by non-members.

The concept of having private discussions was attractive to many as it allowed them to open up and seek counsel from other members of the community. The difficulty with refugees from a highly authoritative regime was the thought of having to ‘apply’ and the psychological impact of a possible refusal. Peebs.Net were well aware of this trait and attempted to make this important transition as easy as possible with a clearly-defined Application Process (see below)

A great deal of time was spent in explaining technical matters to individuals who tried to

reach the site on a variety of Internet Browsers and Operating Systems. Matters such as PDF's, Cookies, JavaScript and Browser settings all had to be explained and technical support was a prevailing duty during the first year of operation.

The First Year

Due to the distrust and fear caused by prior litigation, the Names Registry did not succeed. Following some sustained abuse of the Registry by persons unknown who attacked specified individuals with inside-knowledge of their Exclusive Brethren past, the Names Registry was closed within a few months.

The Guestbook required considerable maintenance as ex-EB gradually learned that the Forums were the place for Comment and Discussion. There was a little 'fear' associated with the radical new technology used and this was explained patiently to those who wanted to have a voice.

Slowly at first, but with growing momentum, the Forums became a community focal point. From the very beginning, the following security measures were implemented:

- Registration was in the form of an Application
- A 'Registration Committee' sent out a Questionnaire (see Appendices) that was mandatory for the Registration process.
- The Applicant was assured that any personal information would be deleted following the Application Process. This was vital to ensure that the Applicant felt safe enough to disclose their identity and also to prevent any personal information becoming dispersed to those who would use it against them.
- A careful 'Email Trace' was carried out on both the initial Application and the completed Questionnaire. This was able to indicate the geographical location of the Applicant. If there was a mis-match between the stated location and the traced location, the Application would fail.
- If an Applicant name was unknown, further questions would be asked.
- If there were still doubts, then Peebs.Net would ask the Applicant to seek 'sponsorship' and placed them in touch with a nearby member-in-good-standing. If all things checked out, Membership would be granted.
- Upon successful Membership, a letter of welcome was issued (See Appendices)

These procedures have been in place since May 2004.

Forum Moderation

In the period May 2004 until approximately January 2005, all Moderation was conducted by Peebs.Net. At that time, the Forums were starting to 'explode' with activity and there was a number of disturbances in the Public Forums which, at that time, did not require full membership in order to participate.

Something had to be done and as a result, two new initiatives were conducted:

- i) Moderators were sought as volunteers within the existing membership.
- ii) Peebs.Net commenced some customization of the software to prevent general public posting.

There were a number of volunteers and a private Forum was created where each volunteer could access and conduct Moderation through the use of a special Forum Access Name – ‘Forum Admin’. The volunteers were given a special peebs.net email address – forum@peebs.net and only Moderators could ‘see’ the new Forum which was simply titled ‘Moderators Forum’.

The Moderators Forum was a transitory environment. Each new Thread was a separate topic relative to a specific moderation concern. The Moderators would assemble and give their opinions until they reached a decision. Normally the Moderators would delete old threads as a matter of housekeeping.

Each Moderator was able to Edit, Delete and Move Posts from all Public Forum areas. They worked as a team and Peebs.Net had no day-to-day contact with them. They did not sign in as themselves, but as ‘Forum Admin’. In this way they had a universal authority and Peebs.Net let it be known that the ‘Forum Admin’ had full authority in the Forums.

On occasions, if a member denied their authority, the Forum Admin would write to Peebs.Net and ask for assistance. If the member did not accept their authority, then their membership became suspended. Fortunately this was a very rare occurrence as the ‘suspension’ of a member would bring back awful memories of excommunication and Peebs.Net were very aware of the psychological frailty of many ex-Exclusive Brethren.

In late 2005, the Moderators decided that they could no longer continue their duties. As half-anticipated, the concept of an ‘Authority’ watching the Forums for signs of disturbance and mis-placed Posts was becoming overwhelming. Some high-spirited ‘trouble-makers’ took delight in teasing them and the Moderators decided to take a break.

The Moderators decided to remove the remaining Threads in the Moderators Forum. They explained that they had conducted some personal discussions and would prefer that the material be deleted. Peebs.Net had no reason to not agree and the Forum was removed permanently at this time.

From that time onward (October 2005) Peebs.Net have conducted all Moderation themselves in addition to other duties. Gradually in the course of the following 6 months into 2006, the Forums quietened as more responsible members started to self-moderate. This has continued to the current time.

Peebs.Net customized the software so that a non-Forum member could submit a Post on any Public Forum. These submissions are received on almost a daily basis and are, if suitable, posted under a generic name of ‘Guest’.

Guest Postings are almost without exception Anonymous. Peebs.Net supplies a unique Identity to each one to enable any replies to be directed. As the Guest Postings are sent from within the Forum software, there is no way to trace the Sender as Name and Email are entirely optional. Thus Guest Posts are moderated for content and suitability only.

The rules of Private and Public Postings for the membership are well-established and are covered in the 'Netiquette' article (already supplied) available on a public Forum.

If there are signs of a growing personal attack, or a disclosure of identity, or a non-referenced quotation or accusation, Posts are immediately reviewed and placed into the member-only areas. A notation is provided that asks the Poster to correct the Post accordingly. If this is not done, the Thread becomes permanently a member-only Thread.

Period through 2007

This was a very busy period for Peebs.Net as not only did the Forums grow in size and content, but there was considerable News to format and place on the web site. A News thread has been consistently maintained in the Forums to enable member discussion and to ensure Search Engine indexing.

In January 2007 a major discovery was made by a member that indicated the old Wyman Site and Little Sites were still accessible via the Web.Archive.Org Project. This exciting news was announced as a news item and links were given to this public facility so that all those interested could see for themselves.

Peebs.Net immediately copied the Guestbook from the Archive and commenced the not inconsiderable task of reformatting it so that it could be embedded within the Peebs.Net website. Members had been asking for the old Wyman Site Guestbook for years and it was a time of celebration to be able to take a trip down 'memory road' to the time that many of the community had first met each other on the Wyman Site.

At the Guestbook contains nothing but comments and introductions from hundreds of ex-Exclusive Brethren it is an important and emotional facility on the Peebs.Net web site and is viewed as a community-owned facility as it was indeed, created by the very individuals that view it today.

No other Wyman Site documents had been requested as Peebs.Net after nearly two years of growth had already naturally replaced any material that had been 'lost' since the Wyman Site was closed.

The task of copying the Guestbook was immense as there were over 30 pages and the format of preservation in the Web Archive was inconsistent with simple republication. A new page framework was designed and the pages were all reformatted to appear as close as possible to the original format. They can be seen today at <http://peebs.net/GuestBook/>

The Little Site Guestbook has never been recovered successfully but as it was so short-

lived, it has not received as much request or demand for recovery.

Late 2007

Peebs.Net suffered a series of internet attacks that really started in December 2007. These were from persons unknown and involved a malicious multi-origin attack known as a 'Denial Of Service (DoS) Attack'. This is caused by intentionally bombarding a known web address with continual messages from another location thus causing the server to work so hard that it cannot service normal web requests.

The first attack occurred in December as involved multiple computers from 'masked' or 'hidden' origin. It was directly aimed at Peebs.Net.

The attack ceased after 4 days and the site began to recover. Knowing that the attack could reoccur, Peebs.Net worked out a strategy for recovery should the event happen again.

Almost the moment that a strategy had been crafted by Peebs.Net, a second and far more sophisticated Denial Of Service attack recommenced. This time it could not be contained and it was relentless. As a result the Host Company that hosted Peebs.Net had no choice but to close down access to the site as the impact of the attack was hurting other web sites that they maintained and hosted.

As a result, Peebs.Net lost a great deal of historical information in the form of backups which had been taken on a Daily, Weekly, Monthly basis since 2004. All that could be recovered was the existing site content. This was gradually passed to Peebs.Net upon request from 'behind' the now blocked site.

Peebs.Net now implemented the Recovery Strategy that had been designed for a moment such as this:

- A temporary Status Page was hosted to allow Peebs.Net visitors to catch up on Site News
- An Email List informed those that wished of Site News and a timeline for recovery
- New Hosts were assessed and selected based on the ability to protect the site from illegal attacks
- The Domain was moved offshore to protect the future of the web site

Peebs.Net became live again on January 26th, 2008 (see <http://status.peebs.net>)

There has not been any sign of another attack, but the site is now in multiple locations and can now move to a new safe location and re-form in a matter of hours if attacked again.

The only known loss would be a history of backups and database changes since 2004. The impact was not recognized until Discovery process required production of Forum

Threads which by their nature are transitory.

Peebs.Net suggests that the Web.Archive.Org could be used to recover the entire historical spectrum of Peebs.Net. Peebs.Net welcomes the Web Archive product as it has nothing whatsoever to hide.

No copyright is claimed on any web page that has ever been created by Peebs.Net. The issue of intellectual property is another matter, but Peebs.Net considers all content to be the property of the ex-Exclusive Brethren community from whom all content was received.

Other Site Activities

The Emergency Button

To date there have been scores of suicides and several murders which are attributed to psychological damage and stress linked to the impact of certain Exclusive Brethren doctrines. Peebs.Net were asked to offer a Front Page Emergency facility following a suicide that occurred in 2006.

A global team of volunteers (12 individuals) are on 24/7 alert for a special high-priority email that is in some cases linked to cell phones. When the Emergency Button is pressed, an email is sent simultaneously to all email destinations. This allows those that sleep to know that others around the world have the ability to respond.

The Emergency Team works well and has been used 17 times since its launch. There have been no suicide casualties since this facility was implemented. Many feel that the fact the site exists and that those in crisis know they have somewhere to go has saved lives. We can categorically state that several lives have been saved as a result of Emergency Team activity.

The Emergency Team members use a private Forum to exchange progress reports on any specific emergency. The first member on scene keeps the others updated until either professional help has been received or until the crisis has ended.

Urgent Contact

The site offers a 24/7 contact specifically for Peebs.Net. Sometimes an individual wants to talk direct and urgently to the Team and this facility is used frequently in the event of a personal non-emergent crisis. Peebs.Net will do what is possible and normally with hand over responsibility to a member of the Helper Team who is geographically placed to assist.

Helper List

Peebs.Net has created a list of Helpers who offer varying facilities to those who wish to

leave the Exclusive Brethren. As 'Escapees' will lose job, home, family, income, benefits and friends it is vital that any such individual is placed into a Safe House. All Helpers are ex-EB and some are trained professional counselors and practitioners.

Helpers exist in 9 countries and currently number 87 people who offer service ranging from Friendship and Shelter to Employment and Financial assistance.

The Helper List is used on a regular basis.

Press Contact

The Press and media contact Peebs.Net for material, background and comment. All are freely given but Peebs.Net have until now avoided any personal disclosure as to identity.

General Activities

Peebs.Net scours the Internet and other resources on a daily basis for News, Documents and material relating to the Exclusive Brethren. News alerts arrive by email and from members within the Forums.

Peebs.Net commences operations at 5:00 am 7 days a week. An average weekday provides up to 5 hours activity with always a minimum of 3 hours work. On weekends, there are often 20 additional hours added. In a full week therefore, up to 35 hours can be spent on the Peebs.Net site activity. A slow week involves in excess of 20 hours. It has been estimated that over 4,500 Man Hours have been spent on the site since May 2004.

Peebs.Net receive approximately 100 emails per day, of which 70% is usually classified as Spam. All emails are personally responded to.

APPENDICES

Initial Membership Application

From: Peebs.Net [mailto:info@peebs.net]

Sent: [date]

To: [Applicant Email]

Subject: Peebs.Net Registration Committee

Importance: High

Hello!

This is the Peebs.Net Registration Committee. We are a small volunteer group that assist Peebs.Net in administrating applications to join the full forums.

As you have applied for membership for full entry to the Forums, we need to establish who you are.

Security is an important facet of the site as there have been numerous attempts at trying to infiltrate Peebs.Net and the forums.

Please write back from your normal computer using your normal email address (the one you received this message on) and answer the following simple questions as fully as possible. Your responses will be deleted once this process is complete. None of your responses can ever be published. Peebs.Net take their security

very seriously and this is reflected in the care that they take with all our identities.

If you provide a complete response, full membership can usually be provided within a matter of hours.

Questions:

1. What is your interest in Peebs.Net?
2. What is your full real name?
3. Where do you currently live (Country/Town)?
4. Where you ever part of the Exclusive Brethren - if so, what was your local and city assembly? If you are still trapped in the EB, please tell us if you would like Peebs.Net to place you in contact with someone who can help.
5. When did you leave the EB?
6. Do you still have family in the EB?
7. Do you support the aim of Peebs.Net to tell the truth regarding the Exclusive Brethren and to help those who are trapped find their way out?

By responding to this email you are assuring us that you have no intention of causing harm to this website, its administrators, volunteers or members.

You are under no obligation to take part in the forums. Full membership simply allows you complete access to all forums and the ability to join in the often lively discussions!

If there is any potential repercussion to you or your loved ones for being seen as a member of Peebs.Net, we would recommend that you ensure your Forum Name and email address do not reflect your identity.

Should you decide to progress your application and also wish to change your current Forum Name and/or email address, include information regarding these changes when you respond - but please note - reply from this email address even if you have decided to change, otherwise we will be unable to track you!

Simply note the requested new Forum Name / email address that you would like us to use.

If you need a replacement free email address, this can be obtained via a number of places including <http://www.gmail.com> (Google Mail) or <http://www.yahoo.com> (Yahoo Mail).

Either this Committee or the Peebs.Net Team will contact you once you have replied.

Should you have any questions about this process, do not hesitate to ask anything you are concerned about.

Simply write 'Peebs.Net Membership Questions' in the Subject on your email. That way, Peebs.Net can forward your questions direct to us. Otherwise, send your responses by pressing Reply.

We look forward to hearing from you!

Peebs.Net Registration Committee

(reply to info@peebs.net using same Subject as shown in this email)

Welcome to the Peebs.Net Forums

From: Peebs.Net [mailto:info@peebs.net]
Sent: [date]
To: [Member email]
Subject: from Peebs.Net – Welcome to the Forums!
Importance: High
Hi ...

Thank you for replying! You have been granted full Forum access. It is effective immediately.

You may change your Forum Name and/or email address to something else at any time. We will protect your anonymity with everything we have. The future of this site currently depends upon it.

We have created a Member Introductions area. When you are ready, you are welcome to say a personal 'Hi' to everyone. It is a member-only forum so you can be assured that only members will be able to see what you write!

Enjoy access to the forums. If you have any technical questions or are concerned about absolutely anything, don't hesitate to write to us. Similarly, if you come across any item of interest that you feel should be broadcasted to the membership (and do not want your name to be associated) feel free to let us make any such announcement on your behalf.

Standard rules of courtesy apply to all communications. To a great extent the Forums are self-moderated. Use of foul language and personal attacks against other members are to be avoided. You are going to meet some real characters here ... and we trust, will renew and make friends with some of the most genuine people on the planet! Some of us have been through and still suffer from the most painful experiences that can be imagined. As part of our 'family', you will be accepted unconditionally and we simply ask that you do the same in return as your trust grows.

Excuse the hurting and the unloved. They have their place with us too. Forgive those who remain angry and snarl at those who approach. This is a place where all are welcomed because we know from where they came and the damage that has been caused. Our first priority is to provide a Safe Place - and then to offer Protection. There are many within this community who will reach out and attempt the nurturing that is needed. If you feel led to help - please do!

There is one rule that is vital. The member-only forums to which you now have access, contain a great deal of personal information that individuals have shared. Please do not copy, refer to or otherwise reveal any of this information to a non-member. If some of this information was to reach back to the Exclusive Brethren, it could well endanger visitation rights or contact with members of families still inside. As promised, your original information has been deleted. If you need future assistance or contact in any way, it is vital you give us both your Forum Name and best email address. We recommend that you delete this email in due course as this is the only possible link between us now that you have completed the Registration process.

Our role at Peebs.Net is as servants ... we simply provide these Forums. We do not necessarily have any special knowledge or insights. We do however have contact with many gifted and special people with a broad variety of skills and capabilities. If you need special assistance of any sort - feel free to contact us in complete confidence. In our case, 'it's not what we know, but who we know'!

You may contact the full Team via info@peebs.net or by the Contact Page accessed at <http://peebs.net/ContactUs>

Stay in touch - let us know any way we can help.

Welcome again!

The Peebs.Net Team
"The Truth will set you Free"

Reply to: info@peebs.net
(Note: Set your Spam/Junk filter to accept all mail from peebs.net@hushmail.com as this is our Outgoing Email Address.)

MURNANE CONLIN WHITE & BRANDT

Professional Association

444 Cedar Street, Suite 1800
Saint Paul, Minnesota 55101

PERSONAL AND CONFIDENTIAL

Telephone (651) 227-9411

Facsimile (651) 223-5199

To: Dick Wyman

Fax No.: 800-915-3681

From: Chris Angell

Date: June 2, 2005

Re: Brethren, et al. v. Wyman
Our File: 53477

NUMBER OF PAGES (including this page):

Original WILL WILL NOT be mailed.

If you do not receive all pages of this transmission, please call Chris Angell.

Message:

Per your request, please find attached a complete copy of the fully executed settlement agreement and mutual release.

CONFIDENTIALITY NOTICE: The document(s) accompanying this fax contain(s) confidential information which is legally privileged. The information is intended only for the use of the intended recipient named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, or distribution of faxed information is strictly prohibited. If you have received this fax in error, please notify us immediately by telephone to arrange for return of the original documents to us.

SETTLEMENT AGREEMENT AND MUTUAL RELEASE

This Settlement Agreement and Mutual Release (the "Agreement") is entered into by and between plaintiffs Bible & Gospel Trust and The Brethren, an unincorporated association (hereinafter collectively referenced as "the Brethren") and defendant Richard K. Wyman (hereinafter referenced as "Wyman").

WHEREAS, the Brethren commenced a lawsuit against Wyman in the United States District Court for the District of Minnesota (Court File #04-CV-0700, hereinafter referenced as the "Lawsuit"); and

WHEREAS, Wyman has denied all of the Brethren's claims and allegations and believes that he has meritorious and complete defenses to such claims and allegations; and

WHEREAS, the Brethren and Wyman wish to avoid the expense of continued litigation by settling all of the Brethren's claims, pursuant to the terms and conditions contained in this Agreement and any other documents utilized by the parties to effectuate their intentions in this regard.

NOW, THEREFORE, in consideration of the foregoing recitals, the terms and conditions set forth below, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Brethren and Wyman hereby stipulate and agree as follows:

1. **INCORPORATION OF RECITALS.** The Recitals set forth above are incorporated herein and become part of this Agreement.
2. **RELEASE OF ALL CLAIMS.** The Brethren, through their designated representatives, and their agents, trustees, members, employees, successors, and assigns, release Wyman and the contributors to the websites described in Paragraph 11.a herein, from any and all claims, demands, causes of action, liability, liens, damage, loss, cost and expense which the Brethren now have or in the future may claim to have, known or unknown, anticipated or unanticipated, fixed or contingent, by reason of

9. EXECUTION IN COUNTERPARTS. This Agreement may be executed in one or more counterparts, including telecopy counterparts, each of which shall be deemed to be an original, and together which shall constitute one and the same document.
10. COURT APPROVAL. The parties agree that they will seek approval of this Agreement before Magistrate Judge Jonathan G. Lebedoff or Judge Michael J. Davis and that the Agreement shall not be final until such approval occurs.
11. ACKNOWLEDGMENTS.
- a. Acknowledgments by Wyman. In exchange for the release of all claims and other valuable consideration given by the Brethren, Wyman agrees to the following:
1. Wyman accepts responsibility for the establishment of websites known as www.exclusivebrethren.net or www.cloudnet.com/~dwyman/pb.html (hereinafter referenced as "the Websites") and the contents thereof, including contents submitted by others;
 2. Wyman acknowledges that several statements posted on the Websites were capable of being construed as defamatory;
 3. Wyman understands that others may have relied on his Websites and their postings to publish comments about the Brethren;
 4. Wyman confirms that he has not authorized the republication of any content which he authored to www.peebs.net; and
 5. Wyman acknowledges that the statements referenced above may have caused pain, distress and offense to the Brethren and this he regrets.
- b. Acknowledgments by the Brethren.
1. The Brethren acknowledge that its actions may have caused pain, distress and offense to Wyman and members of his family and this it regrets;
 2. The Brethren agree to encourage Wyman's mother in writing to meet with him and will not interfere with or monitor any contact between them.

JGH
LBR
CTD

12. CONSIDERATION.

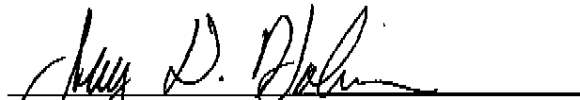
- a. Wyman's Right to Publication. Wyman agrees that he shall not exercise his right to publish in books, magazines or media (including radio, television and newspapers) (hereinafter referenced as "the Media") on the subject of the Brethren. If any inquiry is made by the Media on the subject of the Brethren, Wyman shall respond "No comment."
- b. Transfer of the Websites to the Brethren. In exchange for the promises and other valuable consideration given by the Brethren, Wyman agrees to transfer his interest in any website regarding the Brethren, including the address www.exclusivebrethren.net and the content included in or hosted at the Websites referenced above, to the extent that Wyman has the right to transfer them to the Brethren.
- c. Payment by the Brethren to Wyman. In exchange for the promises and other valuable consideration given by Wyman, the Brethren agree to make a payment to Wyman in the amount of Ten Thousand and No/100 Dollars in United States currency (\$10,000.00 USD) by check or checks made payable to "Richard K. Wyman." This payment will be paid no more than thirty days after the approval of this Agreement by the Court as provided in Paragraph 10.

13. CONFIDENTIALITY.


- a.. The parties agree to be bound by Paragraph 19 of the Protective Order issued by Magistrate Judge Lebedoff on February 2, 2005 (hereinafter referenced as "the Protective Order"). Accordingly, all documents designated confidential by the parties shall be returned to the parties who produced them and will remain confidential and will be stored and maintained in such a fashion as to ensure such confidentiality; and will not be produced, provided, summarized, extracted or described in any manner whatsoever to any person or entity not herein expressly described without the prior written consent of the parties, or upon order of a court of competent jurisdiction;
- b. The parties agree that, in the event the Brethren or Wyman are served with a subpoena, court order or other document which would compel disclosure of any materials produced, reviewed or otherwise subject to the Protective Order, the parties will immediately notify each other directly, through the undersigned, and will forward a copy of said subpoena or other document to them within a reasonable time of its receipt.

14. RETENTION OF LEGAL AND EQUITABLE REMEDIES. Each party retains all of the legal and equitable remedies which each has for breach of this Agreement.


On behalf of the Plaintiffs, Bible & Gospel Trust and The Brethren, an Unincorporated Association


Jerry D. Holman

Date: MAY 10, 2005



Walter S. Paterson

Date: May 10, 2005


~~Richard K. Wyman~~ Chuck TRUMAN

Date: MAY 10, 2005

On behalf of the Defendant, Richard K. Wyman


Richard K. Wyman

Date: 5-10-2005

651475

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

Pible Gospel Trust
Plaintiff(s)

v.

Case Number 2:07-cv-17

Timothy Twinam
Defendant(s)

MAGISTRATE JUDGE
ASSIGNMENT FORM

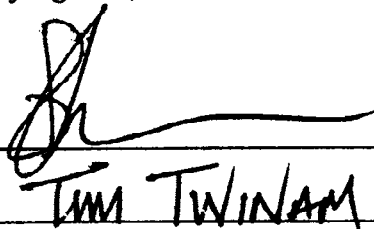
NOTE: You must sign Part I or Part II below, and return this document to the Clerk's Office within 20 days. See the other side of this form for more information.

PART I - CONSENT

Pursuant to 28 U.S.C. § 636(c), the undersigned (party) (counsel) to the above-captioned civil case voluntarily consents to have this case assigned to the Magistrate Judge for any and all further proceedings, including trial and entry of a final judgment, with direct review by the Second Circuit Court of Appeals if an appeal is filed.

Dated: April 9th, 2007

Signature



Print Name

TIM TWINAM

Party(ies) Represented:

Self ~ TIMOTHY J. TWINAM

PART II - OBJECTION TO ASSIGNMENT

The undersigned (party) (counsel) objects to the assignment of this matter to the Magistrate Judge and elects to have the case assigned to a District Judge.

Dated: _____

Signature

Print Name

Party(ies) Represented: _____

UNITED STATES DISTRICT COURT

District of

Vermont

Bible & Gospel Trust

SUMMONS IN A CIVIL ACTION

V.

Timothy J. Twinam and
www.peebs.net

CASE NUMBER: 2:07-cv-17

TO: (Name and address of Defendant)

www.peebs.net
c/o Timothy J. Twinam
3382 Sterling Valley Road
Stowe, VT 05672

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Matthew H. Kirtland
Fulbright & Jaworski
801 Pennsylvania Ave NW
Washington DC 20004

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Richard Paul Wasko

3/21/2007

CLERK

DATE

Jessica Hook
(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2007 JAN 25 PM 12:53

CLERK

BY _____
DEPUTY CLERK

BIBLE & GOSPEL TRUST,)
)
Plaintiff,)
)
v.)
)
TIMOTHY J. TWINAM)
3382 Sterling Valley Road)
Stowe, VT 05672-4016, and)
)
WWW.PEEBS.NET)
3382 Sterling Valley Road)
Stowe, VT 05672-4016,)
)
Defendants.)

Case No. 2:07-cv-17

Plaintiff Bible & Gospel Trust ("Plaintiff") hereby seeks relief against Defendants Timothy J. Twinam ("Twinam") and the website www.peebs.net ("Peebs.net") (collectively, "Defendants") alleging as follows:

NATURE OF THE ACTION

1. This action involves the infringement and threatened infringement by Defendants of Plaintiff's copyrighted material. It also involves the Defendants' conversion of Plaintiff's proprietary material and the Defendants' tortious interference with a contract between Plaintiff and a third-party, Richard K. Wyman ("Wyman"). The contract between Plaintiff and Wyman is a Settlement Agreement and Mutual Release executed on or about May 10, 2005 (the "Settlement Agreement"). The Settlement Agreement was entered and approved by the United States District Court for the District of Minnesota.

PARTIES

2. Plaintiff Bible & Gospel Trust is a charitable trust conducting business in the

United Kingdom.

3. Defendant Twinam is a resident of Vermont. He is a former member of the Brethren.

4. Defendant Peebs.net is a website which, upon information and belief, is owned, operated and/or controlled by Twinam from within Vermont.

JURISDICTION

5. This action arises in part under the Copyright Act, 17 U.S.C. § 101, et seq.

6. This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1338(a) because it has exclusive jurisdiction over all claims based on copyright infringements, and pursuant to 28 U.S.C. § 1332 because of diversity of citizenship insofar as Plaintiff is a citizen of a foreign country and Defendants are citizens of the state of Vermont and the amount of controversy exceeds \$75,000, exclusive of interest and costs. In addition, under principles of supplemental jurisdiction, pursuant to 28 U.S.C. § 1367(a), this Court has jurisdiction over all other claims.

VENUE

7. Venue is appropriate in this district under 28 U.S.C. §§ 1391(a) and (b) because a substantial part of the wrongful conduct giving rise to Plaintiff's claims occurred in this district, Twinam resides in this district and, upon information and belief, Peebs.net is controlled and/or operated from within this district.

FACTS

8. Twinam was instrumental in developing the website Peebs.net, which provides a medium for members of the public to publish statements concerning the Brethren. The Brethren is an unincorporated association and religious organization that has members

throughout the world. The Brethren as used here also is known as "the Exclusive Brethren."
Twinam is a former member of the Brethren.

9. Peebs.net has public and private sections. The public sections are open to members of the public to post statements concerning the Brethren and to read statements posted by others. The private sections are open for the same purposes to "Members," i.e., members of the public who have registered with the website.

10. Twinam, upon information and belief, owns, operates and/or controls Peebs.net. Upon information and belief, Twinam also is an administrator and/or moderator of Peebs.net. Peebs.net's administrators and moderators, including Twinam, perform editorial functions by agreeing to remove or otherwise edit any material posted to the forums that they deem objectionable.

11. On or about February 9, 2004, Plaintiff and the Brethren filed a lawsuit against Wyman and others in the United States District Court for the District of Minnesota. The complaint alleged that certain statements published by Wyman on his website, www.exclusivebrethren.net, constituted a violation of the Copyright Act, defamation, and/or business interference.

12. On or about May 10, 2005, Plaintiff and the Brethren entered into the Settlement Agreement with Wyman. Under the terms of the Settlement Agreement, Wyman agreed among other things: (1) to transfer his interest in any website regarding Plaintiff and the Brethren, including the contents thereof, to Plaintiff and the Brethren, including the websites with the addresses www.exclusivebrethren.net and www.cloudnet.com/~dwyman/pb.html; and (2) to not publish on the subject of Plaintiff and the Brethren.

13. On or about May 26, 2005 the Settlement Agreement was submitted by the parties to the United States District Court for the District of Minnesota. The Settlement Agreement was accepted and, on or about May 31, 2005, the district court dismissed the action with prejudice per the terms of the Settlement Agreement. The Agreement is available to the public on the Court's ECF system.

14. Defendants are aware of the Settlement Agreement and the terms thereof. On or about August 5, 2005, Wyman posted on Peebs.net detailed information concerning the Settlement Agreement. Wyman's posting also stated that the documents filed with the court are publicly available and provide a link to a website containing a copy of the Settlement Agreement. On or about December 10, 2006, the administrators of Peebs.net, i.e., including Twinam, referenced conversations with Wyman about whether Wyman or Peebs.net could republish content that had been on Wyman's old websites given the terms of the Settlement Agreement.

15. Included on Wyman's old website, among other things, were the following publications (the "Copyrighted Materials") which are owned by Plaintiff and registered with the United States Copyright Office:

- A. *Address at Leicester by R. Alan C. Ker (June 15, 2002); and*
- B. *An excerpt from B.D. Hales Vol. 9 "A Reproof Entereth More Deeply Into Him That Hath Understanding," (3d reading) (Sept. 7, 2002).*

16. At all relevant times, Plaintiff has been the owner and holder of all right, title, and interest in and to the copyrights in Copyrighted Materials. No license to republish the materials has been issued to Defendants.

17. The Copyrighted Materials are original, copyrightable materials, and Plaintiff has complied in all relevant respects with the requirements of the Copyright Act, 17 U.S.C. §

101 et seq. Plaintiff therefore enjoys certain exclusive rights with respect to the materials, including the exclusive right to copy, distribute, display, publish, and prepare derivative works.

18. On or about November 30, 2006, Peebs.net published a poem that originally had appeared on Wyman's old website www.exclusivebrethren.net. In addition, Peebs.net stated along with the poem that: "The above was first published on the Dick Wyman site. We have all the material from the Wyman era and will be re-publishing it soon." Such publication would constitute a breach of the Settlement Agreement and a violation of Plaintiff's copyright interests in that the Wyman site includes the Copyrighted Materials.

19. On or about December 10, 2006, Peebs.net published statements informing others how to access, download, and view Wyman's old websites (together with the content thereof) that are now proprietary to Plaintiffs under the terms of the Settlement Agreement (i.e., www.exclusivebrethren.net and www.cloudnet.com/~dwyman/pb.html). In reference to the proprietary websites and content, moreover, Peebs.net stated that: "We will be making the entire [Wyman] site available either over the Christmas period or early 2007. As usual, it's just a matter of time." This threatened publication has been repeated.

20. Obtaining "all the material from the Wyman era" and "making the entire [Wyman] site available," as referenced above, required that Defendants copy and/or reproduce, among other things, the Copyrighted Materials. This violated Plaintiff's copyright.

21. The threatened publication by Defendants of Wyman's website also would constitute a violation of Plaintiff's copyright in that the Wyman site included the Copyrighted Materials. Such publication would also constitute a breach of the Settlement Agreement.

COUNT I: VIOLATION OF COPYRIGHT ACT

22. Paragraphs 1 through 21 are incorporated herein.

23. The Copyrighted Materials are owned by Plaintiff and registered with the United States Copyright Office.

24. Under the Copyright Act, 17 U.S.C. § 101 et seq., Plaintiff enjoys exclusive rights with respect to the Copyrighted Materials, including the exclusive rights to reproduce, distribute, publicly perform, display, and create derivative works based on such websites and content.

25. Plaintiff has been issued certificates of registration by the Register of Copyrights for the Copyrighted Materials.

26. Defendants have copied and/or reproduced the Copyrighted Materials in conjunction with their plans to publish the contents of the Wyman site.

27. Defendants are not authorized to copy, reproduce, publish, distribute copies of, publicly perform, display, or prepare derivative works based on all or any portion of the Copyrighted Materials. The aforementioned copying and reproduction of the Copyrighted Materials was made without the authorization, consent, or ratification of Plaintiff. The aforementioned threatened publication of the Copyrighted Materials would be made without the authorization, consent, or ratification of Plaintiff.

28. The aforementioned conduct by Defendants constitutes infringement of Plaintiff's copyright in violation of 17 U.S.C. § 106.

COUNT II: CONVERSION

29. Paragraphs 1 through 28 are incorporated herein.

30. At various times, Defendants have published, distributed and/or otherwise used material and/or content that is protected by Plaintiff's proprietary rights. Defendants have used such material and/or content for their own use and beneficial enjoyment. Such benefits include, but are not limited to, influencing the opinions of people who visit Peebs.net.

31. Plaintiff enjoys exclusive rights with respect to the websites of www.exclusivebrethren.net and www.cloudnet.com/~dwyman/pb.html together with certain content thereof. Because Defendants have used such material for their own use and beneficial enjoyment, they have deprived Plaintiff of its right to exercise control over such material. Defendants have used this material in exclusion and defiance of Plaintiff's rights. Specifically, Defendants have deprived Plaintiff of its right not to make this material available to the public.

32. Defendants' conduct constitutes conversion of Plaintiff's property.

COUNT III: TORTIOUS INTERFERENCE WITH A CONTRACTUAL RELATIONSHIP

33. Paragraphs 1 through 32 are incorporated herein.

34. A contract, the Settlement Agreement, exists between Plaintiff and Wyman. Defendants are aware of this contract.

35. By publishing on Peebs.net material that was provided by Wyman, Defendants have facilitated and encouraged publication by Wyman on the subject of Plaintiffs in violation of his contract with Plaintiffs. By doing so, Defendants have intentionally procured a breach by Wyman of his contract.

36. There is no reason, purpose, or explanation that would justify Defendants' conduct.

37. Defendants' conduct constitutes a tortious interference with Plaintiff's

contractual relationship with Wyman.

WHEREFORE, Plaintiff respectfully requests as relief in this action that the Court:

1. Enter a permanent injunction, as provided by 17 U.S.C. § 502 and other applicable law, prohibiting Defendants, alone or in concert with any agent, representative, employer, employee, or person, from:

(a) infringing Plaintiff's existing or future copyrights in any manner, by copying, duplicating, distributing, selling, publishing, reproducing, adapting, publicly performing, displaying, preparing derivative works based on, renting, leasing, offering, or otherwise transferring or communicating in any manner, orally or in written, printed, audio, photographic, electronic, or other form, including but not limited to any publication on the internet, the Copyrighted Materials; and

(b) otherwise engaging in any conduct that unlawfully subverts or attempts to subvert Plaintiff's ownership of the Copyrighted Materials.

2. Enter a permanent injunction, as provided by 17 U.S.C. § 502 and other applicable law, compelling Defendants to:

(a) remove from Peebs.net, or any other website owned, operated or controlled by Defendants, all references to the availability of Plaintiff's Copyrighted Material on any other websites;

(b) remove from Peebs.net, or any other website owned, operated or controlled by Defendants, all publications of any information provided by Wyman and of any information that constitutes a publishing by Wyman concerning Plaintiff or the Brethren; and

(c) publish a retraction and apology stating the following:

Peebs.net regrets publishing, causing to be published or threatening to publish, the Bible & Gospel Trust's copyrighted material on the Internet.

Peebs.net shall no longer participate in such publication in any form whatsoever.


3. Enter an order, as provided under 17 U.S.C. § 503(a), impounding all copies or reproductions of the Copyrighted Materials found to have been made or used by Defendants.
4. Enter an order, as provided under 17 U.S.C. § 503(b), compelling Defendants to destroy all copies or reproductions of the Copyrighted Materials found to have been made or used by Defendants.
5. Award Plaintiff damages, as provided under 17 U.S.C. § 504, in the amount of Plaintiff's actual damages plus any additional profits of the Defendants; or, if so elected by Plaintiff prior to final judgment, in such amount as the Court deems just as statutory damages.
6. Award Plaintiff compensatory damages in an amount to be established at trial.
7. Award Plaintiff punitive damages against Defendants in an amount to be established at trial.
8. Award Plaintiff its costs incurred in this action, including reasonable attorneys' fees, as provided by 17 U.S.C. § 505 and any other applicable law.
9. Award Plaintiff any further relief that this Court deems just and proper.

Dated: January 25, 2007

Respectfully submitted,



Kathleen Walls
GLINKA & WALLS
P.O. Box 793
Middlebury Vermont 05753
Tel: 802-388-1156
Fax: 802-388-6801



Matthew H. Kirtland
George A. Gasper
FULBRIGHT & JAWORSKI L.L.P.
801 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2623
Tel: 202-662-0200
Fax: 202-662-4643

ATTORNEYS FOR PLAINTIFF BIBLE &
GOSPEL TRUST

February 15, 2008

Matthew H. Kirtland
George A. Gasper
FULBRIGHT & JAWORSKI L.L.P.
801 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2623

Kathleen Walls
GLINKA & WALLS
P.O. Box 793
Middlebury, VT 05753

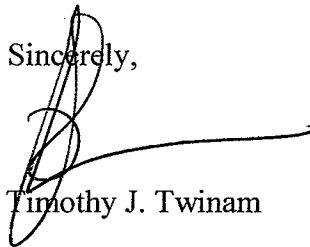
Re: *Bible & Gospel Trust vs. Twinam*, Case No. 2:07-cv-17

Dear Mr. Kirtland, Mr. Gasper, and Ms. Walls,

Please find enclosed Mr. Twinam's Initial Disclosures, Responses to Plaintiff's First Set for Production of Documents, and Responses to Plaintiff's First Set of Interrogatories.

Please be in touch if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Timothy J. Twinam', with a long horizontal flourish extending to the right.

Timothy J. Twinam

Encl.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

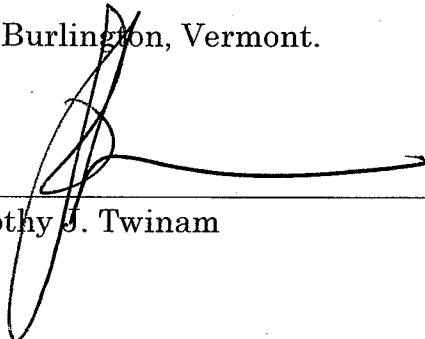
BIBLE & GOSPEL TRUST,)
)
Plaintiff,)
)
v.)
)
TIMOTHY J. TWINAM, et al.,)
)
Defendants.)
_____)

Case No. 2:07-cv-17

DISCOVERY CERTIFICATE

I, Defendant Timothy J. Twinam, hereby certify that on this 15th day of February, 2008, served Plaintiff, Bible & Gospel Trust, with Defendant's Initial Disclosures, and Responses to Plaintiff's First Set of Interrogatories and Requests for Production by electronic mail and by first class mail, proper postage prepaid.

DATED February 15, 2008, at Burlington, Vermont.



Timothy J. Twinam

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

BIBLE & GOSPEL TRUST,)
)
Plaintiff,)
)
v.) Case No. 2:07-cv-17
)
TIMOTHY J. TWINAM, et al.,)
)
Defendants.)
_____)

DEFENDANT TIMOTHY J. TWINAM'S RULE 26(A)(1) INITIAL DISCLOSURES

Pursuant to Federal Rule of Civil Procedure 26(A)(1), defendant Timothy J. Twinam hereby makes the following initial disclosures subject to the following reservations:

1. By making these initial disclosures, Mr. Twinam waives no objections to the production of documents or information based on relevance, materiality, competence, privilege, immunity from disclosure, or any other grounds.
2. Mr. Twinam reserves the right to modify or supplement these initial disclosures as additional facts and information become available and as additional claims and defenses may be presented.

(i) The name and, if known, the address and telephone number of each individual likely to have discoverable information---along with the subjects of that information---that the disclosing party may use to support its claims or defenses, unless solely for impeachment:

Defendant Twinam asserts no counterclaims. Persons who have discoverable evidence are as follows:

1. Timothy J. Twinam
117 Fitzsimonds Rd, Jericho, Vermont 05465
(802) 899-5815
Subject: See responses to Production Requests and Interrogatories
2. Plaintiff Bible and Gospel Trust

3. Richard Wyman

(ii) A copy--or a description by category and location--of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment:

Defendant Twinam has relevant electronic records which respond to Plaintiff's claims and in the possession of the person identified in (ii), above. Copies are attached.

(iii) A computation of each category of damages claimed by the disclosing party--who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered:

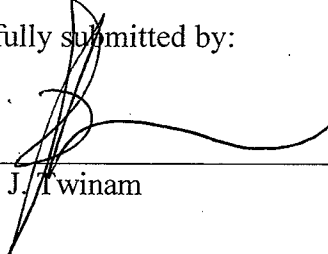
Defendant Twinam asserts no claims for damages.

(iv) For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment:

No such agreement exists at this time.

Dated: February 15, 2008 at Burlington, Vermont.

Respectfully submitted by:



Timothy J. Twinam

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

BIBLE & GOSPEL TRUST,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:07-cv-17
)	
TIMOTHY J. TWINAM, et al.,)	
)	
Defendants.)	
<hr style="border: 0.5px solid black;"/>		

**DEFENDANT TIMOTHY J. TWINAM'S RESPONSE TO PLAINTIFF BIBLE &
GOSPEL TRUST'S FIRST SET OF INTERROGATORIES**

Timothy J. Twinam, ("Twinam") hereby responds to Plaintiff Bible & Gospel Trust's First Set of Interrogatories to Defendant Timothy J. Twinam, dated March 16, 2007.

Non-Waiver and Reservation of Objections

Twinam's responses and any objections made hereafter are made without in any way waiving or intending to waive, but on the contrary intending to reserve and reserving:

- A. All questions as to competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose and subsequent proceeding in, or the hearing of, this proceeding, of any of the documents or their subject matter;
- B. The right to object to the use of any of the documents, or their subject matter, in any subsequent proceeding in, or the hearing of, this action, on any grounds;
- C. The right to object, on any ground, at any time, to a demand for further production or responses involving or related to the subject matter or the requests for interrogatories;
- D. The right, at any time, to revise, correct, add to, or clarify any of the responses and objections propounded herein;
- E. The right to interpose additional responses and objections and to move for an appropriate protective order; and

- F. The right to object to any inference that can be drawn from any discovery requests or responses to them, that the information requested actually exists or events occurred. The failure by the Foundation to object to any such inference does not constitute an admission that the information exists or events occurred.

INDEX TO OBJECTIONS

Defendant Twinam objects to the discovery requests, to the extent that any request seeks information or documents that fall into one or more of the following categories:

1. The request would require Twinam to respond by divulging privileged material, confidential/proprietary material, and/or material prepared in anticipation of litigation or hearing by Twinam, including its attorneys. Further, it has not been shown by the party making the request that there is a substantial need for such materials, and that they are unable, without undue hardship, to obtain the equivalent of the requested information by other means.
2. The request seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence related to the claims listed in the complaint.
3. The request, when read with its definitions and general instructions, is vague, broad, general, all-inclusive and/or would require Twinam to speculate as to the information being sought. The request is therefore unduly burdensome and oppressive and does not permit a proper or reasonable response.
4. The request would require Twinam to conduct extensive document review, additional studies, analyses, and/or tests as part of its response.
5. The request is unreasonably cumulative or duplicative, and/or the information or documents requested are obtainable from other sources that are less burdensome or less expensive.
6. The request calls for a legal conclusion.
7. Twinam objects to the extent that the instructions and definitions given by the requesting party exceed the applicable rules of discovery.

INTERROGATORIES

1. State the address and telephone number of your physical residence.

Response:

Physical residence: 117 Fitzsimonds Rd, Jericho, Vermont 05465 (not mailing)

Mailing address: P.O. Box 465, Richmond, VT 05477

(802) 899-5815

2. Identify each and every person with any knowledge regarding the facts and circumstances surrounding the allegations in BGT's Complaint, your Answer and Supporting Statement to the Court, and describe the subject matter of each person's knowledge.

Objection: Objection 1 as to spousal privilege, attorney-client privilege and work-product protection, and all other applicable objections. Without limiting or waiving the foregoing objection, Mr. Twinam responds as follows:

Response: Without admitting any of the allegations in the Complaint, I have knowledge of the facts and circumstances surrounding the allegations in the Complaint, my Answer and Supporting Statement to the Court.

I started Peebs.Net, I operate it, and I perform all of the technical work and writing for the website except for the discussions on the Forums. I owned the website from its inception on May 10, 2004 until April 5, 2007. I became owner again on January 25 2008 and I am the present owner.

I do not possess and have not posted any of the alleged "copyrighted materials" on Peebs.net. Any information I have placed on Peebs.net was gathered from the public domain and without any knowledge that any of such information was proprietary.

My wife Sallie Twinam knows that I operate and own Peebs.Net. Sallie owned Peebs.Net from April 5, 2007 until January 25th 2008. Sallie does not have technical knowledge. She does not write for Peebs.Net or participate in the Forums. Sallie is a Forum Reader. That means that she reads the postings made by others on a routine basis and alerts me if there is a problem such as a dispute between people.

Plaintiff Bible & Gospel Trust.

Richard Wyman (regarding settlement agreement with BGT)..

3. Identify each and every person supplying information or assisting in the preparation of answers to these Interrogatories.

Response: I am the sole person supplying information and assisting in the preparation of answers to these Interrogatories.

4. You allege that you have “assisted with technical aspects of” Peebs.net (Answer ¶ 4) and that you have “assisted the site owners technically for several years” (Supporting Statement at p. 1). Identify the date(s) on which you provided such technical assistance and describe the duties that you performed.

Objection: Objection 3 as to specificity of dates. Without limiting or waiving the foregoing objection, Mr. Twinam responds as follows:

Response: The type of assistance that I have provided includes architectural planning and implementation, database creation, maintenance and enhancement, code structuring and tuning, code design, testing and implementation, image preparation and implementation, and Search Engine optimization. I have performed that work on at least a weekly basis since the website became active on May 10, 2004. Prior to that date I researched, tested and developed the various software components that would form the first web site content during the period January 2004 to May 10th, 2004.

5. You allege that you have “assisted the development of” Peebs.net (Answer ¶ 8). Identify the date(s) on which you provided such development assistance and describe the duties that you performed.

Objection: Objection 3 as to specificity of dates. Without limiting or waiving the foregoing objection, Mr. Twinam responds as follows:

Response: See response to # 4.

6. You allege that you have performed “moderation duties” for Peebs.net (Answer ¶ 10). Identify the date(s) on which you provided such moderation duties and describe the duties that you performed.

Objection: Objection 3 as to specificity of dates. Without limiting or waiving the foregoing objection, Mr. Twinam responds as follows:

Response: “Moderation” is a term used to describe the process of moderating discussion in the Forums. It is the duty of the Moderator to ensure that the Forum Rules are followed at all times. Moderation duties typically include editing or deleting posts that offend the Forum Rules, and splitting lengthy or unfocused

discussions into two or more separate discussions. Except for a period during 2005, I have performed such moderation duties at least on a weekly basis since May 2004.

7. Identify the date(s) on which you provided any other service(s) for Peebs.net and describe the duties that you performed.

Objection: Objection 3 as to specificity of dates. Without limiting or waiving the foregoing objection, Mr. Twinam responds as follows:

Response: See responses to # 4 & 5.

8. Identify each benefit (financial or otherwise) that you have received, directly or indirectly, from the operation of Peebs.net.

Response: My work with Peebs.Net has been purely on a voluntary basis. I have received no direct or indirect benefits from the duties I performed.

9. Identify every communication that you have had with Richard Wyman relating to the Brethren, to Peebs.net and/or to materials that Mr. Wyman has published relating to the Brethren. Your response should include, but is not limited to, the date of, participants in, and subject matter of each such communication.

Objection: Objection 3 as to specificity of dates. Without limiting or waiving the foregoing objection, Mr. Twinam responds as follows:

Response: I have produced emails of my communications with Richard Wyman responsive to this question and the Document Production Requests. I have never met Richard Wyman in person, and we have never spoken on the telephone. I met Richard "virtually" in 1996 when he had a simple website of a couple of pages and a guestbook about the Exclusive Brethren. I became a user of his website by reading the material posted there and using the guestbook.

In 1998, as I learned more about internet programming, I started to provide technical assistance to Richard upon request. Most of the work I performed was "transcription" – the conversion of a document into a web page. On one occasion, I wrote a small names registry for names and address pages. This assistance occurred between 1998 and 2003. We communicated maybe four times a year.

My personal communication ceased with Richard Wyman at the time his website closed down in late 2003. I have had no communication with him since that time.

None of the above-described communications concerned Peebs.Net. To the best of my knowledge, Richard Wyman has had no interaction with Peebs.Net.

10. Identify every communication relating to Peebs.net that you have had with any person acting on behalf of, or in furtherance of, Peebs.net. Your response should include, but is not limited to, the date of, participants in, and subject matter of each such communication.

Objection: Objection 1 as to spousal privilege, attorney-client privilege and work-product protection; objection 3 as to specificity of dates. Without limiting or waiving the foregoing objection, Mr. Twinam responds as follows:

Response: Apart from communications with Sallie Twinam relating to Peebs.Net, I have not had any communication with another person acting on behalf of or in furtherance of Peebs.Net. The communications that I have had with Sallie have been frequent and regular since Peebs.Net was created.

11. You allege that you and others have performed “moderation duties” on behalf of Peebs.net (Answer ¶ 10). Identify each “moderator” other than yourself, including their name and address.

Response: In the history of Peebs.Net, there have been three official moderators other than myself. In 2005, I assumed all moderation duties and have been the sole moderator since then.

I do not know the identity or contact information of, and it is impossible to provide identification and contact information for the three individuals who were once moderators. The site is carefully structured to protect the identity of individuals once they are approved as members. Thereafter, most members choose to use pseudonyms when participating in the Forums.

Based on their contribution content and the manner in which they conducted themselves in the forums over time, I selected three individuals to approach to become Moderators. I approached them individually through “private messages,” a service built into the forums, and based on their acceptance of the responsibility invited them to become Moderators. Those private messages, however, are not saved; they are transitory.

At one point there was a moderator database, but that database no longer exists. It contained conversations between the Moderators during the execution of their duties. I did not participate in their discussions. The database was deleted when their duties as Moderators came to an end in 2005. It was for a time on backup, but this backup has since been lost due to site location changes.

12. Identify the name and address of each person who has the ability to edit or otherwise control the content that appears on Peebs.net.

Response: I alone have the ability to edit or otherwise control the content that appears on Peebs.Net.

13. You allege that you do not own the Domain Name Peebs.net (Answer ¶ 4) and are not “an owner of peebs.net” (Supporting Statement at p. 1). Identify each owner of Peebs.net, including their name and address.

Response: When I made those statements I was not an owner of Peebs.Net. See response to # 2.

14. Identify each person who operates Peebs.net, including their name and address.

Response: I alone operate Peebs.Net. See response to #1.

15. Identify the person or persons who registered Peebs.net, including their name and address.

Response: I alone registered Peebs.Net. See response to #1.

16. Identify the California law that you contend protects the identity of the owners, moderators and/or operators of Peebs.net

Objection: Objection 6. Without limiting or waiving the foregoing objection, Mr. Twinam responds as follows:

Response: I am aware of no such law; however, I am aware that California was one of the first U.S. states to offer anonymous web-site domains.

17. Identify and describe all webpages relating to the Brethren that you or someone else acting on behalf of Peebs.net accessed through the Web Archive Project, as referenced in paragraph 19 of your Answer. In describing each such webpage, state which material, if any, was published on Peebs.net.

Response: In 2007, I discovered that Richard Wyman’s website which had been closed down in 2003 was available within the Web Archive Project. I do not remember everything that I accessed. I do remember that the only available materials were the “first tier” html pages – there were no attachments available.

Of interest to me was the Guestbook, which I found in various locations within the Web Archive. The Guestbook is the only item related to the Exclusive Brethren that I copied from the Web Archive Project and posted on Peebs.Net.

I also accessed articles that I had written for the Wyman sites.

18. State whether you have accessed and/or copied the Copyrighted Materials, as defined in the Complaint, and the date(s) on which you have done so.

Objection: Objection 3 as to specificity of dates. Without limiting or waiving the foregoing objection, Mr. Twinam responds as follows:

Response: I read the Copyrighted Materials, as defined in the Complaint, when they were publicly available on Richard Wyman's website before it closed in 2003. I do not recall the precise date.

I have not copied the Copyrighted Materials, do not have possession or control over any copy of them, have never published them, and do not intend to publish them.

19. Identify any other persons who you know accessed and/or copied the Copyrighted Materials, as defined in the Complaint, and the date(s) on which they have done so.

Objection: Objection 3 as to speculation. Without limiting or waiving the foregoing objection, Mr. Twinam responds as follows:

Response: I am without knowledge sufficient to answer this question; I know of no person who accessed and/or copied the Copyrighted Materials.

20. Identify any and all reasons, purposes, or justifications under which you claim that the Copyrighted Materials should be published by you or Peebs.net.

Objection: Objection 2 and 6. Without limiting or waiving the foregoing objection, Mr. Twinam responds as follows:

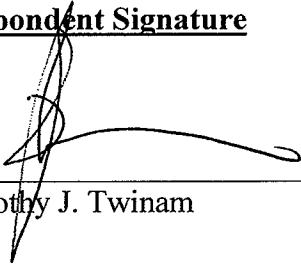
Response: I have not published and have no intent to publish the Copyrighted Materials on Peebs.Net. I have no interest in them, and I do not claim that the Copyrighted Materials should be published. Furthermore, there is a statement on Peebs.Net that publication of these materials will not be permitted. See also response to #18, above.

21. Identify any and all reasons in support of your allegation that copying and/or publication of the Copyrighted Material constitutes "fair use" of such copyrighted material.

Objection: Objection 1 and 6. Without limiting or waiving the foregoing objection, Mr. Twinam responds as follows:


Response: Without waiving any rights provided under the legal theory of "fair use," see response to #20.

Respondent Signature



Timothy J. Twinam

Subscribed and sworn before me this 15th day of February 2008.



Notary Public

My commission expires:

02/10/2011

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

BIBLE & GOSPEL TRUST,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:07-cv-17
)	
TIMOTHY J. TWINAM, et al.,)	
)	
Defendants.)	
)	

**DEFENDANT TIMOTHY J. TWINAM'S RESPONSE TO PLAINTIFF BIBLE &
GOSPEL TRUST'S FIRST SET OF REQUESTS FOR PRODUCTION OF
DOCUMENTS**

Timothy J. Twinam, ("Twinam") hereby responds to Plaintiff Bible & Gospel Trust's First Set of Interrogatories to Defendant Timothy J. Twinam, dated March 16, 2007.

Non-Waiver and Reservation of Objections

Twinam's responses and any objections made hereafter are made without in any way waiving or intending to waive, but on the contrary intending to reserve and reserving:

- A. All questions as to competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose and subsequent proceeding in, or the hearing of, this proceeding, of any of the documents or their subject matter;
- B. The right to object to the use of any of the documents, or their subject matter, in any subsequent proceeding in, or the hearing of, this action, on any grounds;
- C. The right to object on any ground, at any time, to a demand for further production or responses involving or related to the subject matter or the requests for interrogatories;
- D. The right, at any time, to revise, correct, add to, or clarify any of the responses and objections propounded herein;

- E. The right to interpose additional responses and objections and to move for an appropriate protective order; and
- F. The right to object to any inference that can be drawn from any discovery requests or responses to them, that the information requested actually exists or events occurred. The failure by the Foundation to object to any such inference does not constitute an admission that the information exists or events occurred.

Index to Objections

Defendant Twinam objects to the discovery requests, to the extent that any request seeks information or documents that fall into one or more of the following categories:

1. The request would require Twinam to respond by divulging privileged material, confidential/proprietary material, and/or material prepared in anticipation of litigation or hearing by Twinam, including its attorneys. Further, it has not been shown by the party making the request that there is a substantial need for such materials, and that they are unable, without undue hardship, to obtain the equivalent of the requested information by other means.
2. The request seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence related to the claims listed in the complaint.
3. The request, when read with its definitions and general instructions, is vague, broad, general, all-inclusive and/or would require Twinam to speculate as to the information being sought or provide materials not within his possession or control. The request is therefore unduly burdensome and oppressive and does not permit a proper or reasonable response.
4. The request would require Twinam to conduct extensive document review, additional studies, analyses, and/or tests as part of its response.
5. The request is unreasonably cumulative or duplicative, and/or the information or documents requested are obtainable from other sources that are less burdensome or less expensive.
6. The request calls for a legal conclusion.
7. Twinam objects to the extent that the instructions and definitions given by the requesting party exceed the applicable rules of discovery.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. **Any documents identified in your answers to Interrogatories.**

Response: See produced documents.

2. **All documents referring or relating to any claim or defense in this case.**

Response: See produced documents.

3. **All documents that relate to, refer to, or reflect Peebs.net. You may exclude from this response copies of webpages that have appeared on Peebs.net.**

Objection: Objections 1 & 3. This request is overly broad and all-inclusive. Without limiting or waiving the foregoing objection, Mr. Twinam responds as follows:

Response: See produced documents.

4. **All documents that relate to, refer to, or reflect services performed by you on behalf of Peebs.net. This shall include, but is not limited to, the technical assistance, development assistance, and moderation duties that you allege in your Answer (Answer ¶¶ 4, 8, 10).**

Response: See produced documents and responses to Interrogatories ## 4-7

5. **All documents that relate to, refer to, or reflect “moderation duties” performed for Peebs.net by others, as alleged in your Answer (Answer ¶ 10).**

Response: See response to Interrogatory # 11.

6. **All documents that relate to, refer to, or reflect any benefit (financial or otherwise) that you have received from the operation of Peebs.net.**

Response: No documents responsive to this question exist.

7. **All documents that relate to, refer to, or reflect your or any other person’s direct or indirect ownership interests in Peebs.net.**

Response: See produced documents.

8. **All documents that relate to, refer to, or reflect communications that you have had with Richard Wyman relating to the Brethren, to Peebs.net and/or to materials that Mr. Wyman had published relating to the Brethren.**

Response: See produced documents. There may have been additional emails with Richard Wyman to and from my previous work email address, but I no longer work at that location and I physically deleted all documents upon departure. I no longer have possession, custody, or control over those emails and do not know whether they still exist or what their content was. Any of those emails would have been similar in content to what is currently in my possession and produced in response to this question.

9. **All documents that relate to, refer to, or reflect communications relating to Peebs.net that you have had with any person acting on behalf of, or in furtherance of, Peebs.net.**

Objection: Objection 1 as to attorney-client privilege; objection 3 as to specificity of dates. Without limiting or waiving the foregoing objection, Mr. Twinam responds as follows:

Response: No unprivileged documents responsive to this question exist.

10. **All documents that relate to, refer to, or reflect the websites of www.exclusivebrethren.net or www.cloudnet.com/~dwyman/pb.html, including copies of webpages that once appeared on these websites.**

Response: See produced documents.

11. **All documents that relate to, refer to, or reflect the Copyrighted Materials, as defined in the Complaint.**

Response: No documents responsive to this question exist or are in Twinam's possession or control. See produced documents.

12. **All documents that relate to, refer to, or reflect your or any other person's copying of the Copyrighted Materials, as defined in the Complaint, or the copying of webpages and/or information from the websites of www.exclusivebrethren.net or www.cloudnet.com/~dwyman/pb.html.**

Response: See produced documents.

13. All written communications with any moderator of Peebs.net.

Response: See response to Interrogatory # 11.

14. All written communications with any other owner, whether a direct or indirect owner, of Peebs.net.

Response: No documents responsive to this question exist.

15. All written communications with any other operator, whether a direct or indirect operator, of Peebs.net.

Response: No documents responsive to this question exist.

16. All documents evidencing the identity of any moderator of Peebs.net.

Response: See response to Interrogatory # 11.

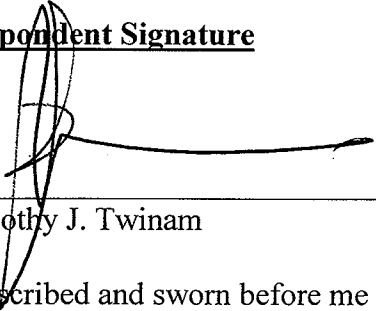
17. All documents evidencing the identity of any owner, whether a direct or indirect owner, of Peebs.net.

Response: See produced documents.

18. All documents evidencing the identity of any operator, whether a direct or indirect operator, of Peebs.net.

Response: See produced documents.

Respondent Signature



Timothy J. Twinam

Subscribed and sworn before me this 15th day of February 2008.



Notary Public

My commission expires: 02/10/2011