

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT  
DUPAGE COUNTY, ILLINOIS**

GRETCHEN WILKINSON, <i>et. al.</i>	)	
	)	
Plaintiffs,	)	Case No. 2015 L 980
	)	
v.	)	Hon. Judge Kenneth L. Popejoy
	)	
INSTITUTE IN BASIC LIFE PRINCIPLES, INC.	)	Courtroom 2020
and WILLIAM W. GOTHARD, JR.,	)	
	)	
Defendants.	)	

**DEFENDANT GOTHARD’S RESPONSE TO PLAINTIFFS’ MOTION TO ENTER A  
PROTECTIVE ORDER**

Now Comes, William W. Gothard, Jr. (“GOTHARD”), by his attorneys, Gaffney & Gaffney, P.C., for his Response to Plaintiffs’ Motion to Enter a Protective Order, states:

**INTRODUCTION**

Neither Glenn Gaffney (“GAFFNEY”) or GOTHARD has ever communicated with any Plaintiff or directed anyone else to do so. Plaintiffs have submitted no evidence of this and to the extent that Alfred Corduan (“CORDUAN”) or Joanna Shephard (“SHEPHARD”) have communicated with any Plaintiff on social media, in a website blog or even through a cell phone, they have done so on their own and for their own personal reasons. No Plaintiff has been threatened, harassed or bullied unless court motions and discovery allowable by the Illinois Code of Civil Procedure and Illinois Supreme Court Rules could be classified as such. The relief Plaintiffs now seeks is not warranted, necessary or authorized by our Code or under law. They inappropriately seek injunctive relief without using the procedures authorized for injunctions under the Illinois Code of Civil Procedure and also seek to restrict the First Amendment free speech rights of GOTHARD and two non-parties to this litigation.

## I. APPLICABLE LAW

### A. NO NECESSITY FOR A PROTECTIVE ORDER

Although courts have broad discretion to determine if a protective order is warranted, they have just as broad authority to determine that a protective is not warranted. *Willeford v. Toys “R” Us-Delaware, Inc.*, 385 Ill.App.3d 265, 273 (5th Dist. 2008). The lack of standardized specific requirements for a protective order does not mean a party is entitled to a protective order without demonstrating in some way that one is warranted. *Id.* at 274. The purpose of a 201(c) Motion is to prevent abuse during discovery, and granting a protective order requires the court to weigh the competing interests of the parties affected by a protective order. *Payne v. Hall*, 987 N.E. 2d 447, 450 (2013).

Here, Plaintiffs provide little or no evidence of a need such as two online conversations with persons who were not parties, agents or employees of any party. See, Plaintiffs’ Exhibits Generally. Nothing in these conversations contain any threats, hostility or harassment as the Plaintiffs wrongfully claim. *Id.* In fact, one of these conversations was initiated by a Plaintiff herself. *Id.* Nothing in these exhibits show that the Plaintiffs are “in danger” and they have not shown good cause to justify a protective order. Coupled with this, GOTHARD’s interest outweigh any possible interests Plaintiffs could have in granting a protective order. Plaintiffs have continuously gone online, to the media and to the public at large with their reckless allegations all in hopes of tarnishing GOTHARD’s reputation. See, Exhibits A-D. Additionally, this Court can take judicial notice of all the adverse publicity GOTHARD has been inundated with over the years from the “Recovering Grace” website (<http://www.recoveringgrace.org/>). Additionally, this Court can take judicial notice of all the other adverse publicity GOTHARD has been subjected to by simply doing a Google word search for the name “Bill Gothard” and

observing all the article that have been written about the litigation and many of which purport to verify the false assertions of misconduct alleged in Plaintiffs' Complaint. Even dismissal of this lawsuit did not end the onslaught as evidenced by numerous articles, press releases and posts and publications and within vindictive websites and from certain elements of the Christian Press regarding GOTHARD and IBLP. Defendants' supporters, who are numerous beyond imagination, certainly have a first amendment right to respond. GOTHARD has not personally responded but many others are moved to regurgitate when they read such filth and venom.

GOTHARD himself has an interest to be able to respond to these absurd accusations without fear of violating an unnecessary protective order should he choose to exercise it. So far, he has taken the high road and intends to remain in the mode as he so states within his personal statement attached as Exhibit I. Yet, GOTHARD cannot be silenced should Plaintiffs continue their onslaught and attack on GOTHARD and his reputation. GOTHARD has First Amendment rights. Plaintiffs have failed to provide a compelling interest that is narrowly tailored to restrict such protected speech. Hence, GOTHARD's needs and interests outweigh those of Plaintiffs, and Plaintiffs' motion to enter a protective order should be denied in its entirety.

**B. PLAINTIFFS' Unverified "Motion" for Injunctive Relief is Improper**  
Plaintiffs seek injunctive relief prohibiting GOTHARD, GAFFNEY, CORDUAN and SHEPHARD from "disseminating any of Plaintiffs' discovery responses or any documents from the lawsuit", "posting further online in relation to any of the Plaintiffs" and "contacting any of the Plaintiffs by telephone, email, US Mail or in person". These requests are overbroad and Illinois Supreme Court Rule 201(c) does not allow for a party to obtain injunctive relief without complying with 735 ILCS 5/11-101 et seq. Courts look at the substance of an action, not its form, in determining what constitutes an appealable injunctive order. *In Re a Minor*, 127 Ill.2d

247, 260 (1989). In order to obtain a preliminary injunction, the moving party must demonstrate (1) a clearly ascertained right in need of protection, (2) irreparable injury in the absence of an injunction, (3) no adequate remedy at law and (4) a likelihood of success on the merits. *Mohanty v. St. John Heart Clinic, S.C.*, 225 Ill.2d 52, 62 (2006). A preliminary injunction is an extreme remedy that should only be utilized when an emergency exists and serious harm would occur if an injunction is not issued. *Bollweg v. Richard Marker Associates, Inc.*, 353 Ill.App.3d 560, 572 (2<sup>nd</sup> Dist. 2004). Plaintiffs have, clearly, attempted to disguise their request for injunctive relief as a “motion for protective order”. Yet, Plaintiffs’ unverified motion has failed to attempt to list and define any of the elements of injunctive relief, let alone demonstrate that they are entitled to such relief. If they want an Injunction, they should read the Code first.

Also, Plaintiffs request for injunctive relief is vague, overbroad and undefined. Where First Amendment rights such as freedom of speech are involved, an injunction must be narrowly tailored to meet its legitimate objectives and should not prevent the defendant from exercising his rights. *Lily of the Valley Spiritual Church by Reed v. Sims*, 169 Ill.App.3d 624, 629 (1988). See, *Streif v. Bovinette*, 88 Ill.App.3d 1079 (5<sup>th</sup> Dist. 1980) (Preliminary injunction enjoining defendant from annoying or harassing plaintiffs in any manner described in their complaint dissolved for lacking specificity.); Also see, *Cooper v. Rockford Newspapers, Inc.*, 34 Ill.App.3d 645, (1975) (An order granting a preliminary injunction preventing defendant newspaper, its president and publisher, and its vice-president from ‘writing editorials or editorializing’ about a libel suit filed by plaintiffs reversed for being vague and overbroad.) Plaintiffs are attempting to restrict the constitutionally protected speech of GOTAHRD and others listed in their motion. However, Plaintiffs fail to provide a compelling interest as to why such protected speech should be restricted. Along with this, Plaintiff fail to narrowly tailor which type of speech

GOTHARD and other prohibited from engaging in. Therefore, Plaintiffs' request should be denied in the entirety.

**C. PLAINTIFFS SEEK RESTRICTIONS UPON THE USE OF PUBLIC RECORDS IN A COURT FILE IN VIOLATION OF THE FIRST AMENDMENT**

The fact a person may suffer embarrassment or damage to her reputation due to allegations in a pleading or other filing does not justify a sealing of the court file. *Skolnick v. Altheimer & Gray*, 191 Ill.2d 214, 234 (2000). Once a pleading, motion or any other paper has been filed with the court, there is a presumption of public access. *Id.* at 236. "Litigation is a public exercise; it consumes public resources. It follows that in all but the most extraordinary cases-perhaps those involving matters of weighty national security-complaints must be public." *Id.* at 236-237 quoting *Levenstein v. Salafsky*, 164 F.3d 345, 348 (7<sup>th</sup> Cir. 1998). To the extent Plaintiffs seek to restrict GOTHARD or another person from discussing any pleading, motion or other paper filed with the Court, that is in clear conflict with the First Amendment and contrary to Illinois law.

**II. RESPONSE TO PLAINTIFFS' ALLEGATIONS OF "GOTHARD AND GAFFNEY'S PATTERN OF HARASSMENT"**

Plaintiffs' unverified motion contains strong allegations unsupported by fact. There is zero evidence, because none exists, that either GOTHARD or GAFFNEY directed anyone to "brow beat Plaintiffs into speaking directly to Gothard or obtain admissions that allegations were false". GOTHARD communicated with no one directly. GAFFNEY communicated with Plaintiffs' counsel. Plaintiffs, and not GOTHARD or GAFFNEY, then disseminated a private email communication between counsel of February 19, 2016 to their cohorts of IBLP and GOTHARD hating at "Recovering Grace" who publicized the email communication on their website which in turn was reported or posted on "Homeschoolers Anonymous" another Christian homeschool bashing group of homeschooled alumni (See, attached Exhibit E). Now, they

complain that a letter to Counsel is a treat or bully tactic after all they have done and said.

The GOTHARD/GAFFNEY threat of a counterclaim as depicted within Plaintiffs' Exhibit A was a well-deserved shot over the bow in light of the actions of Plaintiffs and their benefactors from the "Recovering Grace" website who had repeatedly used the media to publicly bash IBLP and GOTHARD at every turn. By way of example, see attached Exhibit A ( January 8, 2016 report within "Christianity Today") and attached Exhibit B ( January 26, 2016 "Washington Post" article) that quoted David Gibbs III comparing GOTAHRD to Bill Cosby and claiming GOTHARD and other IBLP leaders as manipulative spiritual authorities groping girls as young as thirteen and persuading them to keep the abuse from their parents. The "Washington Post" also asserted that the lawsuit alleges GOTHARD "raped one woman". Such slime ball moves begs a strong response.

One month later, Gibbs and certain Plaintiffs again followed up with their assaults through the press. On February 19, 2016, the daily news reported "Exclusive: Two Women Share Shocking Accounts of Forced Labor and Sexual Abuse by Prominent Christian Leader Bill Gothard". In that article, Plaintiffs Joy Simmons and Jennifer Spurlock made multiple false and malicious allegations against GOTHARD. David Gibbs III went to "Homeschoolers Anonymous" and "Spiritual Sounding Board" which went then published a lengthy article titled "Second Amended Complaint Filed in Bill Gothard & IBLP Sex Abuse Lawsuit: 18 Victims in Lawsuit" (See attached Exhibit C). There, the reporter states "Yesterday, I received the following summary from the office of Attorney David Gibbs III". The story goes on to state "Attorney David Gibbs III asked me to forward you the attached copy of the second amended complaint in Wilkinson, et al. v. IBLP and Bill Gothard. The complaint was filed within the last hour and is currently pending review. Below is a summary of the case, and a brief synopsis of the facts

stated in the second amended complaint for each client.” There were gross inaccuracies and multiple false statements contained within that article claiming that there was “repeated abuse – revictimizing women and men for being raped. Psychological abuse and sexual harassment of rape victims. Manipulating and torturing people – including criminal activity – over and over again for decades. The board knew about it time and time again. Ultimately, they did nothing but after internet pressure sent Gothard out to further harass victims and cover up the abuse.” Gibbs and the publishers should have been sued for defamation but again Gothard looked upwards to a higher authority instead.

In the face of this public relations attack upon GOTHARD and IBLP, something needed to be said to attorney David Gibbs III to quell the adverse publicity and public defamation.

GAFFNEY made it clear to GIBBS that although everything Plaintiffs’ allege within a court pleading is subject to the doctrine of absolute privilege, the same cannot be said for allegations made outside of a Court filing to the press. GOTHARD had the right to file a countersuit for defamation and some Plaintiffs/Gibbs/Recovering Grace should all be thankful he did not do so.

PLAINTIFFS’ EXHIBIT B – The Court Order of March 29, 2017 has never been violated.

However, Jane Doe III revealed to the world her identity after she voluntarily dismissed her own case. The statement was made on Spiritual Sounding Board with the headline “Official Statement by Emily Jaeger (Jane Doe III)”. The first two sentences of the post read, “I am Jane Doe III. I’ve waited for a long time to say these words.” (See attached Exhibit F).

PLAINTIFFS’ EXHIBIT C – Again, the March 29, 2017 order was never violated and any attempt to discern who the DOES were before Plaintiffs were obligated to provide their real names violates nothing.

PLAINTIFFS’ EXHIBITS D & E – Plaintiff Jane Doe III named her mother “Elizabeth” as a

Rule 213 fact witness and provided her telephone number. (See, Jane Doe III's discovery answer attached as Exhibit E.) She had also denounced that her daughter was ever harassed in a letter to Recovering Grace. Since she was identified as one of Plaintiff's fact witnesses, GOTHARD's attorney attempted to interview her about her testimony. When the phone call was placed to the number Plaintiff provided, it was apparently answered by Jane Doe III's father. A message was left to have Jane Doe III's mother return the call which she never did. As GAFFNEY states to Plaintiff's counsel, the Court Order was never intended to limit investigation in this litigation. Furthermore, as set forth more fully within GOTHARD's Motion for Sanctions Against Jane Doe III, her affidavit filed in support of her Jane Doe status contains false information. Rachel Lees asked Jane Doe III in a conversation, "When you say you're keeping your experiences anonymous, do you mean you're signing on as Jane Doe also.". Doe III responds, "Yes. I'm still apart of a very conservative/ pro-gothard community and if they found out my reputation would be ruined". (Lees Bates 3221). On top of this, Jane Doe III made a public statement revealing her own identity confirming the fraud of the DOE response in the first place – See, Exhibit F. Jane Doe III also had informed her mother she was in the lawsuit long before the protective order was entered. In a March 2016 conversation with Rachel Lees, Jane Doe III said "I'm so excited to meet in person some day. I'm still dreaming of the NZ victory party!... I told my mom about it and she said , "do I get to come?". Haha. I'm not sure about that...." (Lees 3204). The victory party was something Plaintiffs were planning on if they won their lawsuit. (Lees Bates 3233).

PLAINTIFFS' EXHIBIT F & G – SHEPHARD is a follower and supporter of GOTHARD, like many others. She has never been an agent or employee of GOTHARD or GOTHARD's attorneys. SHEPHARD was identified by GOTHARD as a potential witness in this litigation, See, Exhibit A to GOTHARD's Answers to Interrogatories, Page 2, Paragraph CC attached as



Exhibit G. She did volunteer to assist in reviewing thousands of pages of chat messages and was interviewed by Counsel regarding her personal knowledge regarding validity and truth of Plaintiffs' statements. SHEPHARD is not now and has never been under the direction or control of GOTHARD or his attorneys. Any personal communication she would have had with any Plaintiff she personally knew was on her own and not under the direction of GOTHARD or any attorney. SHEPHARD is not a party to this litigation or anyone's agent, so this Court has no jurisdiction to enjoin SHEPHARD.

PLAINTIFFS' EXHIBIT H-I – CORDUAN is an IBLP and GOTHARD supporter and in response to all the negative publicity against IBLP and GOTHARD contained within the "Recovering Grace" website, CORDUAN, years ago, initiated a pro-IBLP/GOTHARD website titled "Discovering Grace" (<http://www.discoveringgrace.com/>) for the thousands or hundreds of thousands of loyal people that also believe the truth about the vindictive Recovering Grace people and articles. His website allows readers to post comments and CORDUAN usually responds. At one time but no more, CORDUAN assisted GOTHARD by reviewing and commenting on all of the extensive discovery in this litigation. He also assisted in locating witnesses such as the individuals identified on the Exhibit G. CORDUAN is not now under the direction or control of either GOTHARD or GAFFNEY. As a long time supporter of IBLP and GOTHARD, CORDUAN responds to negative publicity and statements from those that continue to publicly post hate messages and untruths. He also exercises his First Amendment rights to maintain his Discovering Grace website and respond to the posts and statements of others on that website. GOTHARD does not direct CORDUAN and neither does GAFFNEY. He is not a party or an agent of a party subject to this Court's jurisdiction.

There has been no violation of Illinois Professional Rule of Conduct 4.2. GAFFNEY

never communicated directly with any Plaintiffs and never directed anyone to communicate with any Plaintiff. Nobody is “harassing Plaintiffs”. Apparently, some Plaintiffs believe that they can make public hateful and false announcements to the religious press and be free from criticism or response. These Plaintiffs need to understand that the First Amendment is not a one-way street.

EXHIBIT J – This is a proposed offer of compromise pursuant to Illinois Rule of Evidence 408(a).

### **III. GOTARD’S PERSONAL REQUEST**

GOTARD request that Plaintiffs and this Court consider his personal request for biblical reconciliation and peace as stated within the attached Exhibit I.

### **CONCLUSION**

Plaintiffs’ unverified motion effectively seeking injunctive relief not only violates the Code of Civil Procedure but also purports to restrict GOTARD’S First Amendment rights of free speech. Furthermore, Plaintiffs have not even attempted to appropriately narrow their request to any particular document or information but rather seek a broad-based request pertaining to all “discovery responses or any documents from the lawsuit. Even after Plaintiffs dismissed their case, they have continued to make public statements such as Jane Doe III within Exhibit F and multiple Plaintiffs within the attached Exhibit H who continue to state, “we are not recanting our experiences or dismissing the incalculable damage that we believe Gothard has done by his actions and certain teachings” (See, Attached Exhibit H). Thus, the unverified motion for injunctive relief must be denied.

Respectfully submitted,

/s/ Glenn R. Gaffney  
Glenn R. Gaffney  
Attorney for William Gothard

Glenn R. Gaffney  
Gaffney & Gaffney P.C.  
1771 Bloomingdale Road  
Glendale Heights, IL 60139  
(630) 462-1200  
Fax (630) 462-7698  
No. 28191  
glenn@gaffneylawpc.com

**NOTICE OF FILING / CERTIFICATE OF SERVICE**

I, attorney of record in this proceeding, certify that on June 13, 2018 I filed and served this document electronically through this court's electronic filing service provider and that I also served this document electronically to counsel of record via attachment pursuant to SCR 11(c):

Peter J. Flowers  
Jonathan P. Mincieli  
Meyers & Flowers, LLC  
3 North Second Street  
Suite 300  
St. Charles, Illinois 60174  
[pjf@meyers-flowers.com](mailto:pjf@meyers-flowers.com)  
[jpm@meyers-flowers.com](mailto:jpm@meyers-flowers.com)  
*email with return receipt  
requested*

Mark P. Bryant  
Emily Ward Roark  
Bryant Law Center, PSC  
P.O. Box 1876  
Paducah, Kentucky 42001  
[mark.bryant@bryantpsc.com](mailto:mark.bryant@bryantpsc.com)  
[emily.roark@bryantpsc.com](mailto:emily.roark@bryantpsc.com)  
*email with return receipt  
requested*

David G. Bryant  
David Bryant Law, PLLC  
600 W. Main Street  
Suite 100  
Louisville, Kentucky 40202  
[david@davidbryantlaw.com](mailto:david@davidbryantlaw.com)  
*email with return receipt  
requested*

Shawn M. Collins  
Jeffrey M. Cisowski  
Robert L. Dawidiuk  
The Collins Law Firm, P.C.  
1770 Park Street – Suite 200  
Naperville, Illinois 60563  
[shawn@collinslaw.com](mailto:shawn@collinslaw.com)  
[jcisowski@collinslaw.com](mailto:jcisowski@collinslaw.com)  
[rdawidiuk@collinslaw.com](mailto:rdawidiuk@collinslaw.com)  
*email with return receipt  
requested*

Robert T. Kuehl  
Kuehl Law, P.C.  
401 N. Michigan Ave.  
Suite 1200  
Chicago, Illinois 60611  
[bob@kuehlhllawpc.com](mailto:bob@kuehlhllawpc.com)  
*email with return receipt  
requested*

Clerk of the Circuit Court  
Eighteenth Judicial Circuit  
505 North County Farm Rd.  
Wheaton, Illinois 60187  
*I2file.net*

/s/ Glenn R. Gaffney  
Glenn R. Gaffney  
Attorney for William Gothard

Glenn R. Gaffney

Gaffney & Gaffney P.C.  
1771 Bloomingdale Road  
Glendale Heights, IL 60139  
(630) 462-1200  
Fax (630) 462-7698  
Attorney No. 28191  
[glenn@gaffneylawpc.com](mailto:glenn@gaffneylawpc.com)