

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

GRETCHEN WILKINSON, et al.,)	
)	
Plaintiffs,)	
v.)	No. 15 L 000980
)	
INSTITUTE IN BASIC LIFE PRINCIPLES, INC. and WILLIAM W. GOTHARD, JR.,)	
)	Hon. Judge Popejoy
Defendants.)	

PLAINTIFFS' MOTION TO ENTER A PROTECTIVE ORDER

NOW COME, Plaintiffs, by and through their attorneys, MEYERS & FLOWERS, LLC, and in support of their motion pursuant to Illinois Supreme Court Rule 201(c) for entry of a Protective Order, state as follows:

INTRODUCTION

Defendant Bill Gothard (“Gothard”) and his Attorney Glenn Gaffney (“Gaffney”) have threatened, harassed, and bullied Plaintiffs throughout the current lawsuit in an overt attempt to victim shame and discredit Plaintiffs. Gothard and Gaffney have not limited their torment to the bounds of court proceedings and motion practice. Instead, they have implemented a multipronged approach that includes directing their cronies to communicate directly with Plaintiffs despite full knowledge that Plaintiffs are represented by counsel. Gothard and Gaffney’s latest ploy involves filing baseless motions for sanctions coupled with a doubling down on efforts to communicate with Plaintiffs directly. Plaintiffs’ attempts to instruct Gothard, Gaffney, and their associates to cease their bullying and harassment have gone unheeded, even though Plaintiffs voluntarily dismissed their case against Gothard. Plaintiffs have no choice but to seek protection from Gothard and Gaffney through a protective order prohibiting Gothard, Gaffney, and anyone associated with Gothard’s defense team, from: (1) disseminating any of Plaintiffs’ discovery responses or any

documents from the lawsuit, (2) posting further on-line in relation to any of the Plaintiffs, and (3) contacting any of the Plaintiffs by telephone, email, US mail, or through in-person communications. Anything short of the protection sought will leave the door open for Gaffney and Gothard to continue with their oppressive actions.

APPLICABLE LAW

Illinois Supreme Court Rule 201(c) holds in part that “The court may at any time on its own initiative, or on motion of any party or witness, make a protective order as justice requires, denying, limiting, conditioning, or regulating discovery to prevent unreasonable annoyance, expense, embarrassment, disadvantage, or oppression.” The trial court has wide discretion in determining the necessity of a protective order. *In re Appointment of Special Prosecutor*, 2017 IL App (1st) 161376, ¶ 32. The trial court is best suited to balance the needs and interests of the parties affected by a potential protective order. *JPMorgan Chase Bank, N.A. v. East-West Logistics, L.L.C.*, 2014 IL App (1st) 121111, ¶115. “[I]t is important that a trial court be permitted to shield sensitive information from public view, so that the parties can . . . determine which issues should be pursued, and which should be abandoned.” *Skolnick v. Altheimer & Gray*, 191 Ill.2d 214, 236 (2000). The scope and parameters of a protective order depend on the case facts and the rule requires flexible application. *JPMorgan*, 2014 IL App (1st) 161376, ¶115.

Illinois Rule of Professional Conduct 4.2 holds that:

During the course of representing a client a lawyer shall not communicate or cause another to communicate on the subject of the representation with a party the lawyer knows to be represented by another lawyer in that matter unless the first lawyer has obtained the prior consent of the lawyer representing such other party or as may otherwise be authorized by law.

Rule 4.2, otherwise known as the “no-contact rule,” protects litigants represented by counsel from direct contacts by opposing counsel. *In re Segall*, 117 Ill.2d 1, 6 (1987) (interpreting Rule 7-

104(a)(1) predecessor to Rule 4.2). The prohibition on inappropriate communications serves two separate but inter-related purposes: (1) it “preserves the integrity of the lawyer-client relationship by prohibiting contact,” and (2) it prevents the professionally trained lawyer from obtaining admissions from unprotected laypersons. *In re Aircraft Disaster Near Roselawn*, 909 F. Supp. 1116, 1121 (N.D. Ill. 1995).

GOTHARD AND GAFFNEY’S PATTERN OF HARASSMENT

Gothard and Gaffney’s victimization of Plaintiffs began at the outset of the lawsuit and has continued in spite of Plaintiffs’ voluntary dismissal. Gothard and Gaffney’s current efforts to victim shame Plaintiffs involve directing their employees and associates to browbeat Plaintiffs into speaking directly with Gothard, obtain admissions that the allegations were false, and instruct Plaintiffs to contact Gaffney in order to facilitate dismissal of their cases with prejudice. Gothard and Gaffney have utilized threats of monetary punishment as a sword with full knowledge that Plaintiffs do not possess the means to withstand sanctions motions or pecuniary penalties. This ongoing pattern of harassment compels the Court to enter a Protective Order prohibiting Gothard, Gaffney, and any members of Gothard’s legal team from contacting Plaintiffs.

Gothard levied his first of many threats against Plaintiffs via Gaffney’s February 19, 2016 email in which Gaffney warned of a countersuit against Plaintiffs for \$1,000,000 (Copy attached hereto as **Exhibit A**). Gothard and Gaffney then began targeting Jane Does by seeking to publicly disclose their names to embarrass and humiliate them. They filed a motion to disclose the identities of the Jane Does, which this Court denied on March 29, 2017 (Copy attached hereto as **Exhibit B**). Despite the denial, Gothard and Gaffney instructed several members of their team to uncover the identities of the Jane Does in order to discredit them (*See generally* Gothard Production 417-537, copy attached hereto as **Exhibit C**). Once Gothard and Gaffney discovered the identities,

they proceeded to contact the Jane Does' families to disclose their identities (*See* Gaffney Email Correspondence, copy attached hereto as **Exhibit D**). This was done despite the fact that the primary reason the Court allowed Jane Doe III to file under a fictitious name was that she was fearful that her abusive father would find out and harm her (*See* Affidavit of Jane Doe III, copy attached hereto as **Exhibit E**). Despite Gothard and Gaffney's assertions to the contrary, Jane Doe III's father was unaware of Jane Doe III's involvement in the lawsuit until Gothard and Gaffney contacted him.

Not only have Gothard and Gaffney harassed the Jane Does by contacting their families in blatant disregard of this Court's order, they have utilized current and former members of IBLP, who are also part of Gothard's legal team, to contact Plaintiffs directly in violation of the Illinois Rules of Professional Conduct. Joanna Shepard ("Joanna") freely admitted that she worked for Gaffney as part of Gothard's legal defense (*See* Joanna Shepard Correspondence, p. 1, copy attached hereto as **Exhibit F**). Joanna confessed that she has "supported the lawyers working with Bill Gothard." (Exh. F, p. 1). She also admitted to a third party that she "saw and ha[s] access to all the motions and discovery docs . . ." (*See* Joanna Shepard Third Party Correspondence, p. 7 copy attached hereto as **Exhibit G**). Joanna stated that she contacted one of the Jane Does and then concocted a story about that Jane Doe admitting that her allegations against Gothard were false (Exh. G, p. 16). No such admission occurred.

Joanna has also contacted Jane Doe IV directly. In a text message, after admitting that she was working with Gothard's lawyers, Joanna badgered Jane Doe IV in an attempt to obtain an admission from Jane Doe IV that she was coerced into joining the lawsuit (*See generally* Exh. F). Despite Jane Doe IV's instruction to Joanna to leave her alone, Joanna then pressured Jane Doe IV several times in an effort to obtain a recantation (*Id.*). Joanna contacted Jane Doe IV yet again,

this time to harass Jane Doe IV into dismissing her case with prejudice (Exh. F, p. 11-14). Joanna insinuated that Jane Doe IV's lawyers had been lying and encouraged her to speak directly with Gothard and Gaffney (Exh. F, p. 11).

Alfred Corduan ("Alfred"), another member of the Gothard legal team, has also contacted and bullied several Plaintiffs (*See generally* Alfred Corduan Documents and Correspondence, copy attached hereto as **Exhibit H**). Gaffney admitted that "[Alfred] is the only individual that has worked with me from nearly the beginning. I don't have to pay him to be part [of] my defense team." (*See* Gaffney Corduan Emails, copy attached hereto as **Exhibit I**). Alfred worked for Gothard and Gaffney, even filling in details for Gothard's interrogatory answers (Exh. H, p. 5). He posted online that he was helping the legal team in any way that he could (Exh. H, p. 8). Alfred attempted to obtain information from anyone who knew any of the Plaintiffs, specifically the Jane Does. *Id.* Alfred admitted in a conversation with Plaintiff Emily Jaeger that "Emily, ALL of your chats, ALL of your documents . . . we have them all I am part of the legal team, worker bee." (Exh. H, p. 1). He proceeded to threaten Emily by stating that she would be liable for defamation (Exh. H, p. 2-3). Alfred accused Emily of slandering Bill for \$500,000 worth of damages (Exh. H, p. 2). "I read all of your claims in the lawsuit. Makes me ill. If you are ready to defend that, then . . . There is nothing else to do but proceed. But I guarantee you that this will not end well." *Id.* Despite Emily telling Alfred to stop speaking with her, he continued unabated (Exh. H, p. 2-3).

The preceding examples constitute only a glimpse into the harassment and abuse Plaintiffs have endured at the hands of Gothard, Gaffney, and their unchecked legal team. The pattern of abuse evident in the attached exhibits compels this Court to grant a protective order in Plaintiffs' favor.

NECESSITY OF PROTECTIVE ORDER

Justice requires this Court to issue a protective order to prevent annoyance, embarrassment, and oppression of the Plaintiffs by Gothard and Gaffney. *See* Ill. S. Ct. R. 201(c). Nothing short of an order of protection will stop Gothard and Gaffney's quest to victim shame Plaintiffs. By issuing a protective order that prohibits Gothard, Gaffney, and anyone on or associated with Gothard's defense team from publicizing discovery documents or contacting Plaintiffs, this Court can reign in Gothard and Gaffney and ensure that Plaintiffs no longer have to live in daily fear.

Here, the Court has the power and discretion to fashion a protective order that balances the needs and interests of the parties affected. *See In re Appointment of Special Prosecutor*, 2017 IL App (1st) 161376; *JPMorgan Chase Bank, N.A. v. East-West Logistics, L.L.C.*, 2014 IL App (1st) 121111. Now that Plaintiffs have voluntarily dismissed their cases, they have a substantial need and interest in moving on with their lives free from Gothard and Gaffney's torment. Plaintiffs, especially the Jane Does, have an interest in maintaining their anonymity and living without Gothard and Gaffney's incessant efforts to inflict pain upon them by revealing their identities. The needs and interests of the Plaintiffs grossly outweigh those of Gothard and Gaffney. The latter have no need to maintain their aggressive onslaught given Plaintiffs' voluntary dismissal. Gothard and Gaffney's only interest at this point appears to be a desire to bully Plaintiffs into recanting their stories as some sort of depraved vindication. Gothard and Gaffney can offer no proper justification for their disclosure of discovery documents and communications. Given the flexible application of Rule 201(c) available to the Court, a protective order must be entered.

In the event a protective order is not granted, Gothard and Gaffney will continue to harass Plaintiffs until they either dismiss their cases with prejudice or until the one-year voluntary dismissal refiling period expires (*See* Gaffney Threat, copy attached hereto as **Exhibit J**). Gaffney

will continue to violate Illinois Professional Rule of Conduct 4.2 by directing legal team members to contact Plaintiffs. Gaffney has never reached out to Plaintiffs' counsel for permission to speak directly with Plaintiffs. Such a direct violation of the no-contact rule could certainly expose Gaffney to disciplinary measures. Rather than pursue that avenue, Plaintiffs would prefer that Gothard and Gaffney simply cease their attempts to exact punishment on Plaintiffs. Because Gothard and Gaffney have given no indication that they will stop harassing Plaintiffs, this Court must grant Plaintiffs a protective order.

CONCLUSION

Gothard, Gaffney, and their accomplices have demonstrated time and again that they will stop at nothing to humiliate, victim shame, and harass plaintiffs. That their bullying continues despite Plaintiffs' voluntary dismissal shows that Gothard and Gaffney are motivated by an improper purpose. Plaintiffs want only to move on with their lives. They have endured enough bullying at the hands of Gothard, Gaffney, Alfred Corduan, Joanna Shepard, and countless others under the employ and direction of Gothard and Gaffney. Plaintiffs have exhausted their options, and now request the Courts help through a protective order.

WHEREFORE, Plaintiffs request that this Honorable Court grant a protective order in their favor prohibiting Defendant Bill Gothard, Defendant's Attorney Glenn Gaffney, Alfred Corduan, Joanna Shepard, and any and all employees, accomplices, and/or other associates of Bill Gothard's legal team, from engaging in any of the following from the date the protective order is entered until one year thereafter:

- A. Disseminating any of Plaintiffs' discovery responses or any documents from the lawsuit;
- B. Posting further on-line in relation to any of the Plaintiffs;
- C. Contacting any of the Plaintiffs by telephone, email, US mail, or in-person; and

D. Taking any further actions that this Court deems necessary to prohibit.

Respectfully Submitted,

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