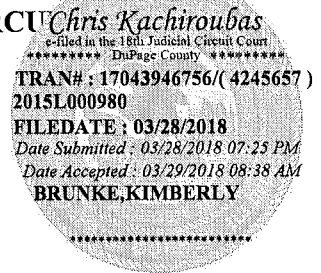


IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS



GRETCHEN WILKINSON, *et. al.*

Plaintiffs,

v.

INSTITUTE IN BASIC LIFE PRINCIPLES, INC.
and WILLIAM W. GOTHARD, JR.,

Defendants.

Case No. 2015 L 980

Hon. Judge Kenneth L. Popejoy

Courtroom 2020

NOTICE OF MOTION

TO:

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

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Please take notice that on April 16, 2018, at 9:00 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Hon. Judge Kenneth Popejoy, or any other judge as may be sitting in his stead in Room 2020, at the DuPage County Court House, Wheaton, IL and present Defendant, William Gothard's Motions Pursuant To Illinois Supreme Court Rules 137 and

219(e) for Sanctions and Other Relief Against Plaintiffs Barker, Doe III, DOE IV, DOE V,
LEES, FROST & LIND, at which time and place you may appear.

Glenn R. Gaffney
Glenn R. Gaffney, Attorney for
William W. Gothard, Jr.

NOTICE OF FILING/CERTIFICATE OF SERVICE

Please take notice that pursuant to DuPage County Local Court Rule 5.11, this document was filed electronically with the Clerk of the Circuit Court, DuPage County, Illinois, reviewed and accepted with transmission completed on March 28, 2018. Pursuant to Local Court Rule 5.12(d) and Illinois Supreme Court Rule 11(e), this document was served by E-Service via email to the following persons:

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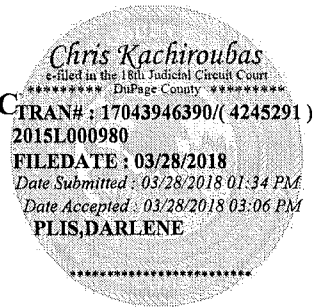
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**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS**



GRETCHEN WILKINSON, *et. al.*

Plaintiffs,

v.

INSTITUTE IN BASIC LIFE PRINCIPLES, INC.
and WILLIAM W. GOTHARD, JR.,

Defendants.

Case No. 2015 L 980

Hon. Judge Kenneth L. Popejoy

Courtroom 2020

**DEFENDANT GOTHARD'S MOTION PURSUANT TO ILLINOIS SUPREME COURT
RULES 137 AND 219(e) FOR SANCTIONS AND OTHER RELIEF AGAINST CHARIS
BARKER**

Now Comes, William Gothard, ("GOTHARD"), by his attorneys, Gaffney & Gaffney, P.C., for his Motion Pursuant to Illinois Supreme Court Rules 137 and 219(e) for Sanctions and Other Relief Against Charis Barker ("BARKER"), states:

I. INTRODUCTION

On January 6, 2016, BARKER, and nine other Plaintiffs, filed her Complaint against Defendants Institute in Basic Life Principles, Inc. ("IBLP") and GOTHARD. At that time, she was represented by her former attorneys, the Gibbs Law Firm, P.A. and Jonathan P. Remijas. On May 26, 2016, this Court filed its Letter of Opinion regarding GOTHARD's Motion to Disqualify David C. Gibbs III and entered an Order of Disqualification on May 31, 2016. Subsequently, the Gibbs Law Firm and Remijas withdrew their appearances and on July 5, 2016, new counsel appeared. On July 13, 2016, BARKER and the other Plaintiffs were granted leave to file a Third Amended Complaint ("TAC"). At the hearing on that Motion, BARKER's current counsel referred to the former pleading by the Gibbs Law Firm as "insane". The insanity continues as on August 17, 2016, BARKER and the other Plaintiffs filed a 306 page Third

Amended Complaint. BARKER alleges there that she was an intern and employee at IBLP from 1999 to 2000 (TAC ¶ 11). Since BARKER did not file suit against GOTHARD until about 16 years later in January 2016, BARKER had an obvious Statute of Limitations issue with all of her claims including Battery (Count 30), IIED (Count 31), NIED (Count 32) and Civil Conspiracy (Count 37). In a feeble attempt to overcome that obvious problem, BARKER regurgitates in each of her Counts against GOTHARD an allegation that “AT THE TIME OF THE ABUSE, CHARIS BARKER DID NOT APPRECIATE THAT THE ACT WAS ABUSIVE” and “CHARIS BARKER WAS SUFFERING FROM A CONDITION THAT CAUSED HER TO REPRESS THE MEMORIES OF ABUSE AND/OR CHARIS BARKER DID NOT KNOW HER INJURIES WERE CAUSED BY THE ABUSE” (TAC ¶ 390, 391, 399, 400, 410, 411). (See, Exhibit A – Gaffney Affidavit filed herewith and Exhibit 1 therein).

On September 15, 2016, GOTHARD filed a §2-619.1 Motion to Dismiss and BARKER filed a Response which substantially relied upon the aforesaid allegations regarding repressed memory in order to defeat that Motion to Dismiss. On January 9, 2017, the Court denied GOTHARD’s Motion to Dismiss without prejudice to raising the same issues within his Answer and Affirmative Defenses. GOTHARD filed his Answer and Affirmative Defenses on June 2, 2017 which again raised the Statute of Limitations issue regarding BARKER’s pleading. BARKER filed a Response to the Affirmative Defenses on June 23, 2017 specifically denying GOTHARD’s SOL allegations as to the repressed memories issue (See Plaintiff’s Answers to GOTHARD’s Affirmative Defenses of June 23, 2017 – Exhibit A-2). BARKER specifically denied GOTHARD’s allegation that she did not have “a bona fide medical diagnosis of a psychological condition or conditions which can cause repressed memories”. BARKER also denied that she did not have “repressed memories and had recalled longer than 2 or 5 years

preceding the filing of suit”. As will be seen, BARKER pleading within the Third Amended Complaint that she had repressed memories and her denials as set forth within her Answer to GOTHARD’s Affirmative Defenses are patently false.

On November 30, 2017, GOTHARD file a Motion to Compel against BARKER and the other Plaintiffs which this Court granted on January 10, 2018. That Order required BARKER to comply and provide an affidavit of compliance by February 26, 2018. Rather than comply or even explain why she could not comply with that Order, BARKER opted to file a Motion for Voluntary Dismissal which was granted on February 26, 2018.

II. RULE 137 SANCTIONS STANDARD

There are two instances in which sanctions could be granted: ‘(1) when a pleading, ling of the pleading, motion or other document, including a reasonable attorney fee.” motion, or other paper is not ‘well grounded in fact’ or is not ‘warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law,’ or (2) when it is interposed for purposes such as to ‘harass or to cause unnecessary delay or needless increase in the cost of litigation.’”. *People v. Stefanski*, 377 Ill.App.3d 548, 551 (2007). It does suffice that a litigant or counsel honestly believed his case was well grounded in fact or law, but an objective standard is to be employed in evaluating what was reasonable under the circumstances. *Dunn v. Patterson*, 395 Ill.App.3d 914, 924 (2009).

III. BARKER’S FALSE PLEADINGS

A. ALLEGED REPRESSED MEMORIES

In each of her Counts against GOTHARD, BARKER alleges that she was suffering from a medical condition that caused her to repress the memories and/or did not know her injuries were caused by the “abuse”¹. (See BARKER’s Counts 30-32 at Exhibit A-1). BARKER further denied GOTHARD’s specific allegations contained within GOTHARD’s Third Affirmative

¹ The terms abuse, sexual and sexual harassment are in quotation marks because that is how Plaintiff defines such conduct according to her own subjective perspective. Such conduct was never abusive or sexual in nature.

Defense that she did not have a bona fide medical diagnosis of a psychological condition which caused repressed memories or a medical diagnosis of conditions scientifically recognized which would prevent her from reasonably discovering purported “abuse” (Exhibit A2 ¶ 17). BARKER also denied that she did not in fact have repressed memories and that she had recall longer than 2 or even 5 years preceding the filing of suit (A-2, ¶ 18). Yet, from BARKER’s verified answers to interrogatories as well as her statements to others within her Rule 214 produced documents, its obvious that she in fact never had a medical diagnosis of a psychological condition causing repressed memories and that at all times she had clear memories of everything that occurred. Thus, this entire lawsuit which is premised upon these purported repressed memories is a sham. In response to IBLP Interrogatory #14 -16, she provides nothing but vague, general statements about her memory with no evidence of represses Memories. (See – Exhibit A-3). The same is true of her evasive answers to GOTHARD’s Interrogatory 16 (See Exhibit A- 4) . In a conversation with Rachel Lees regarding repressed memories listed in the TAC, BARKER stated, “I told them[counsel] I was sure I didn't have any[repressed memories]”. (See – Exhibit A-5 – Barker Bates 2685). This a clear and obvious admission by BARKER that she had never suffered from any condition which caused her to repress any memories. Yet, BARKER’s TAC and Affirmative Defenses wrongly allege that she suffered from a condition which caused her to repress memories. Something, that she has no proof of and has admitted is wrong.

Additionally, a reasonable investigation into the facts before filing would have revealed to Plaintiff’s counsel, objectively, that BARKER suffered from no repressed memories. In a letter to her counsel, BARKER stated, “There has been some concern over our specific allegations in the lawsuit and several of us would like to have them corrected. While the compilation of the details was a gargantuan task, none of us were able to see our portions prior to

them being filed (that I'm aware of) and many of the errors could have been caught if we had". (See – Exhibit A-6 – Barker Bates 2674). Not only did BARKER's attorneys fail to make a reasonable investigation into her allegation, it seems that BARKER's counsel did not even ask BARKER. Plaintiff's counsel failed to let BARKER review and confirm her TAC before filing it. Plaintiff's counsel filed a pleading that contained blatantly false information regarding BARKER's allegation of repressed memories. This is further evidenced by the fact when Rachel Lees asked BARKER if counsel ever cleared repressed memories with her, BARKER stated, "They didn't to me. Although they asked if I thought I had any". (See – Exhibit A-5 – Barker Bates 2685). Coupled with statements BARKER made above, this clearly reveals that BARKER had not suffered from any repressed memories and that reasonable investigation into the facts would have easily and objectively revealed that to BARKER's counsel. Yet, contrary to BARKER's admissions, her attorneys falsely alleged that BARKER suffered from a condition which caused her to repress memories. This is a clear and blatant violation of Rule 137 and is subject to sanction by this Court.

Moreover, in Counts 30, 31 and 32 of BARKER's TAC she alleges, along with repressed memories, that she was unaware that her injuries were caused by the "abuse". In BARKER's Answer #16 to IBLP's Supplemental Interrogatories, she states that she realized GOTHARD's contact was "injurious" as an adult much later in her adult life. (See – Exhibit A-3). In contrast, BARKER's communications show that BARKER knew of any "injuries" caused by GOTHARD's conduct shortly after her interaction with GOTHARD at IBLP Headquarters from 1999 to 2000. On April 24, 2012, BARKER writes, "Cass, almost the exact same things happened to me. He touched my feet constantly, he held my hand, he sat very closely to me, wanted me alone in his office after hours, etc. The footsy thing made me really uncomfortable, as

well as the late-night meetings. What do you do though?... I did the only thing I could think of and withdrew. I became less friendly, less available and gradually the invitations slowed down.” (See – Exhibit A-7 – Barker Bates 1714). BARKER, an adult at the time, began feeling uncomfortable with GOTHARD’s conduct as it was happening. On May 4, 2012, BARKER further adds, “I don’t share much personal stuff on the crossings for the same reason....I realized his touching me was sexual not long after being married-but knowing it was sexual and realizing that outsiders were horrified really makes me question my parents even more.” (See – Exhibit A-8 – Barker Bates 1637). It is clear that BARKER began to believe GOTHARD’s conduct towards was “sexual” more than 4 years before she filed suit in 2016.

More specifically BARKER states, on January 28, 2014, regarding GOTHARD’s contact, “I have gone through various stages in dealing with it. I was horrified when I realized it was sexual (2002). Mad when I realized I wasn’t alone (sometime in 2005?), and then livid when I realized my parents still don’t think it was a big deal.” (See – Exhibit A-7 – Barker 3415). Since 2002, BARKER has construed whatever contact GOTHARD made with her as “sexual harassment”. On April 20, 2012, BARKER states, “What made me mad is that my parents knew about it but didn’t think it was improper. I was naïve and didn’t know anything about foot fetishes but I’m sure they did. I realized after I was married how some men get off on that-plus, there are many, many girls that complained about this.” (See – Exhibit A-10 – Barker Bates 598). These are just a few of multiple statements which clearly evidence BARKER knew about her “injuries” regarding the “abuse” ever since 2002. BARKER’s original Complaint against GOTHARD was filed in January 2016, which is at least thirteen years after BARKER began labelling GOTHARD’s contact as “sexual” and “abusive”. Thirteen years is well beyond the two-year time period in which BARKER could have brought any claims against GOTHARD. 735 ILCS

5/13-202.2. A reasonable inquiry by counsel would have shown that BARKER was well aware of any “injuries” caused by any “abuse” for over a decade. If BARKER’s counsel would have just read her short Recovering Grace web-site article, posted on April 8, 2013 (more than two years before filing of the original Complaint), which forms the basis of her allegations they would have learned that BARKER already knew of her purported “injuries”. In the article, BARKER says, “when I got married and expanded my sexual knowledge a bit, it didn’t take long to recognize that what Bill had done to me at Headquarters was sexual in nature. I had never heard of feet as a turnon. At the time, I barely knew the mechanics of sex, let alone what would be considered a sexual fetish.” (See – Exhibit A-11 – Barker Bates 4655). As stated in her Answer # 7 to Gothard’s Supplemental Interrogatories, BARKER got married in 2002. (See – Exhibit A-4). Coupled with the comments above, it is clear Plaintiff’s counsel failed to make a reasonable investigation into the facts. The allegation that BARKER was not aware that her “injuries” is a false statement and violates Rule 137.

B. ALLEGED SEVERE EMOTIONAL DISTRESS

BARKER alleges that she suffered and will continue to suffer from severe emotional distress due to GOTHARD’s conduct. (See – Exhibit A-1). However, statements made by BARKER in communications she produced in discovery indicate otherwise. BARKER says multiple times she does not have or ever suffered severe emotional distress as a result of GOTHARD’s contact. On January 26, 2014, Barker stated regarding GOTHARD’s contact, “In the grand scheme of life, it wasn’t that big of a deal. I felt very uncomfortable and took steps to distance myself and it worked. Given the image he portrays, it is a pretty big deal. I suffer no long term personal effects (guilt or otherwise).” (See – Exhibit A-12 – Barker Bates 397-398). On February 5, 2014, BARKER said, “I don’t struggle with the harassment, I struggle with my

parents continually choosing BG over me and my siblings”. (See – Exhibit A-13 – Barker Bates 496). Also, Barker told someone regarding GOTHARD, “You’re so much more gracious than I...You’ve read my story...I don’t have any residual effects of his touching (other than anger). I would be much more upset about the slander. It’s so de-meaning.” (See – Exhibit A-14– Barker Bates 1099). None GOTHARD did was sexual at all (See, Exhibit A3 - Par. 7 & 8). The idea that what is stated there caused emotional harm is absurd and refuted by BARKER’s own words.

Coupled with this, BARKER had an ulterior motive for filing this lawsuit against GOTHARD. Her reasoning for filing this suit had nothing to do with any “sexual harassment” or any improper touching that she alleges. On February 9, 2014, BARKER stated, “I feel bg’s theological errors are infinitely more harmful than his physical sins.” (See – Exhibit A-15 – Barker Bates 905). Adding on to this, BARKER stated “I am still recovering from the twisted teachings and I haven’t been under them for almost ten years..” (See – Exhibit A-16 – Barker Bates 2019). Most of BARKER’s negative feelings towards GOTHARD have to do with theology and his religious teachings. On March 10, 2014, BARKER stated, “I honestly just want him[Gothard] stopped. Capone for tax evasion, Gothard for sex. It works. Theology is my main concern.” (See – Exhibit A-17 – Barker 3547). Here, BARKER essentially admits her motive for filing suit against GOTHARD. BARKER’s claims of “sexual harassment” were merely a means in order to achieve the goal of ruining the reputation of GOTHARD and eliminating his religious teachings from the public sphere. BARKER maintained this motive throughout the lawsuit. On May 3, 2016, BARKER stated, “We’ve already won in a huge way. We’ve tarnished him and IBLP. The relative few that still follow are committed to their foolishness. Winning a lawsuit will just be icing on the cake.” (See – Exhibit A-18 – Barker Bates 3108). Clearly, BARKER is satisfied as the lawsuit accomplished her goal of ruining the reputation of GOTHARD. It is

blatantly obvious that BARKER did not suffer any severe emotional distress as she alleged in her TAC due to purported "sexual harassment". In fact, she has no evidence that what GOTHARD did was "sexual". The strong emotional or negative feelings BARKER has towards GOTHARD concern theology. An investigation into the facts would have easily revealed that BARKER did not suffer from any sort of severe emotional distress due to the GOTHARD's contact which was not sexual in nature. BARKER's allegations are false and violate Illinois Supreme Court Rule 137.

C. GOTHARD'S CONTACT WAS NOT SEXUAL

In Counts 30, 31 and 32 of the TAC, BARKER alleged that GOTHARD touched her in various ways which were in a "sexual manner". Nothing within any of her Answers to Interrogatories, chat room statements or her own "story" published at the Recovering Grace website (Exhibit A-11) support the pleadings that GOTHARD ever sought or attempted any kind of sexual activity. Those assertions are a mere pretext to accomplish their goal of discrediting GOTHARD and ruining his ministry. If not protected by Illinois Absolute Privilege laws – BARKER'S claims are defamatory *per se*.

D. THE ALLEGATIONS OF BARKER ARE COMPLETELY REFUTED BY HER OWN WORDS WITHIN LETTERS, INVITES AND THANK YOU NOTES

Attached as Exhibit A-19 are letters, invites and thank you notes which BARKER sent to GOTHARD over the years. The thank you notes, letters and invites during the years 1998 through 2002. Her letter of June 25, 2000 states "God has used your life to bless mine in countless ways". BARKER then invited GOTHARD to her wedding in April, 2002. She would not have said or done that if there was any abuse at the lawsuit alleges.

E. GOTHARD'S FEES AND COSTS

BARKER should have never brought her claims in the first place. She has blatantly lied in order to prosecute claims that she ultimately knew were not real or based in fact. Attached as A-20 is a comprehensive statement of all the fees and costs incurred by GOTHARD. They total in excess of \$205,000. Some of the Plaintiffs dropped out soon after the filing of the TAC. BARKER and ten others proceeded with their claims against GOTHARD. Therefore, BARKER should reimburse GOTHARD 1/11th of the total charges incurred in amount of \$18,636.

IV. GOTHARD'S RULE 219(e) MOTION FOR AFFIRMATIVE RELIEF

Illinois Supreme Court Rule 219(e) states:

“A party shall not be permitted to avoid compliance with discovery deadlines, orders or applicable rules by voluntarily dismissing a lawsuit. In establishing discovery deadlines and ruling on permissible discovery and testimony, the court shall consider discovery undertaken (or the absence of same), any misconduct, and orders entered in prior litigation involving a party. The court may, in addition to the assessment of costs, require the party voluntarily dismissing a claim to pay an opposing party or parties reasonable expenses incurred in defending the action including but not limited to discovery expenses, expert witness fees, reproduction costs, travel expenses, postage, and phone charges.”

As Plaintiffs' failed to comply with this Court's discovery ruling regarding GOTHARD's Motion to Compel, this Court should enter an order requiring Plaintiffs to preserve all evidence in the event of future litigation and order Plaintiffs to pay GOTHARD his “reasonable expenses incurred”.

WHEREFORE, GOTHARD requests that this Court Sanction BARKER and her attorneys for violations of Illinois Supreme Court Rule 137 and award a reasonable amount for fees and costs; Award GOTHARD his “reasonable expenses incurred” pursuant to Illinois Supreme Court Rule 219(e); Enter an order requiring Plaintiffs, in the case of refileing their action, to Comply with this Court's Order of January 10, 2018 and to Produce or at least Preserve all documents and evidence in the event of future litigation.

Respectfully submitted,

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

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NOTICE OF FILING / CERTIFICATE OF SERVICE

I, attorney of record in this proceeding, certify that on March 28 , 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):

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

Chris Kachiroubas
e-Filed in the 18th Judicial Circuit Court
***** DuPage County *****
TRAN# : 17043946563/(4245464)
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BRUNKE, KIMBERLY

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Plaintiffs,

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INSTITUTE IN BASIC LIFE PRINCIPLES, INC.
and WILLIAM W. GOTHARD, JR.,

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Case No. 2015 L 980

Hon. Judge Kenneth L. Popejoy

Courtroom 2020

**DEFENDANT GOTHARD'S MOTION PURSUANT TO ILLINOIS SUPREME COURT
RULES 137 AND 219(e) FOR SANCTIONS AND OTHER RELIEF AGAINST JANE
DOE III**

Now Comes, William Gothard, ("GOTHARD"), by his attorneys, Gaffney & Gaffney,
P.C., for his Motion Pursuant to Illinois Supreme Court Rules 137 and 219(e) for Sanctions and
Other Relief Against Jane Doe III ("DOE III"), states:

I. INTRODUCTION

On January 6, 2016, DOE III, and nine other Plaintiffs, filed her Complaint against
Defendants Institute in Basic Life Principles, Inc. ("IBLP") and GOTHARD. At that time, she
was represented by her former attorneys, the Gibbs Law Firm, P.A. and Jonathan P. Remijas. On
May 26, 2016, this Court filed its Letter of Opinion regarding GOTHARD's Motion to
Disqualify David C. Gibbs III and entered an Order of Disqualification on May 31, 2016.
Subsequently, the Gibbs Law Firm and Remijas withdrew their appearances and on July 5, 2016,
new counsel appeared. On July 13, 2016, LEES and the other Plaintiffs were granted leave to file
a Third Amended Complaint ("TAC"). At the hearing on that Motion, DOE III's current counsel
referred to the former pleading by the Gibbs Law Firm as "insane". However, the insanity
continued as on August 17, 2016, DOE III and the other Plaintiffs filed a 306 page Third

Amended Complaint and extensive motion practice and discovery followed until all claims were eventually dismissed. DOE III alleged that she went to IBLP Headquarters in 2011 to be counseled by GOTHARD (TAC ¶ 14). Since she first filed suit against GOTHARD in January 2016, DOE III had an obvious Statute of Limitations problem with all of her claims including Battery (Count 54), IIED (Count 55), NIED (Count 56), Civil Conspiracy (Count 61) and Violation of Gender Violence Act (GVA) (Count 62). In a feeble attempt to overcome that clear problem, DOE III mechanically regurgitates in each of her Counts against GOTHARD an allegation that “AT THE TIME OF THE ABUSE, JANE DOE III DID NOT APPRECIATE THAT THE ACT WAS ABUSIVE” and “JANE DOE III WAS SUFFERING FROM A CONDITION THAT CAUSED HER TO REPRESS THE MEMORIES OF ABUSE AND/OR JANE DOE III DID NOT KNOW HER INJURIES WERE CAUSED BY THE ABUSE” (TAC ¶ 680, 681, 689, 690, 700, 701, 772). (See, Exhibit A – Gaffney Affidavit filed herewith and Exhibit 1 therein).

On September 15, 2016, GOTHARD filed a §2-619.1 Motion to Dismiss and DOE III filed a Response which heavily relied upon the aforesaid allegations regarding repressed memory in order to defeat the SOL argument. On January 9, 2017, the Court denied GOTHARD’s Motion to Dismiss without prejudice. GOTHARD filed his Answer and Affirmative Defenses on June 2, 2017 which again raised the Statute of Limitations defense. DOE III filed a Response to the Affirmative Defenses on June 23, 2017 specifically denying GOTHARD’s allegation as to the repressed memories issue (See Exhibit A2). DOE III specifically denied GOTHARD’s allegation that she did not have “a bona fide medical diagnosis of a psychological condition or conditions which can cause repressed memories”. DOE III also denied that she did not have “repressed memories and had recalled longer than 2 or 5 years preceding the filing of suit”. As

will be seen, DOE III allegations within the Third Amended Complaint that she had repressed memories and her denials as set forth within her Answer to GOTHARD's Affirmative Defenses are patently false and not filed in good faith. Extensive and expensive litigation ensued.

On November 30, 2017, GOTHARD file a Motion to Compel against DOE III and the other Plaintiffs which this Court granted on January 10, 2018. That Order required DOE III to comply with missing discovery and provide an affidavit of compliance by February 26, 2018. Rather than comply or even explain why she could not comply with that Order, DOE III opted to file a Motion for Voluntary Dismissal which was granted on February 26, 2018.

II. RULE 137 SANCTIONS STANDARD

Paragraph A of Illinois Supreme Court Rule 137 states as follows:

"Every pleading, motion and other document of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated.... The signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion or other document; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation....If a pleading, motion, or other document is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion or other document, including a reasonable attorney fee."

There are two instances in which sanctions could be granted: '(1) when a pleading, motion, or other paper is not 'well grounded in fact' or is not 'warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law,' or (2) when it is interposed for purposes such as to 'harass or to cause unnecessary delay or needless increase in the cost of litigation.'". *People v. Stefanski*, 377 Ill.App.3d 548, 551 (2007). It does suffice that a litigant or counsel honestly believed his case was well grounded in fact or law, but an objective

standard is to be employed in evaluating what was reasonable under the circumstances. *Dunn v. Patterson*, 395 Ill.App.3d 914, 924 (2009). Here, DOE III made numerous false statements and she has admitted to having an improper purpose in filing suit with the other Plaintiffs even though she knew she had no case. Courts have imposed sanctions on violating parties for making false statements. *In Re Marriage of McGrath*, 2011 WL 10299744; *Nediyakalayil v. Gabriel*, 2011 WL 10455225 ; *Swanson v. Cater*, 258 Ill.App.3d 157, 162-163 (1994).

III. DOE III'S FALSE PLEADINGS

A. FALSE JANE DOE STATUS AFFIDAVIT

Initially, DOE III filed her Complaint against GOTHARD using the fictitious Jane Doe III name without leave of court. On January 25, 2017, GOTHARD filed a Motion to Disclose Identity of the Doe Plaintiffs pointing out to the Court the high legal standard of using the Doe name and the fact that none of the Does had previously sought or obtained leave of court to use the Doe name. In February 2017, Plaintiff filed the Affidavit of Jane Doe III ("Affidavit") in support of her request for a protective order to allow her to proceed under a fictitious name. See Attached Exhibit A. As part of his reply, GOTHARD filed an Affidavit as to the identity of "Emily" who posted her story and blog comments about him and IBLP, but then subsequently withdrew those statements. (See – Exhibit A-12). Ultimately, this Court denied GOTHARD's Motion to Disclose the identity of DOE III based upon what we know to be false statements contained within the Affidavit of Jane Doe III filed with this Court in February 2017. (See – Exhibit A-3).

In the Affidavit, DOE III claims she would be at risk of being harassed by GOTHARD and/or IBLP if her identity was publicly disclosed. However, DOE III's real identity was revealed to GOTHARD and IBLP after GOTHARD's Motion to Disclose Does was denied. (See

-- Exhibit A-3). Also, DOE III claims that if her father discovers that she publicly disclosed his sexual abuse of her, then she would be in personal danger and suffer physiological, psychological and emotional distress. Despite this, DOE III publicly revealed her identity in a blog post shortly after her case was voluntarily dismissed. 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 -- Exhibit A-4). On top of that, DOE III's parents, or at least her mother, was already aware of DOE III's involvement in the lawsuit in 2016. (See -- Exhibit A-6 Where DOE III talks about her mother wanting to come to the "victory party" in New Zealand). Coupled with this, DOE III's request to proceed under a fictitious name was done for an improper purpose. On December 3, 2015, DOE III had a conversation with another Plaintiff in the case, Rachel Lees. In the conversations, Rachel Lees asks, "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". (See -- Exhibit A-5 -- Lees Bates 3221). DOE III's motivations to use a fictitious name have nothing to do with her father, Gothard or IBLP, but her reputation in her community. DOE III's Affidavit to proceed under a fictitious name was false and for the improper purpose of maintaining her good reputation in her "pro-Gothard" community.

In short, as shown above, DOE III's statements made in the Affidavit of Jane Doe III are not well grounded in fact and interposed for an improper purpose. The allegations in the Affidavit of Jane Doe III are false statements and violate Illinois Supreme Court Rule 137.

B. FALSE STATEMENTS OF SEXUAL HARASSMENT, CONTACT, ABUSE AND EMOTIONAL DISTRESS

DOE III consistently uses the terms “sexual contact”, “sexual harassment” and “sexual abuse” throughout her pleadings (See, Exhibit A-1 ¶ 677, 685, 759, 767). But in fact, there never was any contact of a sexual nature. (See, DOE III’s Answer to Interrogatory #8 where she describes certain statements and contact with GOTHARD none of which is of a sexual nature). There never was any sexual touching, sexual contact, or sexual propositions. DOE III’s allegations claiming “sexual harassment”, “sexual contact” and “sexual abuse” are clearly without merit and therefore frivolous from the beginning.

In Count 55 of DOE III’s TAC, she alleges that GOTHARD’s conduct towards her qualifies as an Intentional Emotional Infliction of Emotional Distress (IIED). (See – Exhibit A-1). “In order to state a cause of action for intentional infliction of emotional distress, a party must allege facts which establish that: (1) the defendant's conduct was extreme and outrageous; (2) the defendant either intended that his conduct should inflict severe emotional distress, or knows that there was a high probability that his conduct would cause severe emotional distress; (3) the defendant's conduct in fact caused severe emotional distress.” *Doe v. Calumet City*, 161 Ill.2d 374, 392 (1994).

However, DOE III’s communications produced in discovery contradict her claims. On March 25, 2016, DOE III had a conversation with Rachel Lees. DOE stated, “I’m so excited to meet in person some day. I’m still dreaming of the NZ victory party!”. Rachel Lees replies, “: me too! I’ve been hunting out places for us as well.” (See – Exhibit A-6 -- Lees Bates 3204). The Plaintiffs were planning on having a “victory party” in New Zealand after the lawsuit was over. (See – Exhibit -- Lees Bates 3233). DOE III alleges that GOTHARD has caused her severe emotional distress yet talks about winning the lawsuit as if it were a game so that they can all fly to New Zealand and drink mimosas on the beach saying “kia kaha”. (See – Exhibit A-6 – Lees

Bates 3238). These comments evidence that DOE III did not suffer severe emotional distress due to GOTAHARD's conduct.

Moreover, DOE III's allegation was interposed for an improper purpose. On October 27, 2016, DOE III has a conversation with Rachel Lees regarding IBLP. DOE III states, "I'd like to tell my story, and share about my journey of surviving a cult, too." (See – Exhibit A-7 -- Lees Bates 3191). DOE III alleges that IBLP was a "cult" in which she "survived" along with Crohn's disease and an abusive father. Further, makes another statement on regarding her motives on March 25, 2016. DOE III says, "Oh, this will be a great movie someday..... That's why surprisingly I sort of hope this thing goes to trial! ...I want this whole secret world exposed. A trial would do that. Plus that would REALLY bankrupt IBLP." (See – Exhibit A-8 -- Lees Bates 3205). These comments reveal DOE III's true motivation for filing her lawsuit which have nothing to do with the alleged severe emotional distress she suffered as a result of GOTHARD's actions. DOE III's allegations of suffering severe emotional distress was interposed for the improper purpose to take down and ruin IBLP along with GOTHARD.

In sum, DOE III's claims of "sexual contact" and "severe emotional distress" are not well grounded and all of those facts were known to DOE III before false pleadings were filed in this cause.

C. ALLEGED REPRESSED MEMORIES

In Counts 54 for Battery, 55 for IIED and 56 Negligent Infliction of Emotional Distress (NIED) DOE III alleges that she suffered from a condition which caused her to repress memories of "abuse" and/or she did not know her injuries were caused by the "abuse". On December 3, 2015, DOE III says, "I'm so thankful for "Lizzie"....If it hadn't been for her first speaking out that I never would have realized what had happened to me." (See – Exhibit A-5 -- Lees Bates

3221). DOE III claims she would not have realized “what was done to her” if it were not for Lizzie’s “sexual harassment” story which was posted on Recovering Grace. See Attached Exhibit . On April 24, 2012, almost four years before she filed suit against GOTHARD, DOE III posted some comments on Lizzie’ story in relation to her own interactions with GOTHARD. DOE III commented,

“Your[Lizzie’s] well written post has prompted to tell my story...He[Gothard] did make a few comments that bothered me a little, but I tried to ignore them. Only now I see how wrong they were...Back at HQ things got much worse. He started to holding my hand, and gazing into my eyes for long periods of time. Once he placed his shoe on top of mine...He would caress my arm or squeeze my hands, and winks at my....All of this stuff really creeped me out. I thought, ‘how can he think that this is appropriate?’...I was very careful, though to try to avoid holding hands, the gazes, and always made sure there was someone else in the room with us...So that’s been my experience, I want to thank you, Lizzie”. (See – Exhibit -- Gothard 71-72).

DOE III even withdrew her statements made to the “Recovering Grace” website in May 2012. (See, Exhibit A-12/2 where “Liz and Emily” advised the moderators of the “Recovering Grace” website that “in retrospect, the sexual harassment article probably was not the appropriate place for our concerns to be aired as (I stated in my post) this was not the impetus for our post. In particular, we feel that the summary article statement on sexual harassment about Emily being “inappropriately touched” was misleading. Emily was uncomfortable with some gestures, but neither of us felt that these would be considered sexual harassment. We feel like Recovering Grace overstepped its bounds by making the statement in the summary article without asking our permission to do so”). On top of this, DOE III and her attorney knew that her claims were barred by the Statute of Limitations. On November 28, 2016, DOE III stated, “I spoke with Frank Cesarone for the first time last week. I was considering going to the hearing (which, in the end, I decided not to go). He was very blunt that we really don’t have any laws that protect us. We are out of the SOL. Period. If we’re going to survive, it’ll have to be because the judge makes an exception.” (See – Exhibit -- Lees Bates 3189). Despite this, the attorney pursued DOE III’s

claims against GOTHARD. No attorney could objectively come to the conclusion that DOE III's repressed memory allegation are well grounded in fact or law after a reasonable inquiry. DOE III's counsel were aware of this yet pursued these claims regardless. As stated above, DOE III's claims were interposed for the improper purpose to ruin the reputations of IBLP along with GOTHARD.

In short, DOE III's Count 54 claim for Battery, Count 55 claim for IIED and Count 56 claims for NIED in her TAC where she alleges to have suffered repressed memories and/or was not aware of what happened are not well grounded in fact and interposed for an improper purpose. The allegation in Count 54, 55 and 56 where DOE III claims to have suffered repressed memories and/or was not aware that her injuries were caused by "abuse" are false statements and violate Illinois Supreme Court Rule 137.

D. GOTHARD'S FEES AND COSTS

DOE III should have never brought her claims in the first place. She has blatantly lied to prosecute claims that she knew were not real or based in fact. Attached as Exhibit A- is a comprehensive statement of all the fees and costs incurred by GOTHARD. They total is in excess of \$205,000. DOE III and ten others proceeded with their claims against GOTHARD until the final dismissal order in February. Therefore, DOE III should reimburse GOTHARD for 1/11th of the total charges incurred which is in amount of \$18,636. As set forth within the Affidavit attached as Exhibit A-14, the fees and costs related to GOTHARD's prosecution of the Motion to Disclose Identity of DOE III was \$

IV. GOTHARD'S RULE 219(e) MOTION FOR AFFIRMATIVE RELIEF

In this litigation, GOTHARD filed a Motion to Compel which this Court granted on (insert date). Plaintiffs were required to comply by February 26, 2018. Rather than comply,

Plaintiffs moved for voluntary dismissal. Illinois Supreme Court Rule 219(e) states:

“A party shall not be permitted to avoid compliance with discovery deadlines, orders or applicable rules by voluntarily dismissing a lawsuit. In establishing discovery deadlines and ruling on permissible discovery and testimony, the court shall consider discovery undertaken (or the absence of same), any misconduct, and orders entered in prior litigation involving a party. The court may, in addition to the assessment of costs, require the party voluntarily dismissing a claim to pay an opposing party or parties reasonable expenses incurred in defending the action including but not limited to discovery expenses, expert witness fees, reproduction costs, travel expenses, postage, and phone charges.”

As Plaintiffs’ failed to comply with this Court’s discovery ruling regarding GOTHARD’s Motion to Compel, this Court should enter an order requiring Plaintiffs to either produce or preserve all evidence in the event of future litigation and order Plaintiffs to pay GOTHARD his “reasonable expenses incurred”.

WHEREFORE, GOTHARD requests that this Court Sanction DOE III and her attorneys for violations of Illinois Supreme Court Rule 137 and award a reasonable amount for fees and costs; Award GOTHARD his “reasonable expenses incurred” pursuant to Illinois Supreme Court Rule 219(e); Enter an order requiring Plaintiffs, in the case of refileing their action, to Comply with this Court’s Order of January 10, 2018 and to Produce or at least Preserve all documents and evidence in the event of future litigation.

Respectfully submitted,

/s/ Glenn R. Gaffney
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NOTICE OF FILING / CERTIFICATE OF SERVICE

I, attorney of record in this proceeding, certify that on March 28, 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):

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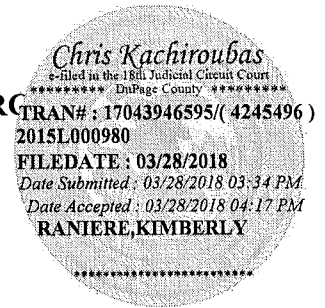
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IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS



GRETCHEN WILKINSON, *et. al.*

Plaintiffs,

v.

INSTITUTE IN BASIC LIFE PRINCIPLES, INC.
and WILLIAM W. GOTHARD, JR.,

Defendants.

Case No. 2015 L 980

Hon. Judge Kenneth L. Popejoy

Courtroom 2020

**DEFENDANT GOTHARD'S MOTION PURSUANT TO ILLINOIS SUPREME COURT
RULES 137 AND 219(e) FOR SANCTIONS AND OTHER RELIEF AGAINST JANE
DOE IV**

Now Comes, William Gothard, ("GOTHARD"), by his attorneys, Gaffney & Gaffney, P.C., for his Motion Pursuant to Illinois Supreme Court Rules 137 and 219(e) for Sanctions and Other Relief Against Jane Doe IV ("DOE IV"), states:

INTRODUCTION

On January 6, 2016, ten Plaintiffs filed their Complaint against Defendants Institute in Basic Life Principles, Inc. ("IBLP") and GOTHARD. DOE IV joined the lawsuit on February 17, 2016. At that time, she was represented by her former attorneys, the Gibbs Law Firm, P.A. and Jonathan P. Remijas. On May 26, 2016, this Court filed its Letter of Opinion regarding GOTHARD's Motion to Disqualify David C. Gibbs III and entered an Order of Disqualification on May 31, 2016. Subsequently, the Gibbs Law Firm and Remijas withdrew their appearances and on July 5, 2016, new counsel appeared. On July 13, 2016, DOE IV and the other Plaintiffs were granted leave to file a Third Amended Complaint ("TAC"). At the hearing on that Motion, DOE IV's current counsel referred to the former pleading by the Gibbs Law Firm as "insane". However, the insanity continued as on August 17, 2016, DOE IV and the other Plaintiffs filed a

306 page Third Amended Complaint and extensive motion practice and discovery followed until all claims were eventually dismissed. DOE IV alleged she was a volunteer and later an employee at the IBLP Headquarters during the years 2006 through 2009 (TAC ¶ 13). Since she first filed suit against GOTHARD in February 2016, DOE IV had an obvious Statute of Limitations problem with all of her claims including Battery (Count 92), IIED (Count 93), NIED (Count 94), Civil Conspiracy (Count 99), and Violation of the Gender Violence Act (GVA) (Count 100). In a feeble attempt to overcome that clear problem, DOE IV mechanically regurgitates in each of her Counts against GOTHARD an allegation that “AT THE TIME OF THE ABUSE, JANE DOE IV DID NOT APPRECIATE THAT THE ACT WAS ABUSIVE” and “JANE DOE IV WAS SUFFERING FROM A CONDITION THAT CAUSED HER TO REPRESS THE MEMORIES OF ABUSE AND/OR JANE DOE IV DID NOT KNOW HER INJURIES WERE CAUSED BY THE ABUSE” (TAC ¶ 1114, 1115, 1123, 1124, 1134, 1135, 1207, 1208). (See, Exhibit A – Gaffney Affidavit filed herewith and Exhibit 1 therein).

On September 15, 2016, GOTHARD filed a §2-619.1 Motion to Dismiss and DOE IV filed a Response which heavily relied upon the aforesaid allegations regarding repressed memory in order to defeat the SOL argument. On January 9, 2017, the Court denied GOTHARD’s Motion to Dismiss without prejudice. GOTHARD filed his Answer and Affirmative Defenses on June 2, 2017 which again raised the Statute of Limitations defense. DOE IV filed a Response to the Affirmative Defenses on June 23, 2017 specifically denying GOTHARD’s allegation as to the repressed memories issue (See Exhibit A2). DOE IV specifically denied GOTHARD’s allegation that she did not have “a bona fide medical diagnosis of a psychological condition or conditions which can cause repressed memories”. DOE IV also denied that she did not have “repressed memories and had recalled longer than 2 or 5 years preceding the filing of suit”. As

will be seen, DOE IV's allegations within the Third Amended Complaint that she had repressed memories and her denials as set forth within her Answer to GOTHARD's Affirmative Defenses are patently false and not filed in good faith. Extensive and expensive litigation ensued.

On November 30, 2017, GOTHARD file a Motion to Compel against DOE IV and the other Plaintiffs which this Court granted on January 10, 2018. That Order required DOE IV to comply with missing discovery and provide an affidavit of compliance by February 26, 2018. Rather than comply or even explain why she could not comply with that Order, DOE IV opted to file a Motion for Voluntary Dismissal which was granted on February 26, 2018.

RULE 137 SANCTIONS STANDARD

Paragraph A of Illinois Supreme Court Rule 137 states as follows:

"Every pleading, motion and other document of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated.... The signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion or other document; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation....If a pleading, motion, or other document is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion or other document, including a reasonable attorney fee."

There are two instances in which sanctions could be granted: '(1) when a pleading, motion, or other paper is not 'well grounded in fact' or is not 'warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law,' or (2) when it is interposed for purposes such as to 'harass or to cause unnecessary delay or needless increase in the cost of litigation.'". *People v. Stefanski*, 377 Ill.App.3d 548, 551 (2007). It does suffice that a litigant or counsel honestly believed his case was well grounded in fact or law, but an objective

standard is to be employed in evaluating what was reasonable under the circumstances. *Dunn v. Patterson*, 395 Ill.App.3d 914, 924 (2009). Here, DOE IV made numerous false statements and she has admitted to having an improper purpose in filing suit with the other Plaintiffs even though she knew she had no case. Courts have imposed sanctions on violating parties for making false statements. *In Re Marriage of McGrath*, 2011 WL 10299744; *Nediyakalayil v. Gabriel*, 2011 WL 10455225 ; *Swanson v. Cater*, 258 Ill.App.3d 157, 162-163 (1994).

I. DOE IV'S FALSE PLEADINGS

A. ALLEGED SEVERE EMOTIONAL DISTRESS

In Count 93 of DOE IV's TAC, she alleges that GOTHARD's conduct towards her qualifies as an Intentional Emotional Infliction of Emotional Distress (IIED). (See – Exhibit A-1). “In order to state a cause of action for intentional infliction of emotional distress, a party must allege facts which establish that: (1) the defendant's conduct was extreme and outrageous; (2) the defendant either intended that his conduct should inflict severe emotional distress, or knows that there was a high probability that his conduct would cause severe emotional distress; (3) the defendant's conduct in fact caused severe emotional distress.” *Doe v. Calumet City*, 161 Ill.2d 374, 392 (1994).

It is obvious from her answers to interrogatories and her own admissions that she never had such a claim. DOE IV's communications produced in discovery admit she has no such claim. On July 25, 2015, DOE IV conversed with fellow Plaintiff, Charis Barker, regarding joining the lawsuit. DOE IV said, “Ok, I definitely want. I am behind y'all and support y'all. One of the reasons I would go in on this is so I can pursue the additional counseling I need and for additional medical expense or international adoption due to infertility.” (See – Exhibit A-2 – Barker 3413). A few days later DOE IV reasserts her primary motivation for filing suit. On July

31, 2015, DOE IV stated, “Ok, and how much are they sewing[sic] for or are we asking for medical and counseling reimbursement, which is what I'm mostly interested in” (See – Exhibit A-3 – Barker 3412). DOE IV primary issues and concerns have to do with received reimbursements for counseling and medical services. This is further evidence by her letter to the IBLP Board. (See – Exhibit A-4 – Doe IV Bates 123-135). In this 13 page letter DOE IV goes into great detail describing her “damages”. In this letter she asserts various and extensive claims for “damages” which she believes is owed to her. However, the letter hardly mentions any of GOTHARD’s contact or conduct that she alleges in her TAC. A reasonable inquiry by Plaintiff’s counsel would have revealed that DOE IV’s allegations suffering severe emotional distress are not well grounded in fact. Reimbursement for counseling and medical services is not the only reason DOE IV is filing this lawsuit. On March 1, 2017, DOE IV stated, “I just drank two glasses of wine and watched the documentary on iblp....I thought it was basic and good. Just a good reminder of what and why we are exposing them because of the false teachings, hurt and pain that were caused to others. Hope many more find healing” (See – Exhibit A-5 – Lees Bates 1882). DOE IV is motivated to take down and ruin the reputation of IBLP and GOTHARD due to their “false teachings” and the negative impact that it had on the lives of others. It is clear that DOE IV allegations are interposed for the improper purpose of seeking destroying the reputation of GOTHARD along with seeking reimbursement for medical and counseling services due to her infertility and the stress caused by the adoption process.

In short, DOE IV’s Count 93 claim for IIED in her TAC where she alleges to have suffered severe emotional distress is not well grounded in fact and interposed for an improper purpose. The allegation in Count 93 that DOE IV suffered severe emotional distress is a false statement and violates Illinois Supreme Court Rule 137.

B. DOE IV HAD NO REPRESSED MEMORIES

In Counts 92 for Battery, 93 for IIED, 94 Negligent Infliction of Emotional Distress (NIED), and 100 for Violation of Gender Violence Act (GVA), DOE IV alleges that she suffered from a condition which caused her to repress memories of “abuse” and/or she did not know her injuries were caused by the “abuse”¹. On January 25, 2014, DOE IV wrote an email to fellow Plaintiff, Rachel Lees. DOE IV wrote, “The Lord laid heavy on my heart to go to RG² and there was part 1 of your story. It grasped my heart. I know IBLP is performanced backed and I've really been working through that and just dismissed it all as mr. G as a great Christian leader with blind spots.” (See – Exhibit A-6 – Doe IV Bates 88). A couple days later, DOE IV publicly reasserts what she wrote in the email. DOE IV posted online, “The Lord prompted me to go to Recovering Grace, a site I had formally hated. And there it was part one of Meg's story...My heart sunk, I knew these type of things to be true but always dismissed them. I contacted the real "meg" and got to know her. We shared our stories together, although mine not this physical but very similar in several ways.” (See – Exhibit A-7 – Doe IV Bates 67). The statements by DOE IV show that she remembers her interactions with GOTHARD relevant to her allegations in the TAC. Further, on March 3, 2014, DOE IV prepared a draft letter to Mr. Hogan detailing her experience with GOTHARD. DOE IV stated in the letter,

“Mr. Gothard gave me two un-wanted, full-on, front-hugs. He grabbed me tightly and pulled my whole body into his. These hugs felt very sexual and left me feeling very confused... Mr. Gothard also played footsie with me and held my hand on several occasions. Once when I was crying he put his arm around me and tried to pull me into his chest. I felt so awkward and refused this.... I felt scared and too uneasy to be alone with him. I felt like he would make further sexual advances toward me.... In an attempt to deal with these things I sought prayer from Jim Logan. I asked him to pray that my mind be freed from the fear of being sexually hurt. I spoke to Jenny Speed and she suggested that

¹ We use the word “abuse” here in quotes because nothing Gothard actually said or did was objectively abusive.

² “RG” stands for the “Recovering Grace” group that vowed to destroy Gothard and developed a website for that purpose. See www.recoveringgrace.org

I go back and confess everything I could think of to my parents. I took her advice and did this. But through all my efforts the fear of harrassment still did not leave.” (See – Exhibit A-8 – Doe IV 69-70).

These statements reveal that DOE IV knew that any “injuries” she suffered from the alleged “abuse” of a hug, foot touching or hand holding as it was occurring. According to DOE IV’s statements, it is clear that during her interactions with GOTHARD that she knew what was happening and never forgot it. A reasonable inquiry by DOE IV’s attorney would have revealed that DOE IV’s claims of repressed memories and being unaware that her “injuries” were caused by “abuse” are not well grounded in fact. Also, as shown above, DOE IV’s allegations in the TAC are interposed for the improper purpose to seek counseling and medical reimbursements as well as to destroy GOTHARD’s reputation.

In sum, DOE IV’s Count 92 claim for Battery, Count 93 claim for IIED, Count 94 claim for NIED and Count 100 claim for Violation of GVA in her TAC where she alleges to have suffered repressed memories and/or was not aware that her “injuries” were caused by “abuse” are not well grounded in fact and interposed for an improper purpose. The allegation in Count 92, 93, 94 and 100 where DOE IV claims to have suffered repressed memories and/or was not aware that her “injuries” were caused by “abuse” are false statements and violate Illinois Supreme Court Rule 137.

C. GOTHARD DID NOT ENGAGE IN ANY SEXUAL CONDUCT

In Counts 92 for Battery, 93 for IIED, 94 for NIED, and 100 for Violation GVA, DOE IV alleges that GOTHARD engaged in unwanted conduct of a sexual nature, but DOE IV’s answers to Interrogatories do not back up these claims. In Answers #5, #7, and #8 to IBLP’s Supplemental Interrogatories, DOE IV lists all of GOTHARD’s conduct which she claims constituted “misconduct” and “sexual abuse” such as holding hands, receiving hugs, having her

hair touched, etc. (See – Exhibit A-9). Yet, DOE IV does not mention anything of a sexual nature. (See – Exhibit A-9). Also, in DOE IV's letter addressed to the IBLP Board where she airs her grievances involving GOTHARD, she fails to make one mention of GOTHARD being sexual. (See – Exhibit A-4 – Doe IV Bates 123-135). This statement, along with DOE IV's answers to interrogatories, clearly evidence that GOTHARD did not engage in any sexual conduct as alleged. A reasonable inquiry by DOE IV's counsel would have allowed them to objectively conclude that GOTHARD did not have any sexual contact with her. Also, as shown above, DOE IV's allegations in the TAC are interposed for the improper purpose.

D. GOTHARD'S FEES AND COSTS

DOE IV should have never brought her claims in the first place. She has blatantly lied to prosecute claims that she knew were not real or based in fact. Attached as Exhibit A- is a comprehensive statement of all the fees and costs incurred by GOTHARD. They total is in excess of \$205,000. DOE IV and ten others proceeded with their claims against GOTHARD until the final dismissal order in February. Therefore, DOE IV should reimburse GOTHARD for 1/11th of the total charges incurred which is in amount of \$18,636.

II. GOTHARD'S RULE 219(e) MOTION FOR AFFIRMATIVE RELIEF

In this litigation, GOTHARD filed a Motion to Compel which this Court granted on (insert date). A copy of that Order is attached as Exhibit . Plaintiffs were required to comply by February 26, 2018. Rather than comply, Plaintiffs moved for voluntary dismissal. Illinois Supreme Court Rule 219(e) states:

“A party shall not be permitted to avoid compliance with discovery deadlines, orders or applicable rules by voluntarily dismissing a lawsuit. In establishing discovery deadlines and ruling on permissible discovery and testimony, the court shall consider discovery undertaken (or the absence of same), any misconduct, and orders entered in prior litigation involving a party. The court may, in addition to the assessment of costs, require

the party voluntarily dismissing a claim to pay an opposing party or parties reasonable expenses incurred in defending the action including but not limited to discovery expenses, expert witness fees, reproduction costs, travel expenses, postage, and phone charges.”

As Plaintiffs’ failed to comply with this Court’s discovery ruling regarding GOTHARD’s Motion to Compel, this Court should enter an order requiring Plaintiffs to preserve all evidence in the event of future litigation and order Plaintiffs to pay GOTHARD his “reasonable expenses incurred”.

WHEREFORE, GOTHARD requests that this Court Sanction DOE IV and her attorneys for violations of Illinois Supreme Court Rule 137 and award a reasonable amount for fees and costs; Award GOTHARD his “reasonable expenses incurred” pursuant to Illinois Supreme Court Rule 219(e); Enter an order requiring Plaintiffs, in the case of refiling their action, to Comply with this Court’s Order of January 10, 2018 and to Preserve all documents and evidence in the event of future litigation.

Respectfully submitted,

/s/ Glenn R. Gaffney
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NOTICE OF FILING / CERTIFICATE OF SERVICE

I, attorney of record in this proceeding, certify that on March 28, 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):

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Attorney for William Gothard

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



GRETCHEN WILKINSON, *et. al.*

Plaintiffs,

v.

INSTITUTE IN BASIC LIFE PRINCIPLES, INC.
and WILLIAM W. GOTHARD, JR.,

Defendants.

Case No. 2015 L 980

Hon. Judge Kenneth L. Popejoy

Courtroom 2020

**DEFENDANT GOTHARD'S MOTION PURSUANT TO ILLINOIS SUPREME COURT
RULES 137 AND 219(e) FOR SANCTIONS AND OTHER RELIEF AGAINST JANE
DOE V**

Now Comes, William Gothard, ("GOTHARD"), by his attorneys, Gaffney & Gaffney, P.C., for his Motion Pursuant to Illinois Supreme Court Rules 137 and 219(e) for Sanctions and Other Relief Against Jane Doe V ("DOE V"), states:

I. INTRODUCTION

On January 6, 2016, ten Plaintiffs, filed a Complaint against Defendants Institute in Basic Life Principles, Inc. ("IBLP") and GOTHARD. DOE V joined the lawsuit on February 17, 2016. At that time, she was represented by her former attorneys, the Gibbs Law Firm, P.A. and Jonathan P. Remijas. On May 26, 2016, this Court filed its Letter of Opinion regarding GOTHARD's Motion to Disqualify David C. Gibbs III and entered an Order of Disqualification on May 31, 2016. Subsequently, the Gibbs Law Firm and Remijas withdrew their appearances and on July 5, 2016, new counsel appeared. On July 13, 2016, DOE V and the other Plaintiffs were granted leave to file a Third Amended Complaint ("TAC"). At the hearing on that Motion, DOE V's current counsel referred to the former pleading by the Gibbs Law Firm as "insane". However, the insanity continued as on August 17, 2016, DOE V and the other Plaintiffs filed a

306 page Third Amended Complaint and extensive motion practice and discovery followed until all claims were eventually dismissed. DOE V alleged that she was present at the Indianapolis, Indiana and Hinsdale, Illinois facilities from 1995 through 1997. (TAC ¶ 17). Since she first filed suit against GOTHARD in January 2016, DOE V had an obvious Statute of Limitations problem with all of her claims including Aggravated Criminal Sexual Abuse (Count 132), Battery (Count 133), IIED (Count 135), NIED (Count 137), Civil Conspiracy (Count 144) and False Imprisonment (Count 145). In a feeble attempt to overcome that clear problem, DOE V mechanically regurgitates in each of her Counts against GOTHARD an allegation that “AT THE TIME OF THE ABUSE, JANE DOE V DID NOT APPRECIATE THAT THE ACT WAS ABUSIVE” and “JANE DOE V WAS SUFFERING FROM A CONDITION THAT CAUSED HER TO REPRESS THE MEMORIES OF ABUSE AND/OR JANE DOE V DID NOT KNOW HER INJURIES WERE CAUSED BY THE ABUSE” (TAC ¶ 1595, 1596, 1613, 1614, 1633, 1634, 1654, 1655). (See, Exhibit A – Gaffney Affidavit filed herewith and Exhibit 1 therein).

On September 15, 2016, GOTHARD filed a §2-619.1 Motion to Dismiss and DOE V filed a Response which heavily relied upon the aforesaid allegations regarding repressed memory in order to defeat the SOL argument. On January 9, 2017, the Court denied GOTHARD’s Motion to Dismiss without prejudice. GOTHARD filed his Answer and Affirmative Defenses on June 2, 2017 which again raised the Statute of Limitations defense. DOE V filed a Response to the Affirmative Defenses on June 23, 2017 specifically denying GOTHARD’s allegation as to the repressed memories issue (See Exhibit A-2). LEES specifically denied GOTHARD’s allegation that she did not have “a bona fide medical diagnosis of a psychological condition or conditions which can cause repressed memories”. DOE V also denied that she did not have “repressed memories and had recalled longer than 2 or 5 years preceding the filing of suit”. As

will be seen, DOE V allegations within the Third Amended Complaint that she had repressed memories and her denials as set forth within her Answer to GOTHARD's Affirmative Defenses are patently false and not filed in good faith. Extensive and expensive litigation ensued.

On November 30, 2017, GOTHARD file a Motion to Compel against DOE V and the other Plaintiffs which this Court granted on January 10, 2018. That Order required DOE V to comply with missing discovery and provide an affidavit of compliance by February 26, 2018. Rather than comply or even explain why she could not comply with that Order, DOE V opted to file a Motion for Voluntary Dismissal which was granted on February 26, 2018.

II. RULE 137 SANCTIONS STANDARD

Paragraph A of Illinois Supreme Court Rule 137 states as follows:

"Every pleading, motion and other document of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated.... The signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion or other document; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation....If a pleading, motion, or other document is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion or other document, including a reasonable attorney fee."

There are two instances in which sanctions could be granted: '(1) when a pleading, motion, or other paper is not 'well grounded in fact' or is not 'warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law,' or (2) when it is interposed for purposes such as to 'harass or to cause unnecessary delay or needless increase in the cost of litigation.'". *People v. Stefanski*, 377 Ill.App.3d 548, 551 (2007). It does suffice that a litigant or counsel honestly believed his case was well grounded in fact or law, but an objective

standard is to be employed in evaluating what was reasonable under the circumstances. *Dunn v. Patterson*, 395 Ill.App.3d 914, 924 (2009). Here, DOE V made numerous false statements and she has admitted to having an improper purpose in filing suit with the other Plaintiffs even though she knew she had no case. Courts have imposed sanctions on violating parties for making false statements. *In Re Marriage of McGrath*, 2011 WL 10299744; *Nediyakalayil v. Gabriel*, 2011 WL 10455225 ; *Swanson v. Cater*, 258 Ill.App.3d 157, 162-163 (1994).

III. DOE V'S FALSE PLEADINGS

A. ALLEGED SEXUAL ABUSE IS FALSE PLEADING

In Count 132 of the TAC, DOE V makes an allegation of Aggravated Criminal Sexual Abuse against GOTHARD during the years 1995 to 1997. (See -- Exhibit A-1). The relevant criminal law statute for this allegation states, "The accused commits aggravated criminal sexual abuse if he or she commits an act of sexual penetration or sexual conduct with a victim who was at least 13 years of age but under 17 years of age and the accused was at least 5 years older than the victim." (720 ILCS 5/12-16(d)). Additionally, the relevant civil law statute states, "'Childhood sexual abuse' means an act of sexual abuse that occurs when the person abused is under 18 years of age. 'Sexual abuse' includes but is not limited to sexual conduct and sexual penetration as defined in Section 12-12 of the Criminal Code of 1961". (735 ILCS 5/13-202.2(a)). "Sexual conduct" is defined as "any intentional or knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus[,] or breast of the victim or the accused, or any part of the body of a child under 13 years of age, for the purpose of sexual gratification or arousal of the victim or the accused." (720 ILCS 5/12-12(e)) (See, *People v. Maggette*, 311 Ill.App.3d 388, 395 (2000)). DOE V's Count 132 against GOTHARD fails to make sufficient factual allegations of sexual conduct or any factual

allegations at all for that matter. A reasonable inquiry would have objectively revealed to DOE V's counsel that her Count 132 claim is not well grounded in fact. Even though it was later dismissed, GOTHARD had to incur the time, effort and money to file a motion to dismiss before she would do so.

Furthermore, DOE V's Answers to Interrogatories fail to make an allegation of "sexual conduct". In Answer # 5, # 6 and # 7 to IBLP's Supplemental Interrogatories, DOE V alleges that GOTHARD would hold her hands, rub her thighs, rub her back, stroke her hair, etc. (See -- Exhibit A-3). All the contact DOE V alleges involves non-overtly sexual touching of non-intimate body parts. Clearly, this alleged conduct does not fall under the definition of "sexual conduct" as defined by 720 ILCS 5/12-12(e). After a reasonable inquiry, no attorney could come to the objective conclusion that DOE V's Count 132 claim for Aggravated Criminal Sexual Abuse against GOTHARD is well grounded in fact. Equally wrong and false are the other allegations of sexual misconduct at paragraphs 1593, 1607 and 1628.

Additionally, DOE V's sexual misconduct claims are interposed for an improper purpose. On August 18, 2016, DOE V had a conversation with fellow Plaintiff, Rachel Frost, concerning DOE V's motivation for joining the lawsuit. Rachel Frost states, "Yeah. Sadly, I bet there might be more victims of his out there. Your bravery might set them free too". DOE V replies, "Well good. That's why I joined this suit in the first place". (See -- Exhibit A-4 -- Frost Bates 2278). This conversation shows that DOE V did not file suit against GOTHARD for any alleged "injuries" she suffered due to his conduct. Instead, DOE V joined to encourage and support others who have made accusations of "abuse" against GOTHARD. Another conversation with Ruth Copley-Burger further evidences DOE V's true motivation for suing GOTHARD. Ruth Copley-Burgers says, "I once asked my parents if college was so bad because you needed

to stay at home under your parent's authority, then why was Bill Gothard bringing teenagers to ICs.” DOE V responds, “Seriously? Ikr[I know right]? Another example of his perverted and cunning ways. What a douche. I so hope we take him down!” (See – Exhibit A-5 -- Jane Doe V Bates 206). Coupled with the statement above, DOE V interposed her accusation for the improper purpose of attempting to ruin the reputation of GOTHARD in support of others who have made allegations.

In short, as shown above, DOE V’s claims of Sexual Abuse in her TAC against GOTHARD is not well grounded in fact and interposed for an improper purpose. The allegations against GOTHARD are false statements and violate Illinois Supreme Court Rule 137.

B. ALLEGED SEVERE EMOTIONAL DISTRESS

In Count 135 of DOE V’s TAC, she alleges that GOTHARD’s conduct towards her qualifies as an IIED. (See -- Exhibit A-1). “In order to state a cause of action for intentional infliction of emotional distress, a party must allege facts which establish that: (1) the defendant's conduct was extreme and outrageous; (2) the defendant either intended that his conduct should inflict severe emotional distress, or knows that there was a high probability that his conduct would cause severe emotional distress; (3) the defendant's conduct in fact caused severe emotional distress.” *Doe v. Calumet City*, 161 Ill.2d 374, 392 (1994).

However, a comment DOE V made regarding selection of a new attorney after the disqualification of David Gibbs III indicates otherwise. On May 30, 2016, DOE V states, “I’m sure Tara is a very good attorney, but so much for this being a group decision. I feel very slighted and disregarded. And if our group breaks apart, there goes our strength in numbers and maybe one by one our cases crumble away?....I almost feel like quitting too.” (See – Exhibit A-6 -- Frost Bates 2286). According to DOE V, her claims are much stronger if other Plaintiffs

remain on the suit. DOE V is even willing to drop the lawsuit if she would have been forced to pursue her claims on her own. If DOE V suffered severe emotional distress as she alleges, then she would not believe it was necessary that other Plaintiffs need to stay on the lawsuit for DOE V to have a case. This comment along with her true motivation for joining the lawsuit, as shown above, evidence that DOE V did not suffer severe emotional distress due to GOTHARD's conduct.

DOE V's desire to encourage and support others who have made allegation against GOTHARD is not her only motivation for filing her claims. On February 18, 2016, DOE V had a conversation regarding IBLP. DOE V stated, "Is just that we were all so manipulated and naive. .. But i guess that is what a cult is- blind manipulation." (See – Exhibit A-7 -- Jane Doe V Bates 179). DOE V claims that IBLP is a "cult" that "blindly manipulated" her. Further, in relation to GOTHARD, DOE V states, "Yes, it needed to come out. Far too many lives have been devastated by the false teachings of that man and his sham ministry!" (See – Exhibit A-8 -- Jane Doe V Bates 180-181). Not only does DOE V want to support alleged abuse victims, but she wants to help others who were "harmed" due to GOTHARD's "false teachings". It is obvious that DOE V's severe emotional distress accusation is interposed for the improper purpose ruin GOTHARD's reputation and to take down his teachings.

In sum, DOE V's Count 135 claim for IIED in her TAC where she alleges to have suffered severe emotional distress is not well grounded in fact and interposed for an improper purpose. The allegation in Count 135 that DOE V suffered severe emotional distress is a false statement and violates Illinois Supreme Court Rule 137.

C. ALLEGED FALSE IMPRISONMENT

In Count 145 in the TAC, DOE V makes an allegation of false imprisonment against

GOTHARD. (See -- Exhibit A-1). DOE V alleges this occurred in 1996 in the state of Indiana. Indiana criminal law states, "A person who knowingly or intentionally confines another person without the other person's consent commits criminal confinement". (IC 35-42-3-3(a)). According to Illinois civil law, "The essential elements of a cause of action for false imprisonment are that (1) the plaintiff was restrained by the defendant and (2) the defendant acted without having reasonable grounds to believe that an offense was committed by the plaintiff." *Hanna v. Marshall Field & Co.*, 279 Ill.App.3d 784, 793 (1996). In the TAC, DOE V alleges that GOTHARD sent her to Indiana where she was held in seclusion for three weeks. However, DOE V's Answers to Interrogatories do not support this allegation. In Answers # 5, # 6 and # 7 to IBLP's Supplemental Interrogatories, DOE V lists all of the alleged misconduct GOTHARD engaged in towards her. (See -- Exhibit A-3). Yet, DOE V fails to allege any sort of false imprisonment or criminal confinement committed by GOTHARD. In Answers # 11, # 19 and # 27 to IBLP's Supplemental Interrogatories, she alleges acts which would constitute false imprisonment or criminal confinement. (See -- Exhibit A-3). Once again, she fails to mention any actions committed by GOTHARD. DOE V's allegation of false imprisonment is not well grounded in fact. A reasonable inquiry should have allowed DOE V's counsel to objectively come to this conclusion. Also, DOE V's Count 145 allegations are interposed for an improper purpose to tarnish GOTHARD's reputation and to eliminate his teachings, as described above.

In sum, DOE V's Count 145 claim for False Imprisonment in her TAC where she alleges that GOTHARD falsely imprisoned her is not well grounded in fact and interposed for an improper purpose. The allegation in Count 145 that DOE V was falsely imprisoned by GOTHARD is a false statement and violates Illinois Supreme Court Rule 137.

D. ALLEGED REPRESSED MEMORIES

In Counts 132, 133, 135 and 137, DOE V alleges she suffered from a condition which caused her to repress memories using the exact same boilerplate conclusory language as all other Plaintiffs. (See – Exhibit A-1). In her Answer to IBLP Supplemental Interrogatory #17, DOE V says she has only been diagnosed with “PTSD”. (See – Exhibit A-3). This is not an adequate condition to cause repressed memories. DOE V provides no medical conditions which cause repressed memories. (See – Exhibit A-3). DOE V’s allegations of repressed memories are not well grounded in fact and interposed for an improper purpose as mentioned earlier. Hence, DOE V’s allegations of having repressed memories are false and warrant sanctions.

E. THE ALLEGATIONS OF DOE V ARE COMPLETELY REFUTED BY HER OWN WORDS WITHIN LETTERS AND A THANK YOU CARD

Attached as Exhibit A-9 are letters and Thank-You cards DOE V sent to GOTHARD.

The letters and thank you card speak for themselves. Throughout those communications, it is obvious that DOE V had the utmost admiration and respect for GOTHARD. DOE V cannot provide any rational explanation as to how it is that she could express such empathy, good wishes, well-being, prayers and exaltations upon GOTHARD and now claim she was somehow a “victim” of emotional distress and improper touching. It is obvious that DOE V now has an ulterior motive. In this lawsuit, she has attempted to transmute real and honest encouragement into something immoral which was never intended, designed or effectuated. DOE V has brought false claims for an improper purpose. Thus, sanctions are warranted.

F. GOTHARD’S FEES AND COSTS

DOE V should have never brought her claims in the first place. She has blatantly lied to prosecute claims that she knew were not real or based in fact. Attached as Exhibit A-10 is a comprehensive statement of all the fees and costs incurred by GOTHARD. They total is in excess of \$205,000. DOE V and ten others proceeded with their claims against GOTHARD until

the final dismissal order in February. Therefore, DOE V should reimburse GOTHARD for 1/11th of the total charges incurred which is in amount of \$18,636.

IV. GOTHARD'S RULE 219(e) MOTION FOR AFFIRMATIVE RELIEF

In this litigation, GOTHARD filed a Motion to Compel which this Court granted on January 10, 2018. Plaintiffs were required to comply by February 26, 2018. Rather than comply, Plaintiffs moved for voluntary dismissal. Illinois Supreme Court Rule 219(e) states:

“A party shall not be permitted to avoid compliance with discovery deadlines, orders or applicable rules by voluntarily dismissing a lawsuit. In establishing discovery deadlines and ruling on permissible discovery and testimony, the court shall consider discovery undertaken (or the absence of same), any misconduct, and orders entered in prior litigation involving a party. The court may, in addition to the assessment of costs, require the party voluntarily dismissing a claim to pay an opposing party or parties reasonable expenses incurred in defending the action including but not limited to discovery expenses, expert witness fees, reproduction costs, travel expenses, postage, and phone charges.”

As Plaintiffs' failed to comply with this Court's discovery ruling regarding GOTHARD's Motion to Compel, this Court should enter an order requiring Plaintiffs to either produce or preserve all evidence in the event of future litigation and order Plaintiffs to pay GOTHARD his “reasonable expenses incurred”.

WHEREFORE, GOTHARD requests that this Court Sanction DOE V and her attorneys for violations of Illinois Supreme Court Rule 137 and award a reasonable amount for fees and costs; Award GOTHARD his “reasonable expenses incurred” pursuant to Illinois Supreme Court Rule 219(e); Enter an order requiring Plaintiffs, in the case of refiling their action, to Comply with this Court's Order of January 10, 2018 and to Produce or at least Preserve all documents and evidence in the event of future litigation.

Respectfully submitted,

/s/ Glenn R. Gaffney

Glenn R. Gaffney

Attorney for William Gothard

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NOTICE OF FILING / CERTIFICATE OF SERVICE

I, attorney of record in this proceeding, certify that on March 28, 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):

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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 MOTION PURSUANT TO ILLINOIS SUPREME COURT
RULES 137 AND 219(e) FOR SANCTIONS AND OTHER RELIEF AGAINST RACHEL
LEES**

Now Comes, William Gothard, ("GOTHARD"), by his attorneys, Gaffney & Gaffney, P.C., for his Motion Pursuant to Illinois Supreme Court Rules 137 and 219(e) for Sanctions and Other Relief Against Rachel Lees ("LEES"), states:

I. INTRODUCTION

On January 6, 2016, LEES, and nine other Plaintiffs, filed her Complaint against Defendants Institute in Basic Life Principles, Inc. ("IBLP") and GOTHARD. At that time, she was represented by her former attorneys, the Gibbs Law Firm, P.A. and Jonathan P. Remijas. On May 26, 2016, this Court filed its Letter of Opinion regarding GOTHARD's Motion to Disqualify David C. Gibbs III and entered an Order of Disqualification on May 31, 2016. Subsequently, the Gibbs Law Firm and Remijas withdrew their appearances and on July 5, 2016, new counsel appeared and on July 13, 2016, LEES and the other Plaintiffs were granted leave to file a Third Amended Complaint ("TAC"). At the hearing on that Motion, LEES' current counsel referred to the former pleading by the Gibbs Law Firm as "insane". However, the insanity continued as on August 17, 2016, LEES and the other Plaintiffs filed a 306 page Third Amended

Complaint and extensive motion practice and discovery followed until all claims were eventually dismissed. LEES alleged that at the adult age of 20 she was the personal secretary of GOTHARD at the IBLP Headquarters during the years 1992 and 1993 (TAC ¶ 13). Since she first filed suit against GOTHARD in January 2016, LEES had an obvious Statute of Limitations problem with all of her claims including Battery (Count 46), IIED (Count 47), NIED (Count 48) and Civil Conspiracy (Count 53). In a feeble attempt to overcome that clear problem, LEES mechanically regurgitates in each of her Counts against GOTHARD an allegation that “AT THE TIME OF THE ABUSE, RACHEL LEES DID NOT APPRECIATE THAT THE ACT WAS ABUSIVE” and “RACHEL LEES WAS SUFFERING FROM A CONDITION THAT CAUSED HER TO REPRESS THE MEMORIES OF ABUSE AND/OR RACHEL LEES DID NOT KNOW HER INJURIES WERE CAUSED BY THE ABUSE” (TAC ¶ 594, 595, 606, 607, 620, 621). (See, Exhibit A – Gaffney Affidavit filed herewith and Exhibit 1 therein).

On September 15, 2016, GOTHARD filed a §2-619.1 Motion to Dismiss and LEES filed a Response which heavily relied upon the aforesaid allegations regarding repressed memory in order to defeat the SOL argument. On January 9, 2017, the Court denied GOTHARD’s Motion to Dismiss without prejudice. GOTHARD filed his Answer and Affirmative Defenses on June 2, 2017 which again raised the Statute of Limitations defense. LEES filed a Response to the Affirmative Defenses on June 23, 2017 specifically denying GOTHARD’s allegation as to the repressed memories issue (See Exhibit A2). LEES specifically denied GOTHARD’s allegation that she did not have “a bona fide medical diagnosis of a psychological condition or conditions which can cause repressed memories”. LEES also denied that she did not have “repressed memories and had recalled longer than 2 or 5 years preceding the filing of suit”. As will be seen, LEES allegations within the Third Amended Complaint that she had repressed memories and her

denials as set forth within her Answer to GOTHARD's Affirmative Defenses are patently false and not filed in good faith. Extensive and Expensive litigation ensued.

On November 30, 2017, GOTHARD file a Motion to Compel against LEES and the other Plaintiffs which this Court granted on January 10, 2018. That Order required LEES to comply with missing discovery and provide an affidavit of compliance by February 26, 2018. Rather than comply or even explain why she could not comply with that Order, LEES opted to file a Motion for Voluntary Dismissal which was granted on February 26, 2018.

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Paragraph A of Illinois Supreme Court Rule 137 states as follows:

“Every pleading, motion and other document of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated.... The signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion or other document; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation....If a pleading, motion, or other document is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion or other document, including a reasonable attorney fee.”

There are two instances in which sanctions could be granted: ‘(1) when a pleading, motion, or other paper is not ‘well grounded in fact’ or is not ‘warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law,’ or (2) when it is interposed for purposes such as to ‘harass or to cause unnecessary delay or needless increase in the cost of litigation.’. *People v. Stefanski*, 377 Ill.App.3d 548, 551 (2007). It does suffice that a litigant or counsel honestly believed his case was well grounded in fact or law, but an objective standard is to be employed in evaluating what was reasonable under the circumstances. *Dunn v. Patterson*,

395 Ill.App.3d 914, 924 (2009). Here, LEES made numerous false statements and she has admitted to having an improper purpose in filing suit with the other Plaintiffs even though she knew she had no case. Courts have imposed sanctions on violating parties for making false statements. *In Re Marriage of McGrath*, 2011 WL 10299744; *Nediyakalayil v. Gabriel*, 2011 WL 10455225 ; *Swanson v. Cater*, 258 Ill.App.3d 157, 162-163 (1994).

III. LEES' FALSE PLEADINGS

A. ALLEGED REPRESSED MEMORIES ARE FALSE PLEADINGS

In each of her Counts against GOTHARD, LEES alleges that she was suffering from a medical condition that caused her to repress the memories and/or did not know her injuries were caused by the “abuse”¹. (See LEES’s Counts 46-48 at Exhibit A1). LEES further denied GOTHARD’s specific allegations contained within GOTHARD’s Third Affirmative Defense that she did not have a bona fide medical diagnosis of a psychological condition which caused repressed memories, or a medical diagnosis of conditions scientifically recognized which would prevent her from reasonably discovering purported “abuse” (Answers to Affirmative Defenses ¶ 17 – Exhibit A2). LEES also denied that she did not in fact have repressed memories and that she had recall longer than 2 or even 5 years preceding the filing of suit (Exhibit A2 ¶ 18). Yet, we can easily from LEES verified answers to interrogatories as well as statements made by LEES to others within her documents produced in discovery that she in fact never had a medical diagnosis of a psychological condition causing repressed memories and that at all times she had clear memories of everything that occurred. Thus, this entire lawsuit which is premised upon these purported repressed memories is a sham. LEES never “suffered from a condition that caused her

¹ The terms abuse, sexual and sexual harassment are in quotation marks because that is how LEES defines such conduct according to her perspective that touching of a non-sexual nature was “grooming” her for future sex even though GOTHARD never made a sexual advance or touch her sexually.

to repress memories”. Instead, LEES says that when she was at IBLP she was naïve. In response to Interrogatory #15 regarding her “regaining memories”, she refers to reading what was posted on a Recovering Grace website in 2012 and purportedly recalled her own experiences. (See – Exhibit A-3). That was about 4 years before she sued GOTHARD. Even if we accept that as true, LEES lied when she denied GOTHARD’s allegation that she never had a bona fide medical diagnosis of a psychological condition that caused repressed memories and lied when she denied GOTHARD’s allegation that she had recall longer than two years preceding the filing of suit and her admissions of a great memory of everything highlight the sham.

LEES boasts multiple times how good her memory is. On May 4, 2016, LEES says, “I might not be very bright or intelligent or understand legalese, but I do have a good memory I can rely on.” (See – Exhibit A4). On December 22, 2014, LEES states, “Because my memory is so good, it's hard to sort it all out, and to leave out minor details that you probably don't want.” (See – Exhibit A-5). LEES’ memory is so good to the point that she even complains about it. “That's good. I am the opposite. I don't know what it's like to have blocked memories, but I have the kind of memory that remembers everything, and that is a torment in itself.” (See – Exhibit A-6 – Lees Bates 3078-3079).

Regarding LEES’ interactions with GOTHARD, she remembers everything vividly. In LEES’ personal blog, she writes, “ When I think back over my life, and what happened to me when I was 20, when I met Bill Gothard, I think of this quote from the character of Rosa Dartle in David Copperfield. With my good, acute memory that never allows me to forget, I can put myself back in that room, that hour, the one that changed the course of my life”. (See – Exhibit A-7). LEES’ explicitly admits that she remembers exactly all of her interactions with GOHTARD. On top of this, LEES denies that she ever had repressed memories. In a

conversation with other Plaintiffs on August 18, 2016, she states, "I have never discussed that[repressed memories] with them [counsel]. I have a photographic memory - I'm not forgetting anything." (See – Exhibit A-8). It is clearly obvious that LEES never had a condition which caused her to repress memories. A reasonable inquiry into the facts would have revealed this to LEES' attorneys and would have allowed them to objectively conclude she never had repressed memories. Not only did counsel fail to make a reasonable inquiry, they failed to even ask their own client but instead pled the same boilerplate memory lingo as they had with all the others. This is a direct violation of Rule 137.

Additionally, LEES had no actual "injuries" but to the extent she now claims any they were known by her years ago. On April 26, 2012, LEES explains regarding GOTHARD's conduct, "I never saw it as exploitation and I was 21 yrs old. As I've grown older I think I have looked on it as probably innapropriate, but that is all, and put it down to a mutual affection when you are working very closely with someone day after day. I still feel as though I should protect him to some point." (See – Exhibit A-9).

In the subsequent months, LEES begins to put a label on GOTHARD's conduct. On July 12, 2012, LEES states, "I do feel a bit unsettled though - swinging up and down a bit at the moment - mostly due to this whole sexual harrasment thing from the USA.... He[Gothard] hasn't done anything immoral like sexual abuse, as far as I'm aware, but what he has been doing has been going on for 20 years or more and is very wrong on all kinds of levels". (See – Exhibit A-10 – Lees Bates 3389). LEES' July 13, 2012 statement is to the contrary. LEES states, "I just don't know what to do about it - whether to just let it go or take it up further, which will mean dragging my name into it. The Statute of Limitations has passed for most of us, so unless a more recent girl makes a formal complaint there's not much we can do about it legally. I am going to

speak to a counsellor about it". (See – Exhibit A-11 – Lees Bates 3388-3389). All these statements indicate that LEES knew what happened and she had no repressed memories. Thus, she purposely has made false statements to avoid the SOL defense and increase the cost of litigation which violates Illinois Supreme Court Rule 137.

B. ALLEGED SEVERE EMOTIONAL DISTRESS IS NON-EXISTANT

In Count 47 for IIED and Count 48 for NIED LEES alleges that she has and will continue to suffer severe emotional distress because of GOTHARD's actions. (See – Exhibit A1). On January 27, 2015, LEES says, "I explained that all those years I knew, deep down, that what BG was doing was wrong, but I thought I was the only one. That he was a lonely old man, a good guy, and that if I had been the only one he'd done that to, I would never have said anything, to protect him, and to protect the ministry." (See – Exhibit A-12 – Lees Bates 2570). LEES learned of a statement about GOTHARD and believed he may have wanted to court her for marriage. On September 1, 2015, LEES states, " I could deal with the whole marriage thing just fine if it was an isolated incident. When I first heard about it I actually felt sorry for him[Gothard]. But since learning about all the other girls.... that's what puts it in a different light for me and the way I feel about him now." (See – Exhibit A-13 – Lees Bates 1398). LEES was not damaged due to the GOTHARDS's contact and conduct. She lauded and encouraged him for years (See Group Exhibit A-16). Yet, the fact that GOTHARD was attentive to other women, as he had been with LEES, is what upsets LEES the most. On February 17, 2014, LEES states, "I want you to know that I still love Mr. Gothard as my brother in Christ, but after reading the initial accounts of sexual harassment on Recovering Grace and talking to several other young ladies I knew at HQ, I felt the burden of responsibility to speak out." (See – Exhibit A-14 – Lees Bates 3392-3). It is evident that LEES' motivation for filing suit against GOTHARD is not for what she claims to

have suffered, but for other women who have made “sexual harassment” allegations against GOTHARD. LEES never had severe emotional distress as a result of GOTHARD’s contact unless it is because she was in love with him and he never courted her as she hoped. On December 28, 2015, Jamie Deering asks, “When Gibbs asked you what was the worst thing BG did to you. What did you say or how did you respond to that?”. Lees replies, “He didn't ask me that, but the PI asked me what was the worst of the physical touching and I told her when he nearly kissed me at HW[HQ] (it's in my story).” (See – Exhibit A-15 – Lees 851). The worst thing LEES said GOTHARD tried to do to her is not even a simple battery. IIED and NIED are impossible claims with these facts. LEES never had a valid claim and knew it but joined in the suit in violation of Illinois Supreme Court Rule 137 because there was “Strength in Numbers”.

C. GOTHARD’S DID MAKE ANY SEXUAL ADVANCES OR CONTACT

In Counts 46, 47 and 48 of the TAC, LEES makes allegations of the specific contact GOTHARD made with her. She alleges that GOTHARD rubbed her legs with his feet, rubbed her shoulders, held her hands in his inner thigh, placed his head on her chest and rubbed his face and lips on her face all in a sexual manner. (See – Exhibit A-1). Under oath, LEES makes no mention of shoulder rubbing, GOTHARD putting his head on her chest and holding her hands on his inner thighs. (See – Exhibit A-2). Also, LEES says there that his lips came close, but did not touch her face. (See – Exhibit A-2). LEES’s Answers to Interrogatories contradict the allegations made in her TAC. It is evident LEES’s remembers everything, as shown above, and demonstrated by the great amount of detail she gives in her Answers. Nevertheless, LEES fails to mention in her Answers to Interrogatories a majority of the contact that was alleged in the TAC. Allegations that GOTHARD rubbed her shoulders, held her hand in his inner thigh, placed his head on her chest and rubbed his lips on her face all in a sexual manner are inaccurate and false

statements. These allegations are in violation of Illinois Supreme Court Rule 137 and are subject to sanctions by this Court.

D. THE ALLEGATIONS OF LEES ARE COMPLETELY REFUTED BY HER OWN WORDS WITHIN DOZENS OF CARDS, LETTERS, PRAYERS AND INVITES

Attached as Exhibit A-16 are dozens of cards, letters, well wishes and invites which LEES sent to GOTHARD over the years. The cards, letters and invites (to her marriage) are too numerous to recite here in any detail but speak for themselves. Throughout those communications, it is obvious that throughout the years at IBLP and those that followed, LEES had the utmost love and respect for GOTHARD. LEES cannot provide any rational explanation as to how it is that she could express such empathy, good wishes, well-being, prayers and exaltations upon GOTHARD throughout the years and now claim she was somehow a "victim" of emotional distress and improper touching. It is obvious that LEES now has an ulterior motive. In this lawsuit, she has attempted to transmute real and honest mutual affection into something immoral which was never intended, designed or effectuated. LEES has brought false claims for an improper purpose. Thus, sanctions are warranted.

E. GOTHARD'S FEES AND COSTS

LEES should have never brought her claims in the first place. She has blatantly lied to prosecute claims that she knew were not real or based in fact. Attached as Exhibit A-17 is a comprehensive statement of all the fees and costs incurred by GOTHARD. They total is in excess of \$205,000. LEES and ten others proceeded with their claims against GOTHARD until the final dismissal order in February. Therefore, LEES should reimburse GOTHARD for 1/11th of the total charges incurred which is in amount of \$18,636.

IV. GOTHARD'S RULE 219(e) MOTION FOR AFFIRMATIVE RELIEF

In this litigation, GOTHARD filed a Motion to Compel which this Court granted on

January 10, 2018. Plaintiffs were required to comply by February 26, 2018. Rather than comply, Plaintiffs moved for voluntary dismissal. Illinois Supreme Court Rule 219(e) states:

“A party shall not be permitted to avoid compliance with discovery deadlines, orders or applicable rules by voluntarily dismissing a lawsuit. In establishing discovery deadlines and ruling on permissible discovery and testimony, the court shall consider discovery undertaken (or the absence of same), any misconduct, and orders entered in prior litigation involving a party. The court may, in addition to the assessment of costs, require the party voluntarily dismissing a claim to pay an opposing party or parties reasonable expenses incurred in defending the action including but not limited to discovery expenses, expert witness fees, reproduction costs, travel expenses, postage, and phone charges.

As Plaintiffs’ failed to comply with this Court’s discovery ruling regarding GOTHARD’s Motion to Compel, this Court should enter an order requiring Plaintiffs to either produce or preserve all evidence in the event of future litigation and order Plaintiffs to pay GOTHARD his “reasonable expenses incurred”.

WHEREFORE, GOTHARD requests that this Court Sanction LEES and her attorneys for violations of Illinois Supreme Court Rule 137 and award a reasonable amount for fees and costs; Award GOTHARD his “reasonable expenses incurred” pursuant to Illinois Supreme Court Rule 219(e); Enter an order requiring Plaintiffs, in the case of refiling their action, to Comply with this Court’s Order of January 10, 2018 and to Produce or at least Preserve all documents and evidence in the event of future litigation.

Respectfully submitted,

/s/ Glenn R. Gaffney
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NOTICE OF FILING / CERTIFICATE OF SERVICE

I, attorney of record in this proceeding, certify that on March 28, 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):

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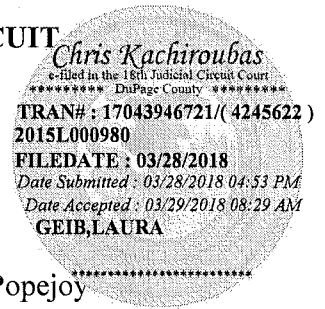
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**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS**



GRETCHEN WILKINSON, *et. al.*

Plaintiffs,

v.

INSTITUTE IN BASIC LIFE PRINCIPLES, INC.
and WILLIAM W. GOTHARD, JR.,

Defendants.

Case No. 2015 L 980

Hon. Judge Kenneth L. Popejoy

Courtroom 2020

**DEFENDANT GOTHARD'S MOTION PURSUANT TO ILLINOIS SUPREME COURT
RULES 137 AND 219(e) FOR SANCTIONS AND OTHER RELIEF AGAINST RACHEL
FROST**

Now Comes, William Gothard, ("GOTHARD"), by his attorneys, Gaffney & Gaffney, P.C., for his Motion Pursuant to Illinois Supreme Court Rules 137 and 219(e) for Sanctions and Other Relief Against Rachel Frost ("FROST"), states:

INTRODUCTION

On January 6, 2016, FROST, and nine other Plaintiffs, filed her Complaint against Defendants Institute in Basic Life Principles, Inc. ("IBLP") and GOTHARD. At that time, she was represented by her former attorneys, the Gibbs Law Firm, P.A. and Jonathan P. Remijas. On May 26, 2016, this Court filed its Letter of Opinion regarding GOTHARD's Motion to Disqualify David C. Gibbs III and entered an Order of Disqualification on May 31, 2016. Subsequently, the Gibbs Law Firm and Remijas withdrew their appearances and on July 5, 2016, new counsel appeared. On July 13, 2016, FROST and the other Plaintiffs were granted leave to file a Third Amended Complaint ("TAC"). At the hearing on that Motion, FROST's current counsel referred to the former pleading by the Gibbs Law Firm as "insane". However, the insanity continued as on August 17, 2016, FROST and the other Plaintiffs filed a 306 page Third

Amended Complaint and extensive motion practice and discovery followed until all claims were eventually dismissed. FROST alleged that she was present at IBLP Headquarters for periods of time between 1992 and 1995 (TAC ¶ 12). Since she first filed suit against GOTHARD in January 2016, FROST had an obvious Statute of Limitations problem with all of her claims including Aggravated Criminal Sexual Abuse (Count 37), Battery (Count 38), IIED (Count 39), NIED (Count 40) and Civil Conspiracy (Count 45). In a feeble attempt to overcome that clear problem, LEES mechanically regurgitates in each of her Counts against GOTHARD an allegation that “AT THE TIME OF THE ABUSE, RACHEL FROST DID NOT APPRECIATE THAT THE ACT WAS ABUSIVE” and “RACHEL FROST WAS SUFFERING FROM A CONDITION THAT CAUSED HER TO REPRESS THE MEMORIES OF ABUSE AND/OR RACHEL FROST DID NOT KNOW HER INJURIES WERE CAUSED BY THE ABUSE” (TAC ¶ 480, 481, 489, 490, 499, 500, 510, 511). (See, Exhibit A – Gaffney Affidavit filed herewith and Exhibit 1 therein).

On September 15, 2016, GOTHARD filed a §2-619.1 Motion to Dismiss and FROST filed a Response which heavily relied upon the aforesaid allegations regarding repressed memory in order to defeat the SOL argument. On January 9, 2017, the Court denied GOTHARD’s Motion to Dismiss without prejudice. GOTHARD filed his Answer and Affirmative Defenses on June 2, 2017 which again raised the Statute of Limitations defense. FROST filed a Response to the Affirmative Defenses on June 23, 2017 specifically denying GOTHARD’s allegation as to the repressed memories issue (See Exhibit A-2). FROST specifically denied GOTHARD’s allegation that she did not have “a bona fide medical diagnosis of a psychological condition or conditions which can cause repressed memories”. FROST also denied that she did not have “repressed memories and had recalled longer than 2 or 5 years preceding the filing of suit”. As

will be seen, FROST allegations within the Third Amended Complaint that she had repressed memories and her denials as set forth within her Answer to GOTHARD's Affirmative Defenses are patently false and not filed in good faith. Extensive and expensive litigation ensued.

On November 30, 2017, GOTHARD file a Motion to Compel against FROST and the other Plaintiffs which this Court granted on January 10, 2018. That Order required FROST to comply with missing discovery and provide an affidavit of compliance by February 26, 2018. Rather than comply or even explain why she could not comply with that Order, FROST opted to file a Motion for Voluntary Dismissal which was granted on February 26, 2018.

RULE 137 SANCTIONS STANDARD

Paragraph A of Illinois Supreme Court Rule 137 states as follows:

“Every pleading, motion and other document of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated.... The signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion or other document; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation....If a pleading, motion, or other document is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion or other document, including a reasonable attorney fee.”

There are two instances in which sanctions could be granted: ‘(1) when a pleading, motion, or other paper is not ‘well grounded in fact’ or is not ‘warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law,’ or (2) when it is interposed for purposes such as to ‘harass or to cause unnecessary delay or needless increase in the cost of litigation.’”. *People v. Stefanski*, 377 Ill.App.3d 548, 551 (2007). It does suffice that a litigant or counsel honestly believed his case was well grounded in fact or law, but an objective

standard is to be employed in evaluating what was reasonable under the circumstances. *Dunn v. Patterson*, 395 Ill.App.3d 914, 924 (2009). Here, FROST made numerous false statements and she has admitted to having an improper purpose in filing suit with the other Plaintiffs even though she knew she had no case. Courts have imposed sanctions on violating parties for making false statements. *In Re Marriage of McGrath*, 2011 WL 10299744; *Nediyakalayil v. Gabriel*, 2011 WL 10455225 ; *Swanson v. Cater*, 258 Ill.App.3d 157, 162-163 (1994).

I. FROST'S FALSE PLEADINGS

A. ALLEGED AGGRAVATED CRIMINAL SEXUAL ABUSE

In FROST's Third Amended Complaint, she makes an allegation of Aggravated Criminal Sexual Abuse listed at Count 37. (See -- Exhibit A-1). Her allegations, in Paragraph 478, fail to list any specific facts or actions which would constitute aggravated criminal sexual abuse. Plaintiff simply makes a conclusory allegation without any further detail or explanation. A reasonable investigation into this would revealed that FROST had no basis for a claim of Aggravated Criminal Sexual Abuse. FROST did dismiss this claim but only after GOTHARD spent the time, effort and money to file a motion to dismiss. Count 37 is not a pleading that is well grounded in fact and should never have been filed. In her Answer # 7 to IBLP's Supplemental Interrogatories, FROST identifies miscellaneous non-overtly sexual touching of non-intimate body parts by GOTHARD as what she considers to be "sexual abuse". (See -- Exhibit A-3). According to Illinois law, such touching does not constitute sexual abuse or sexual assault. 735 ILCS 5/13-202.2. Also, in FROST's communications produced she admits she never experienced any sexual abuse by GOTHARD. Her statement to fellow Plaintiffs on August 18, 2016 she says, "And why do I have "Aggravated criminal sexual abuse" count when you guys don't?" shows her confusion as to the allegation. (See - Exhibit A-4 - Barker Bates 2684).

FROST cannot comprehend why her counsel alleges sexual abuse since there never was any.

Further, FROST goes as far as to deny that she ever experienced sexual abuse. On January 1, 2016, she states, "They had sexual abuse listed on mine as well, which I have questioned. Miller said that they were on the fence with that for me, especially with the rough hair grab incident. When he sent me the legal definition for sexual abuse though, I really don't feel right about calling my experience that. I have asked him to remove it and only list sexual harassment." (See – Exhibit A-5 -- Barker Bates 3213). In spite of FROST's protest that she did not experience sexual abuse, FROST never deleted the allegation of Sexual Abuse even though the Complaint was amended. A reasonable investigation before the filing would have revealed that FROST experience no sexual abuse by GOTHARD. FROST's counsel failed to conduct an investigation or by seemingly even interviewing the Client and still plead a false statement of criminal sexual abuse which harmed GOTHARD in many ways. Plaintiff's pleading at Count 37 is clear violation of Rule 137.

B. ALLEGED REPRESSED MEMORIES

In FROST's Count 37 for Aggravated Criminal Sexual Abuse, Count 38 for Battery, Count 39 for Intentional Infliction of Emotion Distress and Count 40 for Negligent Infliction of Emotional Distress of her Third Amended Complaint, she alleges that she suffered from a condition which caused her to have repressed memories of the alleged abuse. In FROST's Answer # 14 and # 16 to IBLP's Supplemental Interrogatories, she states that reading Charlotte's (Gretchen Wilkinson) story triggered her with specific memories for the first time which were repressed by years of "brainwashing" and "protective instincts" (See -- Exhibit A-3). However, in Answer # 14, FROST adds that the triggering event caused her to open "my eyes that my own experience was more than what I had always excused it to be". On the one hand, FROST says

she was triggered by new memories after reading Gretchen's story, but then goes on that she was now viewing memories she always had from a different perspective. FROST's Answers are inherently contradictory and contradict the allegations in her Complaint that she suffered from repressed memories. She remembered everything but wanted to join on the RG and lawsuit bandwagon for improper motives to bring down IBLP and GOTHARD which she thinks are false spiritual teachings.

FROST's communications obtained during discovery demonstrate that she did not suffer from any conditions which caused her to repress her memories. On July 28, 2016, FROST says in a message to another Plaintiff that "I'm plagued with a very good long-term memory. :(". (See – Exhibit A-6 -- Frost Bates 1302). On February 12, 2014, FROST says, "I used to think (for 20+ years) that BG was basically a good man (God used him for good ways in my life too) who made a few wrong choices with young ladies". (See – Exhibit A-7 -- Frost Bates 1141). On September 1, 2015, FROST states "I, myself, excused BG's behavior for a loonnnggg time". (See – Exhibit A-8 -- Frost Bates 2173). These statements made by FROST clearly show that she remembered all of her interactions with GOTHARD and all of GOTHARD's conduct. FROST did not suffer from any condition which caused her to repress any of her memories regarding the alleged abuse. Therefore, statements made in Counts 37, 38, 39 and 40 regarding FROST having repressed memories are false and in violation of Rule 137. She just went along with the others and used those same conclusory allegations which had no basis in fact or reality which this Court should Sanction and Discourage as a litigation practice.

Moreover, FROST alleges in Counts, 37, 38, 39 and 40 in her Third Amended Complaint that she did not know that these acts were "abusive" and was not aware of her injuries were caused by the alleged abuse. Not only was there no abuse, FROST always remembered what

happened. In FROST's Answer # 21 to GOTHARD's Supplemental Interrogatories, she states that in the Spring of 1995 (when FROST was 18 years old) she believed all the special attention she received from GOTHARD was due to the that he was considering making FROST his future wife. Coupled with this, what GOTHARD told FROST, his secrets and his financial support, was what led FROST to believe she "could be on his short list for the MRS. Gothard title". (See - Exhibit A-9). Also, FROST states on September 1, 2015, "I, myself, excused BG's behavior for a loonnnggg time, even though I knew as a teenager that it was wrong (and I was about as naive as they come!) but I honestly thought that maybe since we were "so close - like a father/daughter" that he just took his affection a little too far and maybe I somehow misread signals and maybe he didn't think of me like a daughter." (See -- Exhibit A-8 -Frost Bates 2173). Hence, FROST made false statements about both the abuse and as to the repressed memories. These pleadings are in violation of Rule 137 and are subject to sanctions by this Court.

C. ALLEGED SEXUAL CONTACT AND SEVERE EMOTIONAL DISTRESS
ALLEGATIONS ARE ALL FALSE

In Count 39 for Intentional Infliction of Emotional Distress and Count 40 for Negligent Infliction of Emotional Distress of FROST's Third Amended Complaint, she claims that she suffered and continues to suffer from severe emotional distress due to GOTHARD's conduct toward her. FROST's damages are not a result of any alleged sexual assault or harassment. In Paragraph (c) in Answer # 25 to IBLP's Supplemental Interrogatories, FROST provides an extensive list of her damages which includes no formal education, no independent thought, loss of being able to listen to her God-given intuition and Holy Spirit in her life, isolation of relationship due GOTHARD's "favoritism" to FROST, etc. (See – Exhibit A-3). Most of what is listed in Paragraph (c) have nothing to do with emotional damages as a result of sexual abuse or

harassment. These "damages" relate to GOTHARD's teachings and views on various subjects. It is clear that any "damages" FROST may have suffered are due to GOTHARD's teaching, and not from any alleged sexual abuse or harassment. (See -- Exhibit A-3).

Furthermore, FROST's communications to other Plaintiffs reveal that she did not suffer from severe emotional distress as she alleged in her Third Amended Complaint. On July 31, 2015, FROST says, "Did he clarify what the focus is too for the lawsuit? Charis and I still feel like we are the "weakest" link here and it's a stretch for us to sue for anything". (See -- Exhibit A-10 -- Frost Bates 2140). If FROST was suffering from severe emotional distress she would not have thought that it was a "stretch" to sue for anything. On July 18, 2016 FROST goes on to state,

"And for the record - Maybe my part of the lawsuit looks like "a dirty old man who liked to play footsie", but I strongly disagree that that is all our lawsuit boils down to!! (And if that was all it was, I wouldn't have bothered putting my neck out to be in it - you probably wouldn't have either!) It's about abuse of power on every level. It's about manipulation and cover-up and false teaching designed to protect abusers. It's about a pattern of deep psychological sickness that would further perpetrate on victims of sexual abuse that came to him, desperate for help. That's what burns me and keeps me in this to the bitter end." (See -- Exhibit A-11 -- Barker 2960).

In this message, FROST states why she wanted to file a lawsuit against GOTHARD. FROST filed suit against GOTHARD in order to support women who were victims of sexual abuse by others and to eliminate GOTHARD's teachings on that issue. Her lawsuit has nothing to with any damage she alleges to have suffered at the hands of GOTHARD. FROST even states GOTHARD's conduct alone would not have been enough to file suit. On the next day, June 19, FROST states that she willing to dropout if it were to strengthen the lawsuit. "I agree that it might come to that. It's something I said on the phone to Gibbs though to show solidarity in our group. As one having a "lesser" claim, I'm willing to be cut if need be so the case goes on." (See -- Exhibit A-12 -- Barker Bates 2956). FROST had ulterior motives to sue GOTHARD. The fact

that she was willing to drop out in order to potentially strengthen the lawsuit indicates that she had suffered no continuing severe emotional distress as she claims in Counts 39 and 40. An objective investigation by Plaintiff's counsel would have revealed this. FROST's allegations of sexual misconduct and suffering severe emotional distress are false statements as show by her Answers to Interrogatories and in her communications to others and are in violation of Rule 137. Her desire to go after GOTHARD was twisted into a sex claim which never had a basis in reality. That's bad news for the legal profession and should not be tolerated by this court.

D. THE ALLEGATIONS OF FROST ARE COMPLETELY REFUTED BY HER OWN WORDS WITHIN CARDS, LETTERS, PRAYERS AND INVITES

Attached as Exhibit A-13 are cards, letters, well wishes and invites which FROST sent to GOTHARD over the years. The cards, letters and invites (to her marriage) are too numerous to recite here in any detail but speak for themselves. Throughout those communications, it is obvious that throughout the years at IBLP and those that followed, FROST had the utmost love and respect for GOTHARD. FROST cannot provide any rational explanation as to how it is that she could express such empathy, good wishes, well-being, prayers and exaltations upon GOTHARD throughout the years and now claim she was somehow a "victim" of emotional distress and improper touching. It is obvious that FROST now has an ulterior motive. In this lawsuit, she has attempted to transmute real and honest mutual affection into something immoral which was never intended, designed or effectuated. FROST has brought false claims for an improper purpose. Thus, sanctions are warranted.

E. GOTHARD'S FEES AND COSTS

FROST should have never brought her claims in the first place. She has blatantly lied to prosecute claims that she knew were not real or based in fact. Attached as Exhibit A-14 is a comprehensive statement of all the fees and costs incurred by GOTHARD. They total is in

excess of \$205,000. FROST and ten others proceeded with their claims against GOTHARD until the final dismissal order in February. Therefore, FROST should reimburse GOTHARD for 1/11th of the total charges incurred which is in amount of \$18,636.

IV. GOTHARD'S RULE 219(e) MOTION FOR AFFIRMATIVE RELIEF

In this litigation, GOTHARD filed a Motion to Compel which this Court granted on January 10, 2018. Plaintiffs were required to comply by February 26, 2018. Rather than comply, Plaintiffs moved for voluntary dismissal. Illinois Supreme Court Rule 219(e) states:

“A party shall not be permitted to avoid compliance with discovery deadlines, orders or applicable rules by voluntarily dismissing a lawsuit. In establishing discovery deadlines and ruling on permissible discovery and testimony, the court shall consider discovery undertaken (or the absence of same), any misconduct, and orders entered in prior litigation involving a party. The court may, in addition to the assessment of costs, require the party voluntarily dismissing a claim to pay an opposing party or parties reasonable expenses incurred in defending the action including but not limited to discovery expenses, expert witness fees, reproduction costs, travel expenses, postage, and phone charges.”

As Plaintiffs' failed to comply with this Court's discovery ruling regarding GOTHARD's Motion to Compel, this Court should enter an order requiring Plaintiffs to either produce or preserve all evidence in the event of future litigation and order Plaintiffs to pay GOTHARD his “reasonable expenses incurred”.

WHEREFORE, GOTHARD requests that this Court Sanction FROST and her attorneys for violations of Illinois Supreme Court Rule 137 and award a reasonable amount for fees and costs; Award GOTHARD his “reasonable expenses incurred” pursuant to Illinois Supreme Court Rule 219(e); Enter an order requiring Plaintiffs, in the case of refiling their action, to Comply with this Court's Order of January 10, 2018 and to Produce or at least Preserve all documents and evidence in the event of future litigation.

Respectfully submitted,

/s/ Glenn R. Gaffney

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Attorney for William Gothard

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NOTICE OF FILING / CERTIFICATE OF SERVICE

I, attorney of record in this proceeding, certify that on March 28, 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):

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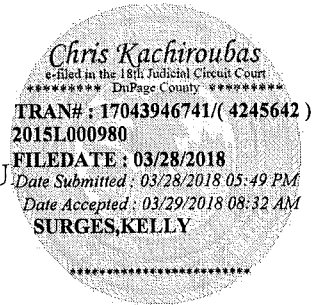
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IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS

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 MOTION PURSUANT TO ILLINOIS SUPREME COURT
RULE 137 and 219(e) FOR SANCTIONS AND OTHER RELIEF AGAINST MEGAN
LIND**

Now Comes, William Gothard, ("GOTHARD"), by his attorneys, Gaffney & Gaffney, P.C., for his Motion Pursuant to Illinois Supreme Court Rules 137 and 219(e) for Sanctions and Other Relief Against Megan Lind ("LIND"), states:

I. INTRODUCTION

On January 6, 2016, ten Plaintiffs, filed a Complaint against Defendants Institute in Basic Life Principles, Inc. ("IBLP") and GOTHARD. LIND joined the lawsuit on February 17, 2016. At that time, she was represented by her former attorneys, the Gibbs Law Firm, P.A. and Jonathan P. Remijas. On May 26, 2016, this Court filed its Letter of Opinion regarding GOTHARD's Motion to Disqualify David C. Gibbs III and entered an Order of Disqualification on May 31, 2016. Subsequently, the Gibbs Law Firm and Remijas withdrew their appearances and on July 5, 2016, new counsel appeared. On July 13, 2016, LIND and the other Plaintiffs were granted leave to file a Third Amended Complaint ("TAC"). At the hearing on that Motion, LIND's current counsel referred to the former pleading by the Gibbs Law Firm as "insane". However, the insanity continued as on August 17, 2016, LIND and the other Plaintiffs filed a

306 page Third Amended Complaint and extensive motion practice and discovery followed until all claims were eventually dismissed. LIND alleged that she was a participant or volunteer in IBLP activities and programs from 1990 to 2000 (TAC ¶ 16). Since she first filed suit against GOTHARD in January 2016, LIND had an obvious Statute of Limitations problem with all of her claims including Aggravated Criminal Sexual Abuse (Count 122), Battery (Count 123), IIED (Count 124), NIED (Count 125), Civil Conspiracy (Count 129) and False Imprisonment (Count 130). In a feeble attempt to overcome that clear problem, LIND mechanically regurgitates in each of her Counts against GOTHARD an allegation that “AT THE TIME OF THE ABUSE, MEGAN LIND DID NOT APPRECIATE THAT THE ACT WAS ABUSIVE” and “MEGAN LIND WAS SUFFERING FROM A CONDITION THAT CAUSED HER TO REPRESS THE MEMORIES OF ABUSE AND/OR MEGAN LIND DID NOT KNOW HER INJURIES WERE CAUSED BY THE ABUSE” (TAC ¶ 1466, 1467, 1478, 1479, 1488, 1489, 1499, 1500). (See, Exhibit A – Gaffney Affidavit filed herewith and Exhibit 1 therein).

On September 15, 2016, GOTHARD filed a §2-619.1 Motion to Dismiss and LIND filed a Response which heavily relied upon the aforesaid allegations regarding repressed memory in order to defeat the SOL argument. On January 9, 2017, the Court denied GOTHARD’s Motion to Dismiss without prejudice. GOTHARD filed his Answer and Affirmative Defenses on June 2, 2017 which again raised the Statute of Limitations defense. LIND filed a Response to the Affirmative Defenses on June 23, 2017 specifically denying GOTHARD’s allegation as to the repressed memories issue (See Exhibit A2). LIND specifically denied GOTHARD’s allegation that she did not have “a bona fide medical diagnosis of a psychological condition or conditions which can cause repressed memories”. LIND also denied that she did not have “repressed memories and had recalled longer than 2 or 5 years preceding the filing of suit”. As will be seen,

LIND allegations within the Third Amended Complaint that she had repressed memories and her denials as set forth within her Answer to GOTHARD's Affirmative Defenses are patently false and not filed in good faith. Extensive and Expensive litigation ensued.

On November 30, 2017, GOTHARD file a Motion to Compel against LIND and the other Plaintiffs which this Court granted on January 10, 2018. That Order required LIND to comply with missing discovery and provide an affidavit of compliance by February 26, 2018. Rather than comply or even explain why she could not comply with that Order, LIND opted to file a Motion for Voluntary Dismissal which was granted on February 26, 2018.

II. RULE 137 SANCTIONS STANDARD

Paragraph A of Illinois Supreme Court Rule 137 states as follows:

“Every pleading, motion and other document of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated.... The signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion or other document; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation....If a pleading, motion, or other document is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion or other document, including a reasonable attorney fee.”

There are two instances in which sanctions could be granted: ‘(1) when a pleading, motion, or other paper is not ‘well grounded in fact’ or is not ‘warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law,’ or (2) when it is interposed for purposes such as to ‘harass or to cause unnecessary delay or needless increase in the cost of litigation.’”. *People v. Stefanski*, 377 Ill.App.3d 548, 551 (2007). It does suffice that a litigant or counsel honestly believed his case was well grounded in fact or law, but an objective

standard is to be employed in evaluating what was reasonable under the circumstances. *Dunn v. Patterson*, 395 Ill.App.3d 914, 924 (2009). Here, LEES made numerous false statements and she has admitted to having an improper purpose in filing suit with the other Plaintiffs even though she knew she had no case. Courts have imposed sanctions on violating parties for making false statements. *In Re Marriage of McGrath*, 2011 WL 10299744; *Nediyakalayil v. Gabriel*, 2011 WL 10455225 ; *Swanson v. Cater*, 258 Ill.App.3d 157, 162-163 (1994).

III. LIND'S FALSE PLEADINGS

A. ALLEGED SEXUAL ABUSE ALLEGATIONS ARE KNOWINGLY FALSE

In Count 122 of the TAC, LIND makes an allegation of Aggravated Criminal Sexual Abuse against GOTHARD in the year 1996. (See Exhibit A-1). The relevant criminal law statute for this allegation states, "The accused commits aggravated criminal sexual abuse if he or she commits an act of sexual penetration or sexual conduct with a victim who was at least 13 years of age but under 17 years of age and the accused was at least 5 years older than the victim." (720 ILCS 5/12-16(d)). Additionally, the relevant civil law statute states, " 'Childhood sexual abuse' means an act of sexual abuse that occurs when the person abused is under 18 years of age. 'Sexual abuse' includes but is not limited to sexual conduct and sexual penetration as defined in Section 12-12 of the Criminal Code of 1961". (735 ILCS 5/13-202.2(a)). "Sexual conduct" is defined as "any intentional or knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus[,] or breast of the victim or the accused, or any part of the body of a child under 13 years of age, for the purpose of sexual gratification or arousal of the victim or the accused." (720 ILCS 5/12-12(e)) (*People v. Maggette*, 311 Ill.App.3d 388, 395 (2000)). LIND's Count 122 fails to make sufficient factual allegations of sexual conduct or any factual allegations at all for that matter. A reasonable inquiry would have

objectively revealed to LIND's counsel that her Aggravated Criminal Sexual Abuse claim is not well grounded in fact. LIND dropped this claim eventually but only after GOTHARD had to spend the time, effort and money to file a motion to dismiss.

Furthermore, LIND's Answers to Interrogatories fail to make a sufficient allegation of "sexual conduct". In Answer # 5 to IBLP's Supplemental Interrogatories, LIND alleges, in 1996, that in a van ride GOTHARD sat next to her and "inappropriately rubbed her legs". (See -- Exhibit A-3). LIND alleges no other contact between her and GOTHARD for the year 1996. Clearly, "inappropriate leg rubbing" does not fall under the definition of "sexual conduct" as defined by 720 ILCS 5/12-12(e). Later as an adult, LIND claims he also touched her hands, legs and feet in a vague and conclusory fashion. These allegations are a far cry from what is alleged and claims of sexual abuse should never have been filed.

Additionally, LIND's Sexual Abuse claims are interposed for an improper purpose. On February 13, 2016, LIND had a conversation with fellow Plaintiff, Rachel Frost, regarding Jane Doe II dropping out of the lawsuit. In the conversation LIND states, "Right... How sad for her[Jane Doe II]..... Well- we can fight on for her!!!". Rachel Frost responds, "Yes. That's what I told her and I think it has strengthened all our resolve too to shut down this evil man and organization." LIND confirms by saying "Right to that". (See -- Exhibit A-5 -- Frost Bates 1876). This conversation suggests why LIND has filed suit against Gothard. It appears that LIND desires to "fight" for others who have made allegations and hopes to be able to "shut down this evil man". The lawsuit has nothing to do with any harm, injury or illegal activity LIND suffered due to anything of a sexual nature. Hence, LIND's claims are brought for the improper purpose of destroying the reputation of GOTHARD.

In short, as shown above, claims of Sexual Abuse in her TAC are not well grounded in

fact and interposed for an improper purpose. The allegations are false statements and violate Illinois Supreme Court Rule 137. Although LIND's counsel did not contest the Motion to Dismiss this claim which was filed on September 15, 2016, a substantial amount of time, effort and money was incurred in preparation of the Motion to Dismiss.

B. ALLEGED SEVERE EMOTIONAL DISTRESS

In Count 124 of LIND's TAC, she alleges that GOTHARD's conduct from 1996 to 1998 towards her qualifies as IIED. "In order to state a cause of action for intentional infliction of emotional distress, a party must allege facts which establish that: (1) the defendant's conduct was extreme and outrageous; (2) the defendant either intended that his conduct should inflict severe emotional distress, or knows that there was a high probability that his conduct would cause severe emotional distress; (3) the defendant's conduct in fact caused severe emotional distress." *Doe v. Calumet City*, 161 Ill.2d 374, 392 (1994).

In Answers # 27 and # 28 to IBLP's Supplemental Interrogatories, she claims that her emotional distress is so bad that she unable to be treated by a medical provider because she cannot trust doctors or authority since the people that she entrusted as the "ones in charge" were her "abusers". (See – Exhibit A-3). Conversely, in LIND's Answer # 10 to GOTHARD's Supplemental Interrogatories, she states that she visited doctors in 2006 for wisdom teeth extractions and 2012 for an eye injury. (See – Exhibit A-4). Also, according Answer # 13 to GOTHARD's Supplemental Interrogatories, LIND has worked for Dr. Mark Womack/Cami Womack in past and has been employed by a hospital since 2007. (See – Exhibit A-4). LIND's Answers to Interrogatories are inherently contradictory. LIND claims she cannot trust doctors or authority, yet she has visited doctors on two separate occasions and has even worked for one since 1998. LIND has continued to work a hospital even after Fall 2014 which is when she

alleges she “discovered” her “injuries” resulting from GOTHARD’s actions. (See – Exhibit A-3 - Answer # 16 to IBLP’s Supplemental Interrogatories). Presumably, LIND’s job at the hospital requires her to answer to authority who are medical providers or individuals closely related to medical providers. LIND’s boilerplate joint denials to GOTHARD’S affirmative defenses are false and sanctionable at paragraphs 3, 4, 5, 10, 14, 17 & 18 (See, Exhibit A-2).

Also, LIND’s conversations with Rachel Frost are indicative of what LIND thinks and feels about her case. On June 8, 2016, LIND states “Right... Well, I feel like we all still have a case against IBLP even if not Bill...”. (See – Exhibit A-6 -- Frost Bates 1866-1867). This reveals that, at best, LIND’s claim against GOTHARD is weak or made up. Despite claiming she suffered severe emotional distress against GOTHARD, LIND feels doubtful that she would have case against him. On May 19, 2016, LIND jokingly tells Rachel Frost, “Good chat though! Some day we will be able to laugh about it on an Island somewhere”. (See – Exhibit A-7 -- Frost Bates 1869). This comment most likely is in reference to an island located in New Zealand where the Plaintiffs were planning on having their post-lawsuit “victory party”. (See – Exhibit A-8 -- Lees Bates 3233; Lees Bates 3204). LIND’s comment indicates that a successful lawsuit would not provide her relief due to justice being served for wrongs she alleges to have suffered, but would be more akin to winning a game where a “post-victory” party at a beach would be appropriate. LIND does not have an adequate claim for Intentional Infliction of Emotional Distress. The contradictory Answers to Interrogatories coupled with her comments made to Rachel Frost show that LIND has not suffered any type severe emotional distress due to GOTHARD’s actions. She has zero evidence medical evidence of severe emotional distress and her own words further refute that claim.

Moreover, LIND’s claim for IIED was interposed for an improper purpose. On May 19,

2016, LIND had a conversation with Rachel Frost regarding a woman who followed the teachings of IBLP. In the conversation, Rachel Frost states, "She embodies EVERYTHING that's wrong with the patriarchal teaching of IBLP" to which LIND responds with a "Yes". (See – Exhibit A-9 -- Frost Bates 1873). Here, it appears LIND has an issue with IBLP's teachings. However, LIND makes no mention of the alleged sexual abuse in response to Rachel Frost's comment. One month later LIND has another conversation with Rachel Frost about a new attorney potentially taking on their case after the disqualification of David Gibbs III. LIND asserts, "There are just so many angles and so much involved...it's too bad ...I hope they understand what a cult it is... People just don't get it..who never were involved". Rachel Frost responds, "She's[potential new attorney] learning more and more. But there aren't laws against cults and kookoos. They have to have a winable case because of a crime". LIND affirms by saying "Right" and then adds "There's laws out there you can grow pot in your yard and smoke it...but none against cults". (See – Exhibit A-6 -- Frost Bates 1866-1867). LIND asserts that IBLP is a "cult" and then goes on to complain how there are not any laws against "cults". This verbal exchange coupled with other statements made above regarding IBLP's "patriarchal teachings" and desire to "shut down" GOTHARD evidence that LIND's claims are interposed for an improper purpose to ruin GOTHARD's reputation and to take down his teachings. Any Court should not allow this type of lawsuit abuse to occur.

D. ALLEGED REPRESSED MEMORIES

In Counts 122-125, LIND alleges she suffered from a condition which caused her to repress memories. However, in her Answers to Interrogatories, LIND is unable to provide a medical condition which caused her to repress memories and, as stated earlier, does not give an adequate or rational reason as to why she could not visit a medical provider to receive a

diagnosis. (See – Exhibit A-3; Exhibit A-5). LIND's allegations of repressed memories are not well grounded in fact and interposed for an improper purpose as mentioned earlier. There are no facts to support any medical condition which would have suppressed her memories and she has written to others about all her memories so that was just made up and alleged in boilerplate fashion the exact same way as it was for all other plaintiffs. That's abusive. Hence, LIND's allegations of having repressed memories warrant sanctions.

E. THE ALLEGATIONS OF LIND ARE COMPLETELY REFUTED BY HER OWN WORDS WITHIN LETTER AND THANK YOU CARD AND WEDDING INVITE
Attached as Exhibit A-10 is letter and thank you card and a wedding invitation which LIND sent to GOTHARD. The letter and thank you card speak for themselves. Throughout those communications, it is obvious that throughout the years at IBLP, LIND had the utmost respect for GOTHARD. LIND cannot provide any rational explanation as to how it is that she could invite him to her wedding, express such admiration and good wishes upon GOTHARD and now claim she was somehow a "victim" of such wrongdoing. It is obvious that LIND now has an ulterior motive. In this lawsuit, she has attempted to transmute GOTHARD's real, honest and even mutual affection into something immoral which was never intended, designed or effectuated to be anything immoral. LIND has made many false statements for an improper purpose. Thus, sanctions are warranted.

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LIND should have never brought her claims in the first place. She has blatantly lied to prosecute claims that she knew were not real or based in fact. Attached as Exhibit A- 11 is a comprehensive statement of all the fees and costs incurred by GOTHARD. They total is in excess of \$205,000. LIND and ten others proceeded with their claims against GOTHARD until the final dismissal order in February. Therefore, LIND should reimburse GOTHARD for 1/11th

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Respectfully,

/s/ Glenn R. Gaffney
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NOTICE OF FILING / CERTIFICATE OF SERVICE

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