

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION

E. Kwan Choi, individually and on behalf )  
of Urantia Foundation, Urantia Corporation, )  
Urantia Brotherhood Association, Andite )  
Corporation, and Amadon Corporation, )

Plaintiff, )

v. )

K. Richard Keeler, Georges )  
Michelson-Dupont, Mo Siegel, Gard )  
Jameson, and James Ryan, not individually )  
but as Illinois Attorney General, )

Defendants. )

No. 02 CH 4053

Judge Sophia Hall

NOTICE OF MOTION

TO: Assistant Attorney General Floyd D. Perkins  
Charitable Trusts Bureau  
Office of the Illinois Attorney General  
100 W. Randolph Street, Third Floor  
Chicago, Illinois 60601

Michael D. Poulos  
Mark Hellner  
1724 Sherman Avenue  
Evanston, Illinois 60201

Mark Hellner  
53 W. Jackson Blvd.  
Suite 224  
Chicago, Illinois 60604

PLEASE TAKE NOTICE that on Wednesday the 17th day of July, 2002, at 10:00 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge Hall or any Judge sitting in her stead in Room 2301 of the Richard J. Daley Center, Chicago, Illinois 60603, and then and there present the attached Defendant's Emergency Motion For Protective Order, a copy of which is hereby served upon you.

**DEFENDANTS K. RICHARD KEELER,  
GEORGES MICHELSON-DUPONT,  
MO SIEGEL, AND GARD JAMESON**

By: Wallace C. Salberg  
One of their Attorneys

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Michael J. Hayes  
S. Patrick McKey  
Wallace C. Solberg  
GARDNER, CARTON & DOUGLAS  
321 North Clark Street - Suite 3400  
Chicago, Illinois 60610  
(312) 644-3000

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that he caused a copy of the foregoing **Notice of Motion** and attached **Defendant's Emergency Motion For Protective Order** to be served on the following this 16th day of July, 2002 as follows:

Michael D. Poulos  
Mark Hellner  
1724 Sherman Avenue  
Evanston, Illinois 60201  
(via electronic delivery)

Assistant Attorney General Floyd D. Perkins  
Chief Charitable Trust Division  
100 W. Randolph Street, Third Floor  
Chicago, Illinois 60601  
(via hand delivery)

Mark Hellner  
53 W. Jackson Blvd.  
Suite 224  
Chicago, Illinois 60604  
(via electronic delivery)

  
\_\_\_\_\_  
Wallace C. Solberg

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION

E. KWAN CHOI, individually and on behalf of )  
URANTIA FOUNDATION, URANTIA )  
CORPORATION, URANTIA BROTHERHOOD )  
ASSOCIATION, and ANDITE CORPORATION, )

Plaintiff, )

v. )

K. RICHARD KEELER, GEORGES )  
MICHELSON-DUPONT, MO SIEGEL, GARD )  
JAMESON, AND JAMES RYAN, not individually )  
But as Illinois Attorney General, )

Defendants. )

Case No. 02 CH 4053

Judge Sofia Hall

**DEFENDANTS' EMERGENCY MOTION FOR PROTECTIVE ORDER**

NOW COME Defendants K. RICHARD KEELER, GEORGES MICHELSON-DUPONT, MO SIEGEL, and GARD JAMESON (collectively, the "Controlling Trustees" or "Defendants"), by their attorneys, Gardner, Carton & Douglas, and hereby respectfully request that this Honorable Court enter a Protective Order regarding certain confidential and privileged information contained in Plaintiff's "Response to Defendant Trustees' Motion for Summary Judgment" and that the Court enter an order impounding the file in this cause of action until an additional Protective Order addressing the dissemination of confidential, privileged and/or other protectable information, documents and materials is entered. In support of their motion, defendants state as follows:

1. On May 15, 2002 this Court entered an order delineating a briefing schedule for Cross-Motions for Summary Judgment. Pursuant to the May 15, 2002 Order, Plaintiff seeks leave to file his Response to Defendant Trustees' Motion for Summary Judgment ("Response").

5. At this time, Plaintiff has not agreed to redact any other portions of the Exhibits filed with his Response.

6. On May 1, 1998, Plaintiff signed a document titled the Urantia Foundation Confidentiality and Conflict of Interest Agreement, a copy of which is attached hereto as Exhibit "C".

7. The Agreement provides, in part, as follows:

During his/her association with the Foundation and at all times thereafter, Trustee agrees to hold all Confidential Information in trust for the benefit of the owner of such Confidential Information, and to take all reasonable steps necessary to safeguard its confidentiality. Trustee further agrees that he/she will use Confidential Information for the sole purpose of performing his/her Services for the benefit of the Foundation, and that during performance of the Services, and at all times thereafter, Trustee will not use, for his/her benefit or the benefit of others, or divulge or convey to any third party, any Confidential Information obtained by the Trustee at any time during his/her association with the Foundation, except pursuant to the Foundation's prior written permission.

Exhibit C at par. 1.2

8. The Agreement defines 'Confidential Information' as follows:

For purposes of this Agreement, "Confidential Information" shall mean records and information and all proprietary information or data relating to the activities of the Foundation to which Trustee has access and/or learns during his/her tenure with the Foundation, including, but not limited to, *financial information*; identities of and information concerning readers, members and donors, and prospective readers, members, and donors; development, expansion and business strategies, plans and techniques; computer programs, devices, methods, techniques, processes and inventions; research and development activities; *identities of translators and all processes related to translation*; compilations, processes and other materials developed by or on behalf of the Foundation (whether in written, graphic, audio-visual, electronic or other media, including computer software). Confidential information also includes information of any third party associated with the Foundation which the Foundation or such third party identifies as being confidential. Confidential Information shall not include any information that is in the public domain or otherwise publicly available (other than as a result of a wrongful act of Trustee or an agent or employee of the Foundation.)

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not attached as an exhibit to this Motion for reasons stated herein.

Information and documents that are confidential and/or subject to the attorney-client privilege are incorporated into both the text of and the exhibits to the Response.<sup>1</sup>

2. Specifically, the Response disclosed the following types of privileged and/or confidential information or materials:

(a) Notes of minutes of meetings of the Urantia Foundation Board of Trustees (the "Board") that were attended by counsel for the Board for purposes of providing legal advice at which legal advice was provided, including reports on the status of and strategy relating to unrelated pending litigation;

(b) Comments on and detailed summaries of the Foundation's finances and investments; and

(c) Correspondence, memoranda and other documents that reflect the advice and/or position of counsel for the Foundation with respect to pending or anticipated litigation and/or related procedures.

3. Upon receipt of the Response, counsel for the defendants immediately contacted counsel for Dr. Choi, seeking an agreement from Dr. Choi to honor his obligations as detailed in the Confidentiality and Conflict of Interest Agreement ("Agreement"), and requesting that the parties enter a Protective Order that would allow Dr. Choi to prosecute this action as he deems fit without violating the Agreement or disclosing attorney-client protected documents to which he had access as a former Trustee. Attached as Exhibits "A" and "B" are copies of said correspondences.

4. The Parties have agreed that the portions of Exhibit "A" and "G" of the Response labeled "legal" are confidential, and Plaintiff therefore agreed to redact those portions of the Exhibits. Accordingly, Defendants request that this Court enter an order requiring that Plaintiff's file a corrected Response redacting the portions of Exhibits A and G that contain legal advice. Defendants further request that this Court enter an order prohibiting Plaintiff from disclosing the attorney/client information contained in Exhibits A and G to any third party.

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<sup>1</sup> An additional copy of the Response will be provided to the Court at the Hearing of this Motion and is

Exhibit C at par. 1.1.

9. Plaintiff's Response also contains the following information which Defendants submit is confidential:

- **Exhibit A:** contains notes of the minutes of a Foundation Board meeting which are confidential
- **Exhibit B:** contains attorney/client privileged information (the paragraph beginning with "Regarding the addition of . . .") and contains notes of the minutes of a Foundation Board meeting and are confidential
- **Exhibit C:** contains attorney/client privileged information (item 1) and is confidential
- **Exhibit E:** the entire exhibit contains attorney/client privileged information and is confidential
- **Exhibit G:** in addition to the attorney/client privileged information, this exhibit also contains notes of the minutes of a Foundation Board meeting and contains information expressly deemed confidential by the Agreement.

10. The information identified in paragraph 9 above is confidential in and of itself, and also confidential pursuant to the Agreement signed by the Plaintiff. The Agreement expressly provides that the Foundation may seek specific performance and/or injunctive relief in order to enforce the Agreement. Exhibit C at par. 4.

11. Accordingly, Defendants request that this Court enter an Order requiring that Plaintiff's file a corrected Response redacting the portions of Exhibits A, B, C G and E of paragraph 9, above.

12. Defendants further request that this Court impound the entire file in this case pending determination of what information is deemed confidential under the Agreement and should thus be subject to a protective order and filed under seal and/or redacted.

WHEREFORE, the Defendants, K. Richard Keeler, Georges Michelson-Dupont, Mo Siegel, and Gard Jameson, respectfully request that this Honorable Court enter an Order:

- (a) Requiring Plaintiff to file a corrected copy of his redacting the portions of Exhibits A and G that contain legal advice
- (b) Requiring that Plaintiff's file a corrected Response redacting the portions of Exhibits A, B, C G and E of paragraph 9, above.
- (c) Impounding the Court file relating to this cause of action; and,
- (d) Establish a briefing schedule pursuant to which the parties to this litigation can submit to the Court proposed protective orders and briefs in support of same.

**DEFENDANTS K. RICHARD KEELER,  
GEORGES MICHELSON-DUPONT,  
MO SIEGEL, AND GARD JAMESON**

By: Wallace C. Solberg  
One of their Attorneys

Michael J. Hayes  
S. Patrick McKey  
Wallace C. Solberg  
GARDNER, CARTON & DOUGLAS  
321 North Clark Street - Suite 3400  
Chicago, Illinois 60610  
(312) 644-3000

**GARDNER, CARTON & DOUGLAS**

321 N. CLARK STREET

SUITE 3400

WRITER'S DIRECT DIAL NUMBER

S. PATRICK McKEY  
(312) 245-8750  
pmckey@gcd.com

CHICAGO, ILLINOIS 60610

(312) 644-3000

FAX: (312) 644-3381

INTERNET: gcdlawchgo@gcd.com

WASHINGTON, D.C.

MEMBER  
WORLD LAW GROUP  
A GLOBAL NETWORK  
OF INDEPENDENT  
FIRMS LOCATED IN  
30 COUNTRIES

July 11, 2002

Via FacsimileMichael D. Poulos  
Michael D. Poulos, P.C.  
1724 Sherman Avenue  
Evanston, Illinois 60201Re: *Choi v. Keeler, et al.*  
No. 02 CH 4053

Dear Mr. Poulos:

This letter follows the telephone conversation of yesterday between you, Wallace Solberg and me, wherein we discussed the supplementary affidavit of E. Kwan Choi attached to your Response to Defendant Trustees' Motion for Summary Judgment ("Responses"). Exhibits A and G of Mr. Choi's affidavit are copies of the minutes of certain meetings of the Urantia Board of Trustees (the "Board"). These minutes include notes regarding discussions with and legal advice received from attorneys for the Board, including Steven Hill, Nancy Schaeffer and Quin Frazer. We further discussed the fact that these disclosures violate the Confidentiality and Conflict of Interest Agreement ("Agreement") signed by Mr. Choi on May 1, 1998. It is our understanding that Mr. Choi telefaxed a copy of the Agreement he executed to the Board and retained the original for his files. Nonetheless, pursuant to your request and representation that Mr. Choi does not now have a copy of the Agreement, we enclose an additional copy for your and his review.

Additionally, you agreed to remind your client of his obligations pursuant to the Agreement and the confidential nature of certain filings in this case. In addition, you represented that the Response and related exhibits will not appear on any website maintained, controlled or directed by Mr. Choi, or otherwise be circulated by your client or at his suggestion or direction prior to our further discussion of this matter.

In light of Mr. Choi's filing of the Response and related confidential and privileged materials, we intend to file a motion requesting that a protective order be entered in this case.