

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

E. Kwan Choi,
individually and on behalf of
Urantia Foundation, *et al.*,
plaintiff,

v.

K. Richard Keeler, *et al.*,
defendants.

No. 02 CH 04053

In Chancery

**Injunction
Temporary Restraining Order**

Judge Sophia H. Hall

PETITION FOR RULE TO SHOW CAUSE

Now comes the plaintiff, Dr. E. Kwan Choi, by his attorneys, Michael D. Poulos, P.C., individually and on behalf of the Urantia Foundation, *et al.*, and petitions that a rule to show cause be entered why the defendant trustees, K. Richard Keeler, Georges Michelson-Dupont, Mo Siegel, and Gard Jameson, and two of their attorneys, Michael Hayes and Quin Frazer, should not be held in contempt of court for their defiance of orders of this court. In support of his petition Dr. Choi states as follows:

1. This petition for Rule to Show Cause concerns the Motion for Reconsideration currently pending and two orders entered by the court in this case:

- a. The order and decision granting Dr. Choi's motion for partial summary judgment entered August 23, 2002. (Exhibit A.)
- b. The "Order Permitting Certain Documents to Be Filed Under Seal" entered July 19, 2002. (Exhibit B.)

2. The order and decision granting Dr. Choi's motion for partial summary judgment entered declaratory relief that Dr. Choi had not been removed as a trustee of the Urantia Foundation and therefore remains a trustee. As explained below, the defendant trustees have acted to frustrate that order.

3. The affidavit of E. Kwan Choi is attached to this Petition as Exhibit C.

I. REFUSAL TO ALLOW ACCESS TO RECORDS

4. On September 10, 2002, following the court's declaration that Dr. Choi remains a trustee of the Urantia Foundation, Michael D. Poulos sent a letter (Exhibit D) to S. Patrick McKey, one of the attorneys at Gardner Carton & Douglas representing the defendant trustees, informing him as follows:

I am writing you as a courtesy to inform you that Dr. Choi will be visiting the Chicago Urantia office this Thursday, Friday, and Saturday to inspect the facility and its operation, talk with the staff, and review records as is his right and duty as a trustee and director. I assume the staff will extend him every courtesy.

5. Also on September 10, 2002, Dr. Choi sent an email to Tonia Baney, executive director of the Urantia Foundation, with a copy to his fellow trustees (Exhibit E) informing them of his visit, stating:

Dear Tonia,

Now that Judge Hall has confirmed that I am still a trustee, I will be visiting the Urantia Foundation office this Thursday, Friday, and Saturday (September 12, 13 and 14, 2002) to inspect the facility and its operation, talk with the staff, and review records.

I am looking forward to seeing you again.

Kwan Choi

6. On September 10, 2002, Dr. Choi sent another email to Tonia Baney with a copy to his fellow trustees (Exhibit F) specifying the documents he wished to examine and copy pertaining to the Urantia Foundation and its subsidiary corporations. These limited documents concern the safekeeping of the primary trust estate, minutes and financial reports going back to January 1, 2001 when the defendant trustees began to systematically exclude Dr. Choi from access to such

information, recent audit reports, and documentation regarding the foreign currency futures funds. Specifically:

1. Storage contract for the original plates and first editions of The Urantia Book and proof of payment of current rent or storage fees.
2. Minutes and notes of regular and special meetings from January 1, 2001 to the present.
3. Quarterly financial reports from January 1, 2001 to the present.
4. Audit reports for 1998 to the present.
5. Correspondence, applications, prospectuses, agreements, and statements from and to the Superior Ideal Commodities Fund.
6. Correspondence, applications, prospectuses, agreements, and statements from and to the Sierra International Currency Fund.
7. Account statements from The Northern Trust from January 1, 2001 to the present.
8. A list or index of files maintained by the foundation staff if such a list or index exists.
9. A list of donations and donors from January 1, 2001 to the present.

7. On September 10, 2002, Michael J. Hayes, one of the attorneys at Gardner Carton & Douglas representing the defendant trustees, wrote to Michael D. Poulos, counsel for Dr. Choi, indicating that Dr. Choi would not be allowed to see the records on the requested date, denying that Dr. Choi was a trustee notwithstanding the court's order, and arguing that, in any event, a trustee needs the permission of Richard Keeler to see documents. (Exhibit G.)

8. Dr. Choi appeared at the office of the Urantia Foundation on Thursday, September 12, 2002. Initially he was given the requested audit reports. While this was transpiring, Richard Keeler sent to the Urantia Foundation office a copy of an email originally addressed to Dr. Choi but not yet received by him directing that he be denied access to documents. (Exhibit H.)

9. Thereafter, Tonia Baney refused to allow Dr. Choi to see any further documents.

10. Later on Thursday, September 12, 2002, Mr. Hayes wrote to Michael D. Poulos confirming that Dr. Choi would not be allowed access to records of the Urantia Foundation without the permission of Richard Keeler, which permission has not been granted as of September 24, 2002. (Exhibit I.)

11. The controversy which underlies this litigation began because Dr. Choi began asking inconvenient questions and requested access to records of the trust estate. It was after this happened that the defendant trustees undertook, unsuccessfully, to remove Dr. Choi as a trustee.

II. REFUSAL TO ALLOW DR. CHOI TO SPEAK WITH FELLOW TRUSTEES

12. Following the Court's ruling that Dr. Choi is a trustee of the Urantia Foundation, counsel for the defendant trustees, Michael J. Hayes, whose firm, Gardner Carton & Douglas also represents the Urantia Foundation, wrote to counsel for Dr. Choi prohibiting Dr. Choi from communicating with his fellow trustees or the staff of the Urantia Foundation. (Exhibit I.)

13. This edict prevents Dr. Choi from exercising his rights and responsibilities as a trustee.

III. FAILURE TO FILE DOCUMENTS WITH THE CLERK OF THE CIRCUIT COURT

14. On July 17, 2002, the defendant trustees filed their "Defendant's Emergency Motion for Protective Order" seeking to seal the court file. After extensive argument

and two court appearances an order was entered in which Dr. Choi was to redact or temporarily seal a few exhibits and the balance of the motion was to be withdrawn.

15. Since then, on information and belief, the defendant trustees have not filed many of their court documents with the clerk of the circuit court due to their dissatisfaction with the court's order.

16. The filing of documents with the Clerk of the Circuit Court is required. Supreme Court Rule 104(b).

**IV. CLAIMING AS “NEWLY DISCOVERED EVIDENCE”
A LETTER PARTIALLY WRITTEN BY DEFENDANTS’ COUNSEL**

17. The defendant trustees have noticed for hearing a motion for reconsideration based in part on a letter written in 1983 which they claim to be “newly discovered evidence” showing it was the original intent of the settlors in 1950 that a trustee be suspended during the pendency of removal proceedings.

18. This letter was written in consultation with Quin Frazer of Gardner, Carton & Douglas, and it was Quin Frazer, not any settlor, who developed the concept of suspending a trustee during the pendency of removal proceedings. See the affidavit of Martin Myers (Exhibit J.)

19. Gardner, Carton & Douglas represented the Urantia Foundation in 1983 and continues to do so today. Gardner, Carton & Douglas also represents the defendant trustees. Quin Frazer is still an attorney with Gardner, Carton & Douglas and the primary counsel for the Urantia Foundation. He has regularly attended many of the hearings in this case. Having assisted in the writing of the 1983 letter, Quin Frazer knows it is not newly discovered evidence.

20. The submission of this letter as “newly discovered evidence” is a knowing attempt to mislead the court.

CONCLUSION

Refusing to allow Dr. Choi access to records or even the right to speak with his fellow trustees, failing to file pleadings with the Court, and presenting as “newly discovered evidence” a letter co-authored by one of the defendant trustees’ attorneys is conduct representing a contempt for the rulings and integrity of this court. For these reasons a rule should be entered for the defendant trustees, K. Richard Keeler, Georges Michelson-Dupont, Mo Siegel, and Gard Jameson, and two of their attorneys, Michael Hayes and Quin Frazer, to show cause why they should not be held in contempt of court for their defiance of orders of this court and their knowing attempt to mislead the court.

Respectfully Submitted:

Michael D. Poulos
Attorney for Dr. E. Kwan Choi

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AFFIDAVIT

Dr. E. Kwan Choi, under the penalties as provided by law pursuant to paragraph 1-109 of the Illinois Code of Civil Procedure, states:

1. On September 10, 2002, I sent an email to Tonia Baney, executive director of the Urantia Foundation, with a copy to my fellow trustees informing them of my intended visit to the office of the Urantia Foundation. A true and correct copy of this email is attached as Exhibit E.

2. On September 10, 2002, I sent an email to Tonia Baney, executive director of the Urantia Foundation, with a copy to my fellow trustees specifying the documents I wished to view pertaining to the Urantia Foundation and its subsidiary corporations. These limited documents concern the safekeeping of the primary trust estate, minutes and financial reports going back to January 1, 2001 when the defendant trustees began to systematically exclude me from receiving such information, recent audit reports, and documentation regarding the foreign currency futures funds. A true and correct copy of this email is attached as Exhibit F.

3. I appeared at the office of the Urantia Foundation on Thursday, September 12, 2002. Initially I was given the requested audit reports. While this was transpiring, Richard Keeler sent to the Urantia Foundation office a copy of an email originally

addressed to me but which I had not yet received directing that I be denied access to documents. A true and correct copy of this email is attached as Exhibit H.

4. Thereafter, Tonia Baney refused to allow me to see any further documents.

5. Further Affiant sayeth naught.

VERIFICATION BY CERTIFICATION

Under the penalties as provided by law pursuant to paragraph 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that he or she verily believes the same to be true.

E. Kwan Choi

Attorney Code 26342
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NOTICE OF MOTION

To: Wallace C. Solberg
Gardner, Carton & Douglas
321 North Clark Street, Suite 3400
Chicago, Illinois 60610
Fax 312-644-3381

Floyd D. Perkins
Bureau Chief, Charitable Trust Bureau
Illinois Attorney General
100 West Randolph Street, Third Floor
Chicago, Illinois 60601
Fax 312-814-2596

On September 25, 2002, at 10:00 AM I shall appear before the Honorable Sophia H. Hall, or any judge sitting in her stead in Room 2301 of the Richard J. Daley Civic Center, Chicago, Illinois 60602, and then and there present the following motion at which time and place you may appear and be heard.

PETITION FOR RULE TO SHOW CAUSE.

Respectfully Submitted:

Michael D. Poulos

CERTIFICATE OF SERVICE

The undersigned under the penalties as provided by law pursuant to paragraph 1-109 of the Illinois Code of Civil Procedure states that he or she served the foregoing on each person to whom it is addressed by personal delivery on September 25, 2002.

Attorney Code 26342

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