

FILED DATE: 12/28/2018 9:20 AM 2018L011219

**From:** Mike Young <esqmichaelyoung@yahoo.com>  
**Sent:** Thursday, December 6, 2018 5:27 PM  
**To:** Charles L. Philbrick <CPhilbrick@rathjewoodward.com>  
**Cc:** mike@winwithyoung.com; tscherschel@salawus.com; Mark Horwitch  
<MHorwitch@TDRLAWFIRM.com>  
**Subject:** Re: Harvest Bible Chapel et al. v. Maloney, et al.



Attorney Philbrick and other recipients of this e-mail:

I had a very brief look at the responses and will review them more in-depth in the coming days.

However, what I am able to tell in the short time that I did review them is that they contain some very confidential information, including but not limited to, telephone numbers, addresses, and other material.

Further, the tendered documents also contain information that is protected by attorney-client privilege.

Without having the opportunity to review them in full today, I will be claiming that the entire response is subject to attorney-client privilege until such time I am able to fully review the response.

I am formally requesting that these responses are not provided to any other entity other than the attorneys that have their appearance on file. I will review these responses and will more narrowly tailor what I am claiming is privilege.

This request is also intended to protect individuals that are victims in this matter.

Please confirm that you will honor this request.

Sincerely,

Michael J. Young

FILED DATE: 12/28/2018 9:20 AM 2018L011219



From: Michael Young mike@winwithyoung.com  
Subject: RE: Harvest Bible Chapel et al. v. Maloney, et al.  
Date: December 8, 2018 at 1:07 PM  
To: Charles L. Philbrick CPhilbrick@rathjewoodward.com  
Cc: Mike Young esqmichaelyoung@yahoo.com, tscherschel@salawus.com, Mark Horwitch MHorwitch@TDRLAWFIRM.com

Dear Attorney Philbrick:

The documents that were tendered pursuant to the subpoenas was volumous (over 180 pages) and contained privileged communications as well as confidential information. Additionally, there is information that falls under the attorney-client privilege and contains the names, dates of birth, addresses and telephone numbers of individuals that have been identified as being harmed. My request that the documents tendered be shared with only counsels on this matter until I have had a chance to full review the material is more than reasonable.

Initially I did not believe a Protective Order was necessary nor desired because Discovery was not opened by the Court and the defendants' have all filed motions to dismiss, alleging that the entire case should be dismissed. However, because the Elephant's Debt website continues to publish information of the court proceedings (that is not complete nor accurate) and documents, I am concerned that the confidential and privileged communication will be published by the defendants. The defendants' litigation strategy is that of trying the case in the court of public opinion rather than in the actual venue.

Therefore, I will be filing a Emergency Motion for a Protective Order. This motion will be filed Monday, December 10, 2018 and will be noticed for December 12, 2018. Based upon your own acknowledgement that the material contains both confidential and privilege communications and this notice of our intention to file for a Protective Order, I am requesting that the documents remain only with the attorneys of record and not published to the ED website or otherwise until Judge Larsen has the opportunity to hear the matter. Finally, the defendants are not prejudiced by waiting a few days for Judge Larsen's ruling.

Sincerely,

Michael Young

FILED DATE: 12/28/2018 9:20 AM 2018L011219

From: Mike Young <esqmichaelyoung@yahoo.com>  
Sent: Wednesday, December 12, 2018 10:50 AM  
To: Charles L. Philbrick <CPhilbrick@rathjewoodward.com>  
Cc: Mark Horwitch <MHorwitch@TDRLAWFIRM.com>; Scherschel, Thomas <TScherschel@salawus.com>; kweiler@salawus.com; mike@winwithyoung.com; Cockcream, Melissa <MCockcream@salawus.com>  
Subject: Re: Harvest Bible Chapel et al. v. Maloney, et al.

Counsels:

Based upon the issues that have been raised of notice of my motion, I will NOT be presenting my motion tomorrow, December 13, 2018. I will re-file the motion and notice and I will set the matter on the court's regular motion call.

Moreover, please consider this formal notice pursuant to Illinois Supreme Court Rule 201(p) of the Plaintiffs claim that the documents tendered so far by third-parties are protected because they are privilege, work product and or confidential. Until my motion which deals directly with this issue is before the Court, I would direct all counsels to Illinois Supreme Court Rule 201(p), which specifically states:

(p) Asserting Privilege or Work Product Following Discovery Disclosure. If information inadvertently produced in discovery is subject to a claim of privilege or of work-product protection, the party making the claim may notify any party that received the information of the claim and the basis for it. After being notified, each receiving party must promptly return, sequester, or destroy the specified information and any copies; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the receiving party disclosed the information to third parties before being notified; and may promptly present the information to the court under seal for a determination of the claim. The producing party must also preserve the information until the claim is resolved.

Therefore, please treat the documents that have been tendered (including text messages) under the established provisions of Ill. Sup. Ct. Rule 201(P).

Sincerely,

Michael J. Young



FILED DATE: 12/28/2018 9:20 AM 2018L011219



From: Mike Young [esqmichaelyoung@yahoo.com](mailto:esqmichaelyoung@yahoo.com)  
 Subject: Re: Harvest Bible Chapel et al. v. Maloney, et al.  
 Date: December 13, 2018 at 9:20 AM  
 To: Mark Horwitch [MHorwitch@TDRLAWFIRM.com](mailto:MHorwitch@TDRLAWFIRM.com)  
 Cc: Charles L. Philbrick [CPhilbrick@rathjewoodward.com](mailto:CPhilbrick@rathjewoodward.com), Scherschel, Thomas [TScherschel@salawus.com](mailto:TScherschel@salawus.com), kweier@salawus.com, [mike@winwithyoung.com](mailto:mike@winwithyoung.com), Cockcream, Melissa [MCockcream@salawus.com](mailto:MCockcream@salawus.com)

Counselors:

I will schedule my motion so it does not interfere with anyone's Christmas holiday. However, by doing so, I need an agreement on the documents that have been produced so far. I tend to agree with Attorney's Philbrick reading of Ill. Sup. Ct. Rule 201(p), nevertheless, the documents that are produced are still subject to both confidentiality and other specific protections. What is the harm to your clients' if the documents are held by counsel until the Judge can rule on the issue? I understand that the defendants want to publish these on the ED website asap. The cases I have cited in my motion, support my position that they should be held until the Court decides the matter.

Additionally, even if your clients are allowed to view these documents, it is unlikely that they will be allowed by the court to publish them on their website. Further, Discovery has not "opened" as there are three motions to dismiss pending.

Please let me know if we can have an agreement so I can set my motion up for the first week of January. If there is no agreement, it might be best if I set it up as an emergency motion so that we can appear before the court before Christmas.

Sincerely,

Michael J. Young

On Dec 13, 2018, at 8:00 AM, Mark Horwitch <[MHorwitch@TDRLAWFIRM.com](mailto:MHorwitch@TDRLAWFIRM.com)> wrote:

Mike: I will be out of town during that last week in December so please notice for January. Thank you.

On Dec 12, 2018, at 5:05 PM, Mike Young <[esqmichaelyoung@yahoo.com](mailto:esqmichaelyoung@yahoo.com)> wrote:

Attorney Horwitch:

I have not motioned it up yet. My associate informs me that the first available date is December 24, 2018, December 26, 2018, etc. If I have assurances that all will comply with rule 201(p), I will set this motion up for the first week of January. However, without the agreement, I will have to set it for the soonest date available.

I will note that 201(p) states in part: "After being notified, each receiving party must promptly return, sequester, or destroy the specified information and any copies; must not use or disclose the information until the claim is resolved." It does not allow an attorney to make his or her own decision on what is and what is not protected.

Sincerely,

Michael J. Young

On Dec 12, 2018, at 3:53 PM, Mark Horwitch <[MHorwitch@TDRLAWFIRM.com](mailto:MHorwitch@TDRLAWFIRM.com)> wrote.

Mr. Young,

Have you re-noticed the motion yet?

Mark H. Horwitch  
 Partner  
**Tabet DiVito & Rothstein LLC**  
 209 S. LaSalle St., 7th Floor  
 Chicago, IL 60604  
 Direct Tel: (312) 762-9465  
 Main Tel: (312) 762-9450