

IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT  
KENDALL COUNTY, ILLINOIS

JAMES DOE,

Plaintiff,

v.

JOHN DENNIS HASTERT,

Defendant.

Case No. 2016-L-35

Honorable Judge Robert Pilmer

Electronically Filed

Transaction Id : 1902521187

FILEDATE : 12/28/2017

Circuit Clerk Kendall Co.

*Ray Ingerson*

NOTICE OF MOTION

TO: John C. Ellis  
Ellis Legal P.C.  
200 W. Madison  
Suite 1940  
Chicago, IL 60606  
jellis@ellislegal.com

PLEASE TAKE NOTICE that on **January 2, 2018** at **9:00 a.m.** or as soon thereafter as counsel may be heard, we shall appear before the Honorable Judge Robert Pilmer, presiding in Courtroom 115 at the Kendall County Courthouse, 807 John St., Yorkville, IL 60560, and present the attached **Plaintiff's Motion for Entry of a Protective Order**, which is hereby served upon you.

Respectfully submitted,

/s/Kristi L. Browne

Thomas E. Patterson(#3128587)

Kristi L. Browne (#6195553)

Peter J. Evans (#6312759)

Patterson Law Firm, LLC

One North LaSalle St., Ste 2100

Chicago, Illinois 60602

Tel.: 312-223-1699

Fax: 312-223-8549

tpatterson@pattersonlawfirm.com

kbrowne@pattersonlawfirm.com

pevans@pattersonlawfirm.com

Attorneys for Plaintiff

**PROOF OF SERVICE**

The undersigned non-attorney, on oath, states that she served the attached **Plaintiff's Motion for Entry of a Protective Order** via electronic mail and U.S. Mail by depositing the same in the United States post box located at One North LaSalle Street, Chicago, Illinois, which was addressed to counsel of record and bore proper postage prepaid on December 28, 2017.

/s/Kaitlyn Grueter

[X] Under penalties as provided by law pursuant to Section 735 ILCS 5/1-109, the undersigned certifies that the statements set forth herein are true and correct or on information and belief, certifies that she verily believes the same to be true.

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**Plaintiff's Motion for Entry of a Protective Order**

Plaintiff, James Doe, through his undersigned counsel, Patterson Law Firm, LLC, and for his Motion for Entry of a Protective Order, states as follows:

1. This matter arises from a breach of contract premised upon Hastert's promise to pay Plaintiff \$3.5 million to compensate Plaintiff for the injuries caused by Hastert's sexual molestation of Plaintiff as a minor.
2. Given the sensitive nature of the subject matter involved in this litigation, Plaintiff requested and was granted leave to proceed under a fictitious name. The parties have agreed to conduct discovery under a protective order and to maintain confidentiality of information and documents exchanged. A proposed protective order is attached hereto as Exhibit A.
3. The parties have discussed a protective order but, to date, have not come to any consensus on specific terms and, therefore, seek the Court's intervention to resolve the issue.

WHEREFORE, Plaintiff respectfully requests this Honorable Court grant his Motion and enter the Protective Order attached hereto, and provide such other relief as the Court deems proper under the circumstances.

Dated: December 28, 2017

Respectfully submitted,

/s/Kristi L. Browne

Thomas E. Patterson (#3128587)

Kristi L. Browne (#6195553)

Peter J. Evans (#6312759)

Patterson Law Firm, LLC

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Attorneys for Plaintiff

**IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT  
KENDALL COUNTY, ILLINOIS**

JAMES DOE,

Plaintiff,

v.

JOHN DENNIS HASTERT,

Defendant.

Case No. 2016-L-35

Honorable Judge Robert Pilmer

Electronically Filed

Transaction Id : 1902521263

FILEDATE : 12/29/2017

Circuit Clerk Kendall Co.

*Raymond Ingerson*

**DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION FOR ENTRY OF A  
PROTECTIVE ORDER**

Defendant, through his attorney, and for his Response to Plaintiff's Motion For Entry of a Protective Order, states as follows:

1. Defendant agrees that the Court should enter a protective order in this case but asks the Court to enter the draft proposed protective order attached as Exhibit A to this Response instead of the order proposed by Plaintiff.
2. On November 29, 2017, counsel for the Defendant drafted a proposed Stipulated Protective Order and sent it to Plaintiff's counsel.
3. On December 7, 2017, Plaintiff's counsel sent a new proposed protective order that his firm had drafted.
4. The parties proceeded to exchange drafts but, as noted by Plaintiff, have yet to reach a consensus.
5. While many of the differences between the parties' competing drafts are not substantive, among the critical distinctions is the fact that the order proposed by Plaintiff does not contain an "Attorneys' Eyes Only" designation.

6. The parties should at least have the option to designate documents as Attorneys' Eyes Only and, should they disagree, can resolve any disputes about such designations or bring them before the Court.

WHEREFORE, for the foregoing reasons, Defendant respectfully requests that the Court enter the Proposed Protective Order attached hereto as Exhibit A or, in the alternative, provide the parties with additional time to attempt to reach a stipulated order to jointly propose to the Court.

Dated: December 29, 2017

Respectfully submitted,

By:   
Defendant's Attorney

John C. Ellis (#6286102)  
ELLIS LEGAL P.C.  
200 W. Madison Str., Suite 600  
Chicago, Illinois 60606  
(312) 967-7629

2016L000035

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that on December 29, 2017, a true and correct copy of the foregoing document was submitted for electronic filing and, once accepted, will be served via email upon the following:

Kristi L. Browne  
Peter Evans  
THE PATTERSON LAW FIRM, LLC  
One North LaSalle Street  
Suite 2100  
Chicago, IL 60602  
[kbrowne@pattersonlawfirm.com](mailto:kbrowne@pattersonlawfirm.com)  
[pevans@pattersonlawfirm.com](mailto:pevans@pattersonlawfirm.com)  
*Attorneys for Plaintiff*

By:



Defendant's Attorney

2016L000035

# Exhibit A

**IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT  
KENDALL COUNTY, ILLINOIS**

JAMES DOE,

Plaintiff,

v.

JOHN DENNIS HASTERT,

Defendant.

Case No. 2016-L-35

Honorable Judge Robert Pilmer

**STIPULATED PROTECTIVE ORDER**

1. This Protective Order shall apply to all documents, testimony and other products of discovery previously or hereafter produced by Plaintiff James Doe and Defendant John Dennis Hastert (individually a "Protected Party, and collectively the "Protected Parties"), subject to this Protective Order and in accordance with the terms hereof.

2. Any Protected Party may designate materials and the information contained therein as "Confidential" by typing or stamping the word "Confidential" on the front of the document, or on the portion(s) of the document for which such designation is desired.

3. All documents, transcripts, or other materials designated as "Confidential," and all information derived therefrom (including, but not limited to, all testimony, deposition or otherwise, that refers, reflects or otherwise discusses any information designated "Confidential" hereunder), shall not be used, directly or indirectly, by any person, for any purpose whatsoever other than solely for the preparation, trial, and/or appeal of this action in accordance with the provisions of this Protective Order. To the extent that any motions, briefs, pleadings, deposition transcripts, or other papers to be filed with the Court incorporate documents or information designated as "Confidential," the filing party shall move for leave to file the designated materials

with the clerk under seal; provided, however, that a copy of such filing having the designated information deleted therefrom may be made a part of the public record. Documents filed under seal shall be placed in a sealed envelope marked on the outside with the title of the action and a statement substantially in the following form:

**CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER**

This envelope filed by [name of party] contains Confidential Information (or Attorneys' Eyes Only Information), pursuant to the Stipulated Protective Order entered in this case, and is not to be opened nor the contents thereof accessed or revealed except by Court Order or by agreement of the parties in the above entitled action.

4. Any Protected Party may also designate materials and the information contained therein as "Attorneys' Eyes Only" if the Protected Party believes in good faith that the designated materials contain information of a sensitive, non-public, and proprietary nature. The designation shall be made by typing or stamping the words "Attorneys' Eyes Only" on the front of the document, or on the portion(s) of the document for which such designation is desired.

5. Materials designated "Attorneys' Eyes Only" are subject to the same restrictions described in paragraph 3 above. In addition, except with the prior written consent of the party producing the materials or pursuant to an Order or request by the Court, no materials designated "Attorneys' Eyes Only" may be disclosed in any manner or form, either directly or indirectly, to any person other than the following:

- (a) The Court under seal as described in paragraph 7 below;
- (b) Counsel of record, and counsel's paralegals, clerical and secretarial employees, and law clerks;
- (c) Witnesses or potential witnesses, experts and consultants, and their assistants and clerical employees retained by any party in connection with this litigation, to the extent deemed necessary by counsel for the prosecution, defense or settlement of this action; or
- (d) Court reporters and their assistants and clerical employees, retained by any party to record and/or transcribe testimony given in connection with this case,

but only to the extent disclosure is necessary to enable such reporters to perform their reporting and/or transcribing functions.

6. In the event any Confidential or Attorneys' Eyes Only information is used in any proceeding, it shall not lose its designated status through such use. The entry of this Order shall not be construed to broaden or narrow any party's obligation to produce information pursuant to the applicable rules of discovery. Nothing in this Order shall be construed as a waiver of any right to object to the production of information in response to discovery. If a receiving party learns that, by inadvertence or otherwise, it has disclosed material or information designated "Confidential" or "Attorneys' Eyes Only" to any person or in any circumstance not authorized under this Protective Order, the receiving party must immediately: (i) notify in writing the producing party of the unauthorized disclosure(s); (ii) use its best efforts to retrieve all copies of the sensitive or protected information; and (iii) inform the person or persons to whom unauthorized disclosures were made of all the terms of this Protective Order. Compliance with this paragraph upon the discovery of an unauthorized disclosure of material or information designated "Confidential" or "Attorneys' Eyes Only" is mandatory.

7. To the extent that any motions, briefs, pleadings, deposition transcripts, or other papers to be filed with the Court incorporate documents or information designated as "Attorneys' Eyes Only," the filing party shall move for leave to file the designated materials with the clerk under seal; provided, however, that a copy of such filing having the designated information deleted therefrom may be made a part of the public record.

8. Before any person listed in paragraph 5, with the exception of the Court and those identified in paragraph 5(b), is provided access to any designated documents or materials subject to this Protective Order, that person shall be notified of the entry and terms of this Protective Order and shall execute an undertaking to be bound by this Protective Order in the form attached hereto

as Exhibit A. Counsel for the party making the disclosure shall be responsible for retaining the originals of all such signed undertakings, so that they may be shown to counsel for the producing party upon a showing of good cause.

9. Any Protected Party may redesignate under paragraphs 2 and/or 4 above (or withdraw a designation regarding) any material (“redesignated material”) that it has produced. Such redesignation shall be effective only as of the date of such redesignation. The redesignation or withdrawal shall be accomplished by notifying the receiving party in writing of such redesignation (or withdrawal) and supplying the receiving party with the production numbers of redesignated documents and copies of the redesignated material. Upon receipt of any such written redesignation, counsel of record shall (i) not make any further disclosure or communication of such redesignated material except as provided for in this Protective Order; (ii) take reasonable steps to notify any persons known to have possession of any redesignated material of the effect of such redesignation under this Protective Order; and (iii) promptly endeavor to procure all copies of such redesignated material from any persons known to have possession of any such redesignated material who are no longer entitled to receipt under this Protective Order.

10. The parties agree that no subpoena shall require production in less than 30 days. Prior to issuing any subpoenas for documents, the parties agree to hold a discovery conference during which the parties will discuss the general type of documents which they intend to seek. Where appropriate, the parties shall attempt to agree upon procedures for production of such documents. Notwithstanding the foregoing, if either party fails or refuses to participate in the discovery conference within a reasonable time after being notified of the other party’s intent to serve a subpoena, , the other party shall, to the extent allowable by law, be entitled to commence discovery from third parties as it sees fit. The parties agree to produce any records obtained from third-parties through a subpoena to the other party within three business days of receipt. Either

Protected Party shall have the right, within ten business days of receiving documents or information produced by the other party or by a third-party (or within ten business days of entry of this Protective Order to the extent documents or information have been produced prior to entry of this Protective Order), to designate said documents or information as “Confidential” or “Attorneys’ Eyes Only.” Within the ten business day period of time described in this paragraph, documents and information produced shall be treated as “Attorneys’ Eyes Only.”

11. A party or any person may designate the deposition testimony of a witness as Confidential or Attorney’s Eyes Only information by so stating on the record at the time of such testimony. In the absence of such a statement at the time testimony is given, the testimony of the witness shall not be considered as having been designated Confidential or Attorneys’ Eyes Only unless, within twenty-one (21) days after the receipt of the transcript of the deposition by counsel for plaintiff or defendant, counsel so designates the in writing to opposing counsel by identifying the specific pages and lines containing the protected information. The confidential portions of a deposition shall be taken only in the presence of persons entitled to access such information under this Order.

12. Either Protected Party may designate as Confidential or “Attorneys’ Eyes Only” any information that is or was (a) intentionally not disclosed to the public; or (b) related to a different litigation or other legal proceeding in which the information is subject to a protective order or similar confidentiality requirement. Such designation of Confidential Information may include, without limitation, medical information, financial information, employment records, telephone records, or litigation material. If any party subject to this Protective Order disputes the designation of any material as “Confidential” or “Attorneys’ Eyes Only,” that party shall give written notice to all other parties designating the material as “Confidential” or “Attorneys’ Eyes Only,” identifying the specific reasons as to why the material at issue is not entitled to confidential

treatment. If the parties are unable to agree as to whether the designation is proper, the party objecting to the designation must file an appropriate motion with the Court seeking an Order determining whether the material in question is entitled to retain its designation. Until a resolution of the dispute is achieved either through consent or Court Order, all parties shall treat the material in accordance with its designation under this Protective Order.

13. Nothing set forth herein prohibits the use or affects the admissibility at trial of any information designated as "Confidential" or "Attorney's Eyes Only."

14. Pursuant to Illinois Rule of Evidence 502(d), any disclosure or production in this case of documents protected by the attorney-client privilege or work-product protection will not constitute waiver of either privilege or protection by the disclosing party in this case or any other proceeding. Should a party discover it has produced either attorney-client privilege or work-product protected documents, it shall promptly inform the other party. Upon request of the producing party, the receiving party shall promptly sequester the documents and any copies thereof that the receiving party may possess pending resolution of the issue of whether the material is privileged or protected by the parties or by the Court. Nothing herein shall prevent a party from challenging another party's contention that a document is protected by the attorney-client privilege or work-product protection. If a document is determined to be protected through resolution by the parties or by the Court, the protected material (and all copies of it) shall within ten (10) days of such determination be returned to the producing party or, if the producing party agrees, destroyed. No material determined to be protected through resolution by the parties or by the Court may be used as evidence against the producing party.

15. Upon conclusion of this action, all original and reproductions of all documents subject to this Protective Order shall either be immediately returned to the producing party upon

request or destroyed by the non-producing party within thirty days following the conclusion of this action.

16. This Protective Order is agreed to both as to form and substance by the undersigned parties.

**ATTORNEY FOR PLAINTIFFS**

**ATTORNEY FOR DEFENDANT**

/s/ \_\_\_\_\_

/s/ \_\_\_\_\_

Kristi Browne  
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200 W. Madison Street  
Suite 1940  
Chicago, Illinois 60606  
(312) 967-7629  
jellis@ellislegal.com

Dated: \_\_\_\_\_, 2018

ENTERED:

\_\_\_\_\_  
Hon. Robert P. Pilmer

**EXHIBIT A**

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**CERTIFICATION**

I hereby acknowledge that on \_\_\_\_\_, I read the Stipulated Protective Order filed in the above-captioned action, and that I understand the terms thereof and agree to be bound thereby. I further agree to submit to the jurisdiction of the Court and understand that the Court may impose sanctions for any violation of the Stipulated Protective Order.

\_\_\_\_\_  
Name (typed or printed)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature