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

FILED  
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COOK COUNTY, IL  
2018L011219

HARVEST BIBLE CHAPEL, THROUGH )  
JAMES SCOTT MILHOLLAND, COO; RONALD )  
DUITSMAN, ELDER BOARD CHAIRMAN; )  
WILLIAM SPERLING, ELDER BOARD )  
MEMBER; AND JAMES S. MACDONALD, )  
BOTH INDIVIDUALLY AND AS SENIOR )  
PASTOR OF HARVEST BIBLE CHAPEL, )

Plaintiffs, )

vs. )

RYAN MICHAEL MAHONEY, MELINDA )  
MAHONEY, SCOTT WILLIAM BRYANT, )  
SARAH BRYANT, AND JULIE STERN ROYS, )

Defendants. )

No. 2018 L 011219

Honorable Eve Reilly

**MOTION OF DEFENDANTS RYAN MAHONEY  
AND MELINDA MAHONEY FOR SANCTIONS UNDER  
ILLINOIS SUPREME COURT RULE 137**

Defendants, Ryan Michael Mahoney and Melinda Mahoney, by and through their counsel, SmithAmundsen LLC, move this Court to enter monetary sanctions against Plaintiffs, Harvest Bible Chapel, through James Scott Milholland, COO; Ronald Duitsman, Elder Board Chairman, William Sperling, Elder Board Member, James S. Macdonald, both Individually and as Senior Pastor of Harvest Bible Chapel, and in support thereof, state as follows:

1. Plaintiffs have filed a Complaint under both legal and equitable theories in six counts, referred to as "First Claim for Relief," "Second Claim for Relief", etc. (A copy of Plaintiffs' Complaint is attached hereto as Exhibit No. 1.)

**Melinda Mahoney**

2. Plaintiffs named Melinda Mahoney in the suit, but stated no legal basis whatsoever for bringing an action against her. The sum total of assertions in reference to Melinda Mahoney are found in paragraph 7 on page 2 of Exhibit No. 1, which provides as follows:

“Defendant Melinda Mahoney, (hereinafter “M. Mahoney”) is a resident of Wheaton, Illinois, County of DuPage. Defendant M. Mahoney provides material support to the ED website, including but not limited to providing *funds* for computer(s) that are used to create, edit, host and maintain the ED website, and providing funds for internet access for the ED site.”

3. Even taking the above allegations as true, there is no legal theory in Illinois that would support a cause of action for providing “materials”, support or funding to purchase computers to operators of a website.

**Ryan Mahoney**

4. Defendant, Ryan Mahoney, helped to establish a blog which brought to the attention of the public certain apparent irregularities of Plaintiff church and its Pastor, James McDonald. Plaintiff, James McDonald has since parted ways with Harvest Bible Chapel following allegations concerning his behavior.

5. Out of an attempt to silence its critic, Plaintiff filed the above action in bad faith and for the sole purpose of quashing any further commentary about church activities.

6. Among other falsehoods contained in Plaintiff’s Complaint, Plaintiffs allege at paragraph 59 on page 9, as follows:

“Defendant R. Mahoney was a former Harvest employee and recent graduate of Wheaton Graduate School *who was disciplined on three separate occasions while he was a teacher at Harvest Christian Academy (HCA)* for negating James S. MacDonald's sermons and

influencing HCA students to share his cynical view of Harvest and its culture. In 2010, *this resulted in the decision not to renew his teaching contract*, at which time he immediately ceased church attendance and began circulating false and discrediting information about James S. MacDonald and Harvest Bible Chapel. Defendant R. Mahoney has stated privately to many individuals that the goal of ED is that "either James leaves Harvest or everyone else does." (emphasis added)

7. In fact, Ryan Mahoney was never disciplined while teaching at Harvest Christian Academy and his departure from Harvest Christian Academy was voluntary and his decision alone. No decision was ever made by anyone affiliated with Plaintiff to cease Ryan Mahoney's tenure as a teacher at Harvest Christian Academy. (See Affidavit of Ryan Mahoney attached hereto as Exhibit No. 2.)

8. Not only was the allegation contained in paragraph 59 false, it was defamatory *per se*.

9. Further, at paragraph 106 on page 23 of Exhibit No. 1, Plaintiff's alleged as follows:

"The ED website falsely posted and grossly misrepresented that Harvest amassed approximately \$70 million of debt under the leadership of James S. MacDonald. This statement has been continually republished as of the date of filing of this Complaint."

10. At all relevant times, Plaintiffs knew the above statement was *not false* and was *true*, but attempted to use the legal system to quash the voices of those who would dissent. Attached hereto as Exhibit No. 3 is a copy of the Harvest Bible Church financial statement of December 2008, clearly listing total long term debt at \$70,775,028, on page 2 of Exhibit No. 3.

11. Finally, as recently as February 16 -17, 2019, after Plaintiff, Pastor James McDonald, left Harvest Bible Church in disgrace, Elders of the Church have admitted that it was "inappropriate to pursue a lawsuit" against Defendants. (See paragraph 4, line 4, on page 1 of Exhibit No. 4 attached hereto).

12. As demonstrated above, Plaintiffs' had no recognized legal basis for filing the suit that was filed against the movants. It is equally clear Plaintiffs attempted to use the legal system to wrongfully attempt to quash dissent in their church and to cause needless expense to those who would speak up against Plaintiffs' disgraced leader.

**Rule 137**

13. In Relevant part, Supreme Court Rule 137 provides as follows:

**“(a) Signature requirement/certification.** 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. A party who is not represented by an attorney shall sign his pleading, motion, or other document and state his address. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. *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.” (emphasis added)

(IL R S CT Rule 137)

- 14. The Complaint filed by Plaintiffs was verified, and yet knowingly false.
- 15. The Compliant filed by Plaintiffs was signed by attorney, Michael J. Young.

16. The signature of Plaintiffs and their attorney constituted a certificate by them that, to the best of their knowledge, information and belief formed after reasonable inquiry that the complaint was well grounded in fact and was warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law, and not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

17. In fact, the Complaint was not well founded in fact or warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law.

18. In fact, the complaint was filed for the improper purpose of quashing unwelcome commentary on the behavior of a Pastor who has now been separated from the Plaintiff church and harassing the defendants and to cause unnecessary expense in defending the litigation.

19. The claims against Melinda Mahoney had no basis whatsoever under any theory of law or equity.

20. The claims against Ryan Mahoney were blatantly false.

21. Now the board of Elders admits the entire lawsuit was "inappropriate."

22. When Rule 137 is violated, the court may, on a party's motion or its own initiative, impose sanctions upon the individual who signed the filing, the represented party, or both. *Katsoyannis v. Findlay*, App. 1 Dist.2016, 402 Ill.Dec. 187, 51 N.E.3d 939, rehearing denied, appeal denied 406 Ill.Dec. 323, 60 N.E.3d 874.

23. Rule governing imposition of sanctions for improper pleading is a tool which the Court can employ to prevent future abuse of the judicial process or discipline in the case of past abuses. *Schneider v. Schneider*, App. 1 Dist.2011, 348 Ill.Dec. 881, 408 Ill.App.3d 192, 945 N.E.2d 650, appeal denied 353 Ill.Dec. 13, 955 N.E.2d 480.

24. The facts of this case and the exhibits attached hereto demonstrate a clear case of abuse of the legal system.

**Conclusion**

25. Sanctions are warranted and necessary in this matter to prevent future abuse of the legal system by those in power who would attempt to use the legal system as a tool to quash free and truthful speech by those who are less powerful and less able to sustain the financial burden of maintaining a lawsuit or defense.

WHEREFORE, Defendants move this Court to enter sanctions against Plaintiffs and their counsel, pursuant to Supreme Court Rule 137, in an amount which will serve to deter such abuses in the future, including the payment of all attorney fees incurred by Defendants, all costs and expenses incurred by Defendants and all further monetary sanctions deemed necessary and appropriate by the Court.

Ryan Michael Mahoney and Melinda Mahoney,  
Defendants,  
By: SmithAmundsen LLC

By: /s/Thomas P. Scherschel  
One of their attorneys

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