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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

PASTORS PROTECTING YOUTH,	)	Docket No. 16 CV 8034
et al.,	)	
	)	
Plaintiffs,	)	
	)	Chicago, Illinois
vs.	)	September 28, 2016
	)	9:30 o'clock a.m.
LISA MADIGAN, Illinios Attorney	)	
General, in her Official	)	
Capacity,	)	
	)	
Defendant.	)	

TRANSCRIPT OF PROCEEDINGS - Status/Motion  
BEFORE THE HONORABLE RONALD A. GUZMAN

APPEARANCES:

For the Plaintiffs:	MAUCK & BAKER LLC
	BY: MR. JOHN WILLIAM MAUCK
	MR. SORIN ADRIAN LEAHU
	One North LaSalle Street
	Suite 600
	Chicago, Illinois 60602

For the Defendant:	OFFICE OF THE ATTORNEY GENERAL
	BY: MR. JOHN P. WOLFSMITH
	MR. KRENICE ROSEMAN
	100 West Randolph Street
	Chicago, Illinois 60601

Laura LaCien, CSR, RMR, CRR  
Official Court Reporter  
219 South Dearborn Street, Suite 1902  
Chicago, Illinois 60604  
(312) 408-5032

1 (The following proceedings were had in open court:)

2 COURTROOM DEPUTY: 16 C 8034, Pastors Protecting  
3 Youth versus Madigan; status hearing and motion.

4 MR. MAUCK: Good morning, Judge. John Mauck and  
5 Sorin Leahu for Pastors Protecting Youth.

6 MR. WOLFSMITH: John Wolfsmith and Krenice Roseman  
7 for the defendant Lisa Madigan.

8 THE COURT: Good morning. What's this lawsuit  
9 about?

10 MR. MAUCK: This lawsuit is about recent law enacted  
11 by the State of Illinois that my clients feel puts them at  
12 risk as pastors in counseling youth concerning unwanted  
13 same-sex attractions and we feel we're exempt and wanted the  
14 Court to recognize that exemption.

15 THE COURT: Are you challenging the validity of the  
16 statute or do you just want us to interpret it in a  
17 particular way?

18 MR. MAUCK: We want it interpreted either that  
19 doesn't apply to us or that if it does apply to us, the First  
20 Amendment protects our right to counsel our parishioners and  
21 those that visit the church.

22 THE COURT: Has anyone said it does apply to you?

23 MR. MAUCK: Yes, in this sense, while this was in  
24 the legislature last year, there was a strong effort to  
25 obtain an exemption for pastoral counseling which was turned

1 down on a party-line vote. And then when it went to the  
2 Governor for signature, there was also a strong effort to ask  
3 the Governor to put in an exemption for pastoral counseling  
4 and that was not done which is why this case was filed  
5 because there were no exemptions recognized by the Governor  
6 or legislature and we feel that it might well apply. For  
7 example, it makes it consumer fraud to refer to homosexual  
8 conduct as a dysfunction. From a faith point of view, that's  
9 what sin is. We all are dysfunctional in various ways so we  
10 feel that that's --

11 THE COURT: That's a comforting feeling.

12 MR. MAUCK: Well, it's a realistic view, we think.  
13 However, we have another limitation in the statute that says  
14 it doesn't -- it only apply to those who are in commerce.

15 So we've been meeting with the Attorney General's  
16 Office and they feel that they can agree that pastors who are  
17 counseling members of their own congregation and are  
18 counseling members who visit their church but are not  
19 charging individual fees for counseling but are doing  
20 counseling as part of their own overall ministerial duties  
21 are not in commerce -- and I'll let the State comment on  
22 that -- and that's what we're working on. We may be able to  
23 resolve the case quickly.

24 MR. WOLFSMITH: Your Honor, our deadline to answer  
25 or otherwise plead is I think October 11th. Our hope is that

1 the parties will enter a stipulation of dismissal before  
2 then. If they don't, then we would file a motion to dismiss  
3 not because our office disagrees about the wording of the  
4 statute. In fact, we tend to agree with the plaintiffs as  
5 they've alleged it.

6 THE COURT: Actually, that's -- that was going to be  
7 my very next question. Couldn't we get some sort of  
8 administrative ruling, interpretive ruling by the AG's office  
9 or someone else with regards to this statute?

10 MR. WOLFSMITH: What we're thinking is there will be  
11 a stipulation we're actually going to send to counsel  
12 today that will have at least the Attorney General's opinion  
13 on the interpretation of the statute and that would be  
14 grounds then for dismiss -- for the parties to agree on  
15 dismissal.

16 THE COURT: All right. How much time do you want to  
17 work on that?

18 MR. MAUCK: 30 days.

19 MR. WOLFSMITH: Yeah, 30 days. We can set -- there  
20 is a -- our deadline to answer is October 11th. I'm hopeful  
21 we can resolve this before then but I don't know if we want  
22 to just reset that date to 30 days from now and we'll either  
23 have resolved it before then or we'll file the proper motions  
24 and we can argue then.

25 THE COURT: Let's have a date 30 days from today,

1 Imelda.

2 COURTROOM DEPUTY: November 1st at 9:30.

3 MR. WOLFSMITH: Well, does that alter the response  
4 date if we don't have something by the 11th?

5 THE COURT: Yeah. I'm going to extend the date for  
6 answering or otherwise pleading to November 1st. Is that  
7 what you said, November 1st?

8 COURTROOM DEPUTY: Yes.

9 THE COURT: Okay.

10 MR. WOLFSMITH: Thank you, your Honor.

11 THE COURT: And let's have a status hearing that  
12 same day and see where we are.

13 MR. WOLFSMITH: Thank you.

14 MR. MAUCK: Thank you.

15 THE COURT: We'll know how to proceed then. I won't  
16 enter any discovery orders or case management orders until  
17 that date; but if the case is not resolved by that date,  
18 please come prepared to discuss those issues because a  
19 12(b)(6) motion is not going to delay the case moving forward  
20 in all other aspects. Okay?

21 MR. WOLFSMITH: Thank you.

22 MR. MAUCK: Yes.

23 THE COURT: Thank you very much.

24 COURTROOM DEPUTY: Court stands in recess.

25 (Which concluded the proceedings in the above-entitled

1 matter.)

2 C E R T I F I C A T E

3 I hereby certify that the foregoing is a transcript  
4 of proceedings before the Honorable Ronald A. Guzman on  
5 September 28, 2016.

6  
7 ***/s/Laura LaCien***

8 \_\_\_\_\_  
9 Laura LaCien  
10 Official Court Reporter

October 28, 2016  
Date

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