

CORI v. PHYLLIS SCHLAFLY'S AMERICAN EAGLES

Case No. 3:16-cv-00946-DRH-RJD

ANNE SCHLAFLY CORI, EUNIE SMITH, CATHIE ADAMS, CAROLYN McLARTY,
ROSINA KOVAR, SHIRLEY CURRY and EAGLE FORUM, Plaintiffs

v.

PHYLLIS SCHLAFLY'S AMERICAN EAGLES, Defendant

United States District Court,
Southern District of Illinois

April 12, 2017

Editor Notes

Applicable Law: 15 USC § 1114
Cause: 15 USC § 1114, **Trademark Infringement**
Nature of Suit: 840 Trademark
Source: PACER, www.pacer.gov

Attorneys appearing for the Case

Anne Schlafly Cori, Plaintiff, represented by Eric D. Block, Spencer, Fane et al..

Anne Schlafly Cori, Plaintiff, represented by Arthur D. Gregg, Spencer, Fane et al., Megan D. Meadows, Spencer, Fane et al. & Erik O. Solverud, Spencer, Fane et al.

Eunie Smith, Plaintiff, represented by Eric D. Block, Spencer, Fane et al., Arthur D. Gregg, Spencer, Fane et al., Megan D. Meadows, Spencer, Fane et al. & Erik O. Solverud, Spencer, Fane et al.

Cathie Adams, Plaintiff, represented by Eric D. Block, Spencer, Fane et al., Arthur D. Gregg, Spencer, Fane et al., Megan D. Meadows, Spencer, Fane et al. & Erik O. Solverud, Spencer, Fane et al.

Carolyn McLarty, Plaintiff, represented by Eric D. Block, Spencer, Fane et al., Arthur D. Gregg, Spencer, Fane et al., Megan D. Meadows, Spencer, Fane et al. & Erik O. Solverud, Spencer, Fane et al.

Rosina Kovar, Plaintiff, represented by Eric D. Block, Spencer, Fane et al., Arthur D. Gregg, Spencer, Fane et al., Megan D. Meadows, Spencer, Fane et al. & Erik O. Solverud, Spencer, Fane et al.

Shirley Curry, Plaintiff, represented by Eric D. Block, Spencer, Fane et al., Arthur D. Gregg, Spencer, Fane et al., Megan D. Meadows, Spencer, Fane et al. & Erik O. Solverud, Spencer, Fane et al.

Eagle Forum, Plaintiff, represented by John T. Walsh, Smith Amundsen LLC & James P. Sanders, Smith Amundsen LLC.

Phyllis Schlafly's American Eagles, Defendant, represented by Nelson L. Mitten, Riezman Berger, P.C. & Paul A. Grote, Riezman Berger, P.C.

Eagle Trust Fund, Interested Party, represented by James L. Craney, Craney Law Group LLC.

America's Future, Inc., Interested Party, represented by Michael J. Payne, Frankel, Rubin et al., pro hac vice.

ORDER

REONA J. DALY, Magistrate Judge.

This matter comes before the Court on the named plaintiffs' request for a discovery dispute conference. The plaintiffs in this matter consist of Eagle Forum, a § 501(c)(4) non-profit organization, and several individuals on the Eagle Forum board of directors. Eagle Forum was founded by Phyllis Schlafly in 1975 and the organization promotes various conservative causes.

The instant case concerns a feud over the ownership of intellectual property associated with Phyllis Schlafly and Eagle Forum. According to the plaintiffs' First Amended Complaint (Doc. 40), various individuals, including five members of the Eagle Forum board of directors, have formed a spin-off organization known as Phyllis Schlafly's American Eagles. The named plaintiffs and Eagle Forum assert that defendant Phyllis Schlafly's American Eagles has unlawfully appropriated their intellectual property, mailing lists, a post office box, and other assorted property. Defendant Phyllis Schlafly's American Eagles contends that it is the rightful owner of the Phyllis Schlafly trademark/right of publicity and other related intellectual property. (Doc. 55). The defendant contends that the plaintiffs have attempted to orchestrate a "hostile takeover" of the Schlafly brand.

On April 6, 2017 the Court held a discovery dispute conference. The parties' first discovery dispute involves a proposed protective order. The parties agree that a protective order should be entered in this case, but they disagree as to its scope. The parties agree that certain discovery in this matter will be of a sensitive nature, such as donor lists and assorted financial information. To protect such information, the defendant would like an "Attorneys' Eyes Only" type protective order. Because there are competing claims in this case, the defendant contends that the plaintiffs should not be able to personally review the sensitive documents. Plaintiffs' counsel argue that they need their clients' involvement in order to determine the significance and probative value of the documents along with the information contained therein. As such, the plaintiffs contend that a standard protective order would be sufficient. Upon review of these arguments, the Court agrees with the plaintiffs that a standard protective order is appropriate. The Court recognizes that there is a risk of disclosure with any protective order. Nevertheless, plaintiffs' counsel presents a legitimate argument that they need their clients' involvement when reviewing the discovery produced by the defendants. The parties shall therefore submit a proposed protective order to the Court within 14 days. Mailing lists produced by subpoenas to third parties will also be subject to the protective order. If the protective order is violated, the parties are free to seek legal redress.

Next, plaintiffs seek the email addresses of various individuals associated with defendant Phyllis Schlafly's American Eagles, including the organization's officers and board of directors. Plaintiffs contend that some of those individuals have individually used multiple email addresses. Defendant asserts that it has already provided the email addresses used for Phyllis Schlafly's American Eagles official business. **Defendants' objections to the request are overruled. Defendant shall provide all of the email addresses (both personal and "official use" email addresses) used by the individuals on the defendants' board of directors and the organization's officers.** The parties shall then confer and develop procedures so that plaintiffs may search the email accounts for messages that may be relevant to this litigation.

IT IS SO ORDERED.

<https://www.leagle.com/decision/infdco20170413d31>