

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

FREE SPEECH FOUNDATION, INC.)	
d/b/a AMERICA’S FRONTLINE)	
DOCTORS, INC., an Arizona nonprofit)	
corporation, and JOSEPH GILBERT,)	
)	
Plaintiffs,)	Case No. 22-CV-00714
)	
)	
v.)	
)	
)	
SIMONE GOLD,)	
)	
Defendant.)	
)	

**PLAINTIFFS’ VERIFIED MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION,
AND INCORPORATED MEMORANDUM OF LAW**

Pursuant to Fed. R. Civ. P. 65 and L.R. 6.01, Plaintiffs, Free Speech Foundation, Inc. d/b/a/ America’s Frontline Doctors, Inc. (“ALFDS”) and Joseph Gilbert, by and through the undersigned counsel, hereby move this Court for a Temporary Restraining Order and Preliminary Injunction restraining and enjoining Defendant, Simone Gold.¹

¹ Plaintiffs have received the Court’s Order (DE 6). Plaintiffs did not intend for the Court to issue a temporary restraining order based solely on the complaint. Nor was it Plaintiffs’ intent to seek a no-notice hearing. Plaintiffs have delivered the summons and complaint to a process server and have inquired of Defendant’s counsel whether

Plaintiffs have filed a Verified Complaint (DE 1) that seeks to prevent the rogue founder of Free Speech Foundation, Inc. d/b/a America's Frontline Doctors ("AFLDS"), Simone Gold, who has not been a director, officer, or employee of AFLDS since early 2022 from gaining access and use of charitable funds for her own personal benefit and from trying to illegally and fraudulently wrest control away from AFLDS' rightful Board of Directors. Specifically, Gold has used AFLDS charitable funds to purchase a \$3.6 million home in Naples, Florida for her personal rent-free use, and at least three luxury vehicles and has otherwise used AFLDS funds to resource her personal lifestyle and expenses since she formed AFLDS. Further, over the last several weeks, despite having no director, officer, or employee role with the organization, Gold has interfered with AFLDS' operations, funds, donor relationships, employee relationships, converted and improperly asserted control over AFLDS information technology, bank accounts, money and resources, defamed and disparaged the Board Chairman Mr. Gilbert and others associated with AFLDS, and fraudulently held herself out as a representative, officer, and director of AFLDS to AFLDS staff, AFLDS donors, and the public. As shown below, Gold's wrongful, unauthorized conduct, threatening AFLDS ability to operate, has continued even through November 7, 2022.

Defendant will accept service of process. A Rule 65 certificate is included with this motion.

Gold's conduct has caused and is likely to cause further irreparable harm to Plaintiffs for which there is no adequate remedy at law. Further, Plaintiffs have a substantial likelihood of success on the merits of their claims. And given that AFLDS is a public charity, considerations of the public interest weigh heavily in favor of the Court granting the relief AFLDS is seeking. Under these circumstances, a temporary restraining order is required. *Consumer Energy Solutions, Inc. v. Jacobs*, 2017 U.S. Dist. LEXIS 12223, at 6-7 (M.D. FL Jan 30, 2017).

FACTUAL BACKGROUND²

Simone Gold incorporated ALFDS in June 2020 under the Arizona Nonprofit Corporation Act “exclusively for charitable purposes,” and specifically “to perform, every act or acts necessary, incidental to or connected with the furtherance of its charitable, scientific, literary, religious, and educational purposes, with a focus on educating the public on the enduring importance of the Bill of Rights to America’s history and civic traditions.” DE 1 at ¶ 9. AFLDS is currently governed and always has been governed by a Board of Directors. *Id.* at ¶ 10.

From September 2020 through January 2022, Gold was a director and the executive director of AFLDS. *Id.* at ¶ 10. In her role as executive director, Gold authorized the hiring of employees, developed and supervised AFLDS’ charitable

² Plaintiff intends to file within twenty-four hours of filing this motion additional declarations under penalty of perjury that corroborate the verified factual allegations set forth here and in the Verified Complaint (DE 1).

programs, developed and managed partnerships with other organizations, oversaw fundraising activities, and oversaw communications with program participants, government officials, and the general public. *Id.* at ¶ 10. Plaintiff Joseph Gilbert is the AFLDS Chairman of the Board, Chief Operating Officer, and Director of Strategy. *Id.* at ¶ 11. AFLDS has two other current board members – Jurgen Matthesius and Richard Mack.

I. Gold Has Misused AFLDS' Charitable Funds.

As set forth in the Verified Complaint, beginning at least as early as 2021, Gold began misusing AFLDS' funds for her own personal use and those in her circle. For example, she purchased a \$3,600,000 home in Naples, Florida (the “Naples Home”) using AFLDS funds. *Id.* at ¶ 12. She also rented a home for her friends, her personal assistant and security guard (employees of AFLDS) all without authorization or approval of the Board of Directors. *Id.* at ¶¶ 14, 16. Gold currently lives in the Naples home with John Strand rent free and her friends live in the other home rent free. *Id.* at ¶¶ 14, 17. Gold pays a personal housekeeper over \$5,000 a month and a personal security officer \$12,000 a month (all with AFLDS funds). *Id.* at ¶ 16. For months, she has spent \$50,000 per month on AFLDS credit cards for her own personal expenses. *Id.* at ¶ 16.

Gold also purchased three vehicles including a Mercedes Benz Sprinter van, a Hyundai Genesis, and a GMC Denali, using AFLDS funds for her own personal

transportation needs. *Id.* at ¶ 15. On at least two occasions, Gold flew on private planes using AFLDS funds without approval or authorization from the Board of Directors. *Id.* at ¶ 17. One of those trips exceeded \$100,000. *Id.* at ¶ 17.

II. Gold Resigned from the AFLDS Board of Directors and as Executive Director.

On February 2, 2022, at an AFLDS Board of Directors meeting, Gold resigned from AFLDS' Board so that she could devote time and energy to her vision of opening health and wellness centers nation-wide. *Id.* at ¶ 19. The Board unanimously voted to accept Gold's resignation, voted Mr. Gilbert into the Chairman position, Amy Landau as the Executive Director, and the remaining board members as Jurgen Matthesius, and Richard Mack. *Id.* at ¶ 19. A copy of the Minutes of the meeting of the AFLDS Board of Directors is attached hereto as **Exhibit 7**.³

The evidence that Defendant Gold resigned from the AFLDS Board is unmistakable. For example, in an e-mail that Gold wrote to Plaintiff Gilbert on March 22, 2022, Gold confirmed she had resigned when she stated "In my role as marketing consultant for AFLDS, as well as the Founder of AFLDS" and stated "I would like to ask the Chairman of the Board of AFLDS," and "[a]s marketing consultant, I no longer have the authority to solve this issue." A copy of this

³ Exhibits 1 through 6 are attached to the Verified Amended Complaint, and are also attached here as **Exhibits 1** through **6**, for convenience. Exhibits to this Motion that were not included with the Verified Complaint begin with Exhibit 7.

correspondence is attached hereto as **Exhibit 8**. Two months later, on or about May 22, 2022, Gold posted a comment on an email to AFLDS’ inside and outside counsel in which she commented that she was no longer on the AFLDS Board. “I am not the Chairman of the Board – have not been on the Board for many months. I am not sure why this is incorrect.” A copy of Dr. Gold’s email dated May 22, 2022, with the referenced comment is attached hereto as **Exhibit 9**. This statement from Defendant Gold was in response to information needed for her criminal pre-sentencing report, in connection with her January 6 appearance at the U.S. Capitol.

Returning to the February 2, 2022 Board meeting: Discussion was held about Gold and AFLDS entering into a consulting agreement so that Gold could continue as the “face” of AFLDS and using her marketing skills to raise money for AFLDS. DE 1 at 20. The Board voted to have Mr. Gilbert negotiate the consulting agreement with Gold. *Id.* at ¶ 20. During the negotiations of the consulting agreement, Gold sought from AFLDS a “signing bonus” of \$1.5 million and \$50,000 monthly as a consulting fee. *Id.* at ¶ 21. Under that agreement, GoldCare (discussed below) was also to be granted, at no cost, private workspace and accommodations at the Naples Home. *Id.* at ¶ 21.

After Gold resigned from the Board, and in keeping with such consulting agreement, she created a for-profit business called GoldCare Marketing Services LLC (“GoldCare”) to pursue the creation of health and wellness centers. *Id.* at ¶ 22.

After doing so, through her influence, Gold began diverting numerous AFLDS employees who were paid by AFLDS to work at GoldCare, using AFLDS's charitable resources to pay their business salaries – and with them doing little to no work for AFLDS. *Id.* at ¶ 22.

III. Gold Has Tortiously Interfered with AFLDS' Relationships and Illegally Attempt to and Has Seized Control of the Organization.

On June 22, 2022, Gold was sentenced to serve 60 days in federal prison after pleading guilty to a misdemeanor charge of unlawfully entering and remaining in a restricted area of the U.S. Capitol on January 6, 2022. *Id.* at ¶ 23. While Gold served her prison sentence, Plaintiff Joseph Gilbert, the Board Chairman and Director of Strategy, stepped into day-to-day operations to help AFLDS run smoothly during Gold's absence. *Id.* at ¶ 24. By that time, the Board had become aware of Gold's uses of AFLDS funds and hired a forensic auditor, obtained a compensation study, and had its outside accounting firm begin a financial audit in order to determine what next steps should be taken with regard to Gold's use of AFLDS funds for her personal use. *Id.* at ¶ 24.

Gold was released from prison on September 9, 2022 and continues to be under supervised release. *Id.* at ¶ 25. Upon Gold's release, Mr. Gilbert, as Chairman of the AFLDS Board, advised Gold of the steps the Board had taken in her absence to look into her use of charitable funds for personal purposes and the steps it would need to take as a result, for corrective action both for AFLDS's and her own good in

light of AFLDS's charitable nature. *Id.* at ¶ 25. Although Gold feigned understanding and acceptance of the steps AFLDS would need to take, it became evident shortly thereafter that Gold would do anything but accept what was in the best interests of AFLDS, its donors, employees, and mission. *Id.* at ¶ 26. Gold wanted to take back control of AFLDS and restore herself into a leadership role with the organization. Indeed, even though she had no role other than as a consultant, Gold began directing AFLDS employees in different ways in attempts to learn information and seize control. *Id.* at ¶ 27. She could have asked to be elected back to the Board, but she never did.

Instead, on October 4, 2022, Gold sent an email addressed to "the AFLDS Board of Directors," identifying Pastor Jurgen Matthesius and Richard Mack, in which she alleged that the third Board Member, Plaintiff Mr. Gilbert, had engaged in wrongdoing in his role with AFLDS. *Id.* at ¶ 28. In that email, Gold demanded that the Board take certain steps to essentially remove Mr. Gilbert from the Board and investigate her allegations. *Id.* at ¶ 28. The Board responded to Gold's allegations by retaining counsel to investigate her allegations thoroughly. *Id.* at ¶ 29. However, as soon as this investigation began, Gold began threatening the Board, AFLDS' counsel, and employees that she would interfere with AFLDS donors, to persuade them not to make donations to AFLDS if her demands were not met. *Id.* at ¶ 29. During this time, Gold continued to participate in speaking engagements

representing AFLDS in public forums. *Id.* at ¶ 29. AFLDS representatives learned that Gold falsely told donors that Mr. Gilbert had engaged in financial improprieties, ethical violations, and corruption. *Id.* at ¶ 29.

Beginning in October 2022, Gold has interfered with, sought to seize control of, and has ultimately taken control of AFLDS in the following manner and by the following actions:

- On October 12, 2022, Gold sent the Executive Director and her personal assistant, Lisa Andrzejewski, to a Board meeting to read a demand letter by Gold that each member of the Board resign immediately. That letter also threatened each Board Member with litigation and exposure “by name and location to the public” if they did not immediately resign from their positions as board members. *Id.* at ¶ 30, DE 1-1.
- In response to requests that Gold refrain from disparaging board members or discussing her allegations or the investigation into those allegations with donors, Gold advised AFLDS’ counsel, among other things, that she would do what she needed to do and that AFLDS donors she had been in touch with are “aware that their monies, which they donated for specific reasons I promised to guard, are at risk.” She also stated that whether she disparaged Mr. Gilbert in public depended upon him resigning from his position on the Board. DE 1 at ¶ 30, DE 1- 2.
- On October 31, 2022, without the authorization of the Board, Gold sent a letter on AFLDS’ letterhead, fraudulently signing her name as the “Chairman and President of Free Speech Foundation” through which AFLDS operates as a d/b/a, to Mr. Gilbert asserting that he had committed ethical violations and that he was recused from the Board. DE 1 at ¶ 30. A copy of this correspondence is attached hereto as **Exhibit 10**.
- On October 31, 2022, without the authorization of the Board, Gold sent a letter on AFLDS letterhead, fraudulently signing her name as the “Chairman and President of AFLDS,” to AFLDS outside counsel, Wagenmaker & Oberly, purported to terminate its representation of AFLDS. DE 1 at ¶ 30, DE 1-3.

- On October 31, 2022, without the authorization of the Board, Gold caused a 2022 Annual Report to be filed with the Arizona Corporation Commission, in which she represented herself to be “CEO and Chairman of the Board of Directors of Free Speech Foundation, through which AFLDS operates as a d/b/a, A copy of this 2022 Annual Report is attached hereto as **Exhibit 11**.
- On November 1, 2022, without the authorization of the Board, Gold sent a letter to the AFLDS employees which, among other things, accused Mr. Gilbert of “improper financial dealings” and falsely asserted that she was the Chairman and President of AFLDS. DE 1 at ¶ 30, DE 1-4.
- On November 2, 2022, without the authorization of the Board, Gold entered the Microsoft Teams application used by AFLDS employees and advised the employees falsely, among other things, that she was the “legitimate Chairman of the Board and President” and that Mr. Gilbert had been recused from the Board and no authority to act on behalf of AFLDS. She also advised that employees were not to take any orders other than from her, the President or from the Executive Director Lisa Andrzejewski (whose employment had been terminated by the AFLDS Board). *Id.* at ¶ 30.
- On November 2, 2022, without the authorization of the Board, Gold advised AFLDS’ treasurer not to abide by directions from the Board of Directors regarding funds or the entity’s bank accounts and payments. *Id.* at ¶ 30. AFLDS’ treasurer is Troy Brewer, CPA. In his email message to Gilbert and AFLDS General Counsel, attached hereto as Exhibit 18, Brewer advised that he could not transfer funds from an AFLDS account, notwithstanding calls to the Bank, because Gold is the only authorized person. Additionally, Treasurer Brewer has refused to abide the instructions of the Board or the Executive Director, stating he is conflicted and does not know to whom he should listen.
- On November 2, 2022, without the authorization of the Board, Gold directed AFLDS employees to seize control of AFLDS’ electronic mail, website domain name systems (“DNS”), and other electronic databases, and lock certain employees out of these systems. DE 1 at ¶ 30. *See also Exhibit 12*, attached hereto.
- On November 3, 2022, without the authorization of the Board, Gold purportedly on behalf of AFLDS, and identifying herself as the “Chairman and President of AFLDS,” released a press release that reported she had

“resumed” her role as Chairman and President of AFLDS and repeated Gold’s allegations against Mr. Gilbert that she announced to the AFLDS employees. DE 1 at ¶ 30, DE 1-5.

- On November 3, 2022, without the authorization of the Board, Gold sent a letter on AFLDS letterhead, signing her name as the “Chairman and President of AFLDS,” to AFLDS’ in-house counsel advising her that she was suspended without pay for violating Gold’s order that AFLDS employees disregard requests from the Board. DE 1 at ¶ 30, DE 1-6.
- On November 4, 2022, one of AFLDS’ employees wrote an email to Plaintiff Gilbert, the subject of which was “AFLDS Takeover,” in which he informed Mr. Gilbert that Defendant Gold’s Executive Assistant at GoldCare had attempted to take over AFLDS’ “entire Microsoft tenant, and we’ll lose complete access to all of it [i.e., organizational emails and related communications] . . . unless the legal team interjects.”⁴ A copy of this correspondence is attached hereto as **Exhibit 12**.
- On November 3, 2022, without the authorization of the Board, Gold sent a letter on AFLDS letterhead, signing her name as the “Chairman and President of Free Speech Foundation” through which AFLDS operates as a d/b/a, to Gilbert purporting to terminate his position with AFLDS, and asserting her own role as “Founder, current Chairman of the Board and current President of the Free Speech Foundation and of America’s Frontline Doctors.” A copy of this correspondence is attached hereto as **Exhibit 13**.
- On November 7, 2022, without the authorization of the Board, Gold sent a letter on AFLDS letterhead, signing her name as the Chairman and President of Free Speech Foundation, through which AFLDS operates as a d/b/a, to AFLDS’ employees, the subject of which was “Memorandum of Confirmed Leadership and Terminated Persons,” in which she advised the employees to ignore communications from Plaintiff Gilbert, the Chairman of the Board of AFLS, Lauren Bradford, the general counsel for AFLDS, and others. A copy of this correspondence is attached hereto as **Exhibit 14**.

⁴ “A Microsoft 365 tenant is a dedicated instance of the services of Microsoft 365 and your organization data stored within a specific default location.”

<https://learn.microsoft.com/en-us/microsoft-365/solutions/tenant-management-overview?view=o365-worldwide> (last visited on November 8, 2022).

Furthermore, Gold has focused her vitriol on Gilbert's activities that are separate from AFLDS. On November 7, 2022, Mr. Gilbert learned that Gold's personal assistant, Lisa Andrzejewski, made allegations of purported financial improprieties concerning transactions with AFLDS to the media outlet through which, until Gold's assistant defamed him, Gilbert broadcast a podcast on a weekly, or more frequent, basis. A copy of correspondence to Gilbert from counsel for American Media Periscope is attached hereto as **Exhibit 15**.

Gold's false statements regarding her authority and her false statements concerning Gilbert, the rightful Chairman of the Board, have served to confuse, intimidate staff, causing them to quit. For example, on November 7, 2022, the Client Services Manager and Billing/Donation Coordinator resigned "due to the infighting and accusations of misappropriation of AFLDS donation funds." This former employee elaborated

[d]ue to the accusations of mishandled funds, and the rumors of bullying and threats of termination, I no longer in good conscience can be associated with this organization. We have been pitted against each other and have been indirectly asked to pick a side. I have lost trust in the whole organization and don't know who to trust or believe. . . . The hard-working people at AFLDS have been kept in the dark about people being terminated and who are in leadership positions, not to mention the rumors of leadership positions being paid absurd amounts of money for salaries.

A copy of this employee's resignation letter is attached hereto as **Exhibit 16**. Reflecting upon the services the American people are asking for from AFLDS, this employee lamented that all she is doing under the current circumstances is cancelling donors' charitable contributions. "I don't feel that at this point we are providing any of those services, except I am able to help people cancel their donations." *Id.*

ARGUMENT

Plaintiffs seek a temporary restraining order to prevent Gold from taking further actions that will cause irreparable damage to AFLDS, a Section 501(c)(3) charitable organization. The Court should enter a TRO where the moving party establishes the following four elements: (1) a substantial likelihood of success on the merits; (2) that the TRO is necessary to prevent irreparable injury; (3) that the threatened injury outweighs the harm the TRO would cause the other litigant; and (4) that entry of the TRO would serve the public interest." *Consumer Energy Solutions, Inc.*, 2017 U.S. Dist. LEXIS 12223, at 6-7 (citing *Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1225-26 (11th Cir. 2005)).

Plaintiffs satisfy all four elements.

I. Plaintiffs' Claims Are Substantially Likely to Succeed on the Merits.

In their Verified Complaint, Plaintiffs have asserted claims for fraud, conversion, tortious interference, breaches of fiduciary duty, and defamation. As set

forth in the factual section above, Gold's actions permit Plaintiffs to meet all of the elements of each of these claims.

Fraud

A fraud claim can be established if Plaintiffs prove Gold (a) made a knowingly false statement of material fact, (b) with the intent to induce others to rely on her statement, and (c) that caused damage to Plaintiffs. *Bankers Life Ins. Co. v. Credit Suisse First Boston Corp.*, 590 F. Supp. 2d 1364, 1369 (M.D. Fla. 2008). Plaintiffs are likely to succeed on the merits of their fraud claim because the public and private record are clear: Gold has held herself out – in speeches, letters, and notifications – as the Chairman of the Board and President of AFLDS. These statements are demonstrably false based on board meeting minutes and other documents in Plaintiffs' possession. Gold made these false statements, among others, in order to get AFLDS staff to take steps on her behalf instead of actions on behalf of the organization itself and its rightful Board in her ongoing attempts to take over AFLDS. AFLDS has been harmed by Gold's false statements because employees have been intimidated by her and refused to take direction from the rightful Board, causing certain employees to quit their jobs and others to refuse to do their jobs in fear. These actions have paralyzed AFLDS' mission.

Conversion

Conversion is an intentional tort that includes the following elements: “(1) an act of dominion wrongfully asserted; (2) over another’s property; and (3) inconsistent with his ownership therein.” *Salerno v. Fla S. Coll.*, 488 F. Supp. 3d 1211, 1218 (M.D. Fla. 2020) (quoting *Joe Hand Promotions, Inc. v. Creative Entertainment, LLC*, 978 F. Supp. 2d 1236, 1241 (M.D. Fla. 2013)). As discussed above, Gold has wrongfully asserted dominion over AFLDS’ employees, resources, funds, business relationships, information technology, and donor relationships. She has used AFLDS funds to finance her personal life by, among other things, buying a \$3.6 million home, three luxury vehicles, private services, and flying on private jets. Gold has directed employees not to listen to the Board and to take direction from her, including her instructions not to disperse AFLDS funds. Gold has wrongfully taken over the information technology services and removed access to those services to the Board of Directors and AFLDS staff members. Gold has advised donors not to donate to AFLDS. None of these belongs to her personally and her exercise of dominion over them is inconsistent with the fact that she is not a director, officer, or employee of AFLDS and has no authority to assert control over AFLDS’ property. Based on the evidence AFLDS has already accumulated, as set forth in its Verified Complaint and this Motion, it is likely to succeed on the merits of this claim.

Tortious Interference

“To establish a claim for tortious interference with a business relationship under Florida law, the plaintiff must establish the following elements: “(1) the existence of a business relationship[;] (2) knowledge of the relationship on the part of the defendant; (3) an intentional and unjustified interference with the relationship by the defendant; and (4) damage to the plaintiff as a result of the breach of the relationship”” *Duty Free Ams.*, 797 F.3d at 1279 (alterations in original) (quoting *Ethan Allen, Inc. v. Georgetown Manor, Inc.*, 647 So.2d 812, 814 (Fla. 1994)).” *CMR Constr. & Roofing, LLC v. UCMS, LLC*, 2022 U.S. App. LEXIS 21039 (11th Cir. 2022).

As Plaintiffs have alleged in the Verified Complaint, Gold has tortiously interfered with multiple current relationships between ALFDS and its employees, donors, and prospective donors. As an example, AFLDS employs an individual in a financial role to handle AFLDS’ finances, payroll, and other financial matters including relationships with banks. Gold is aware of this employee’s relationship with AFLDS. In the last two weeks, Gold has advised this employee that she should not take direction from the Board of Directors and should only follow her instructions when it comes to the release of funds, communication with banks, and payment of employees. *See* Exhibit 18. These actions have caused AFLDS not to be able to disperse funds as needed or secure its funds. Gold has no authority to direct

this employee or any other employee. She is not a director, and officer, or an employee of AFLDS. Based on her actions, AFLDS is likely to succeed on its claim for tortious interference with its employment relationships.

Similarly, Gold has directed an employee of her limited liability company, Gold Care, to submit a ticket to Microsoft on behalf of AFLDS in order to make changes to AFLDS' information technology and email systems. Gold knows AFLDS has a business relationship with Microsoft, a third-party vendor, and has taken intentional steps to interfere with that relationship to the detriment of AFLDS' mission and purpose as well as donors. AFLDS is likely to succeed on its claim for tortious interference with business relationships.

Breaches of Fiduciary Duty

The elements of a breach of fiduciary duty claim are: (1) the existence of a fiduciary duty; (2) the breach of that duty; and (3) damage proximately caused by that breach. *Border Collie Rescue, Inc. v. Ryan*, 418 F. Supp. 2d 1330, 1342 (M.D. Fla. 2006). During her time as a director of AFLDS (until her resignation on February 2, 2022), Gold owed fiduciary duties of care, loyalty, and obedience to AFLDS. Notwithstanding these duties, Gold engaged in numerous excess benefits transactions in violation of Internal Revenue Code §§ 501(c)(3) and 4958. In so doing, Gold engaged in corporate waste and self-dealing. As fully described elsewhere, Gold bought homes, cars, plane rides, and personal services with

AFLDS' charitable funds without the authorization of the Board, which both wasted AFLDS' funds and put AFLDS at risk for penalties under the Internal Revenue Code. Based on Gold's actions, AFLDS' is likely to succeed on the merits of its claims for breaches of fiduciary duty.

Defamation

Plaintiff Gilbert has asserted a claim for defamation against Gold. "The elements of a defamation claim are: (1) the defendant published a false statement; (2) about the plaintiff; (3) to a third party; and (4) the falsity of the statement caused injury to [the] plaintiff." *Border Collie Rescue*, 418 F. Supp. 2d at 1348. Here, Gold sent letters to AFLDS staff and released a press release purportedly on behalf of AFLDS publishing false statements about Mr. Gilbert, which has caused Mr. Gilbert great reputational harm inside of AFLDS and in the public realm. In Gold's letter to employees dated November 1, 2022, she stated that "Joey Gilbert has repeatedly acted unethically, exhibiting a clear and longstanding patter of inappropriate and damaging behavior. The violations are severe, including numerous financial dealings, all while he is publicly threatening all of you – the people who do the work – with pay cuts and termination." (DE 1-4.) On November 2, 2022, Gold sent a second letter to employees stating that "Mr. Gilbert has been recused from his role on the Board of Directors pending an internal investigation to review documented allegations filed against him. Effective immediately he has absolutely no authority

to communicate directives or instructions of any kind to anyone working or volunteering at AFLDS.” A copy of Gold’s November 2, 2022 letter is attached hereto as **Exhibit 17**.

On November 3, 2022, Gold issued a press release, purportedly on AFLDS’ behalf in which she falsely stated that Gilbert had “repeatedly acted unethically, exhibiting a clear pattern of inappropriate and damaging behavior...including numerous instances of self-dealing and threats made to employees of financial retaliation and termination if they failed to comply with his demands.” (DE 1-5)

Gold’s malicious interference has extended beyond Gilbert’s activities on behalf of AFLDS. On November 7, 2022, Mr. Gilbert learned that Gold’s personal assistant, Lisa Andrzejewski, made allegations of purported financial improprieties concerning transactions with AFLDS to the media outlet through which, until Gold’s assistant defamed him, Gilbert broadcast a podcast on a weekly, or more frequent, basis.

These statements were knowingly false and each of them has caused Gilbert reputational harm. Based on these facts, Gilbert is likely to succeed on the merits of his claim for defamation.

II. A Temporary Restraining Order Is Necessary to Prevent Irreparable Injury.

Where an injury is actual and imminent, a temporary restraining order is necessary and appropriate. *See Tradewind Invest, LLC v. Elite Catch Seafood, LLC*,

2020 U.S. Dist. LEXIS 264309, *4-5 (S.D. Fla. May 22, 2020). An injury is irreparable if it “cannot be undone through monetary remedies.” *Id.* “The loss of intangible assets, such as harm to reputation, can constitute irreparable injury. *See United Healthcare Ins. Co. v. AdvancePCS*, 316 F.3d 737, 741 (8th Cir. 2002). This is because “harm to reputation and goodwill is difficult, if not impossible, to quantify in terms of dollars.” *Medicine Shoppe Int'l, Inc. v. S.B.S. Pill Dr., Inc.*, 336 F.3d 801, 805 (8th Cir. 2003).” *Allan Block Corp. v. E. Dillon & Co.*, 2005 U.S. Dist. LEXIS 13566, *20 (D. Minn. July 1, 2005).

The full extent of the harm Gold has caused AFLDS is not yet known because she continues to operate clandestinely through staff and other third parties. What AFLDS knows at this point, however, is that employees are leaving, Gold has gotten into and taken over the information technology systems, donors and vendors are afraid to engage with AFLDS due to Gold’s conduct and the information she has published about Gilbert and the organization. She has also prevented AFLDS from distributing monies, and has issued a false press release. Gold continues to undermine and sabotage AFLDS’ operations, and causes great disruption, confusion, and fear among employees and donors alike. Gold is causing harm to AFLDS’ reputation and goodwill, its donor base, and its ability to bring in additional money to accomplish its charitable purposes.

Gold must be stopped before she destroys AFLDS altogether.

III. Any Threatened Injury to Defendant Outweighs the Harm a TRO Would Cause Defendant.

Given that Gold has no authority whatsoever to act on AFLDS' behalf, no harm will befall if she is stopped and a temporary restraining order is entered against her. Gold resigned on February 2, 2022 and indisputably has no position with AFLDS. Thus, to prevent her from interfering with AFLDS' operations, employees, and relationships outweighs any harm she will sustain as a result of the TRO.

IV. Entry of a TRO Would Serve the Public Interest.

AFLDS is a nonprofit organization that collects and uses funds for charitable purposes. For this reason, an entry of a temporary restraining order to prevent Gold from continuing to spend charitable funds for her own personal purposes, sabotaging AFLDS' purposes and mission, and harming employees of the organization serves the public interest. Permitting her conduct to continue unchecked causes great harm to the public trust in nonprofit organizations designed to serve the public.

CONCLUSION

Pursuant to Fed. R. Civ. P. 65 and L.R. 6.01, Plaintiffs, AFLDS and Joseph Gilbert, by and through the undersigned counsel, hereby move this Court for a Temporary Restraining Order restraining and enjoining Defendant, Simone Gold, from:

1. Holding herself out as a representative, officer or director of AFLDS to AFLDS staff, AFLDS donors, and the public, including, without limitation,

from communicating with any of AFLDS' banking partners relating to AFLDS or AFLDS' assets;

2. Communicating with current AFLDS employees about matters concerning its activities, this lawsuit, and the claims asserted in this lawsuit;
3. Accessing AFLDS' electronic mail, website domain name systems, electronic databases, and other internet and intranet systems;
4. Accessing and using AFLDS' funds, including credit cards, real estate and other properties;
5. Defaming or disparaging Joseph Gilbert and others associated with AFLDS;
and
6. Directing any person to engage in any of the above activities on her behalf;
and
7. for such other relief as this Court deems proper.

RULE 65(b)(1)(B) CERTIFICATE

The undersigned certifies that Plaintiffs gave notice by e-mail communication to Defendant and Defendant's last known attorney of all pleadings and papers filed in this action, as well as several cease and desist letters regarding the conduct that is the subject of this Motion. The undersigned also certifies that a copy of this Motion is being sent to Plaintiff's attorney via email tonight after it is filed with the Court.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8th day of November 2022, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. I further certify that a true and correct copy of the foregoing was served by mail to Simone Gold, 808 Myrtle Terrace, Naples, FL 34103.

/s/ Joshua D. Lerner

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Telecopier: (407) 841-2133

Attorneys for Plaintiffs

VERIFICATION

I, Joseph Gilbert, hereby declare as follows:

I am a plaintiff in this action, and I am Chairman of the Board of Directors, Chief Operating Officer, and Director of Strategy of Plaintiff Free Speech Foundation, Inc. d/b/a America's Frontline Doctors, Inc. I have read the foregoing verified motion for temporary restraining order and preliminary injunction. Based upon my personal knowledge and upon documents maintained by Free Speech Foundation, Inc. d/b/a America's Frontline Doctors, Inc. in the regular course of its operations, as well as upon discussions with and reliance upon other directors, officers and employees of the foundation, the facts stated in the foregoing verified motion for temporary restraining order and preliminary injunction are true and correct to the best of my knowledge, information, and belief.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 8th day of November 2022.



Joseph Gilbert

Begin forwarded message:

From: Simone Gold <drsimonegold@gmail.com>

Subject: Letter

Date: October 12, 2022 at 2:22:40 PM EDT

To: Lisa Andrzejewski <lisa.andrzejewski@gmail.com>

To the AFLDS Board,

The nonprofit I founded and led to incredible success by all benchmarks - growth, influence, size, innovativeness, financial - is now at an existential crisis. That is in total contrast to when it was under my leadership and in great shape. As the current Board is totally dysfunctional, you must resign. The organization thanks you for their service.

The Board is already in receipt of a letter from a \$500k donor. The Founder is also in receipt of a letter from another huge donor - who does not want to publicly state his/her name. And I have always had regular communications with all my large donors - and I have confirmed each one, without exception, stands with me. If the Board had bothered to do even the most minimal due diligence, it would have discovered from the AFLDS fundraiser that the organization cannot survive without my fundraising. Equally or more important than the large donors are the tens of thousands of small donors and millions of followers - they all leave with me. The Board did not even do this most minimal inquiry - incredibly shameful dereliction of duty

The Board made many critical mistakes, and when these conflict of interests were exposed by me, the Board ceded decision making to attorney Sally Wagonmaker. (She has a hard conflict of interest and will not be paid for this, details below.*) The organization is flailing because you, a voluntary Board, legally obligated to serve the nonprofit in the public's interest, have now attempted instead to spend tens of thousands of dollars and flail.

This stops now.

To the current Board. I work incredibly hard to raise money and I respect every donor and I do not waste their money. You will not disrespect the hard-working donor who spends an average of \$29/month to support AFLDS by allowing attorney Sally to rack up tens of thousands of dollars and continuing to allow the organization to flounder is not in the organization's interest.

There is no unsolvable problem here. As the Board is at odds with the entire

organization, and as the organization is unified against the Board, please resign immediately. I want to restate that my offer of a mutual release of liability for each individual Board member is still on the table.

While you each may have different motivations for hanging on where you are not wanted, do not forget that you are going to be held **individually** liable in Court for your decision to resign or not resign. Each of you has your own legal individual fiduciary obligation to the nonprofit organization to do what is in the best interest of the organization. Obviously murdering the organization is not in the organization's interest.

The organization ceases to survive with you as it ceases to have funding or followers with you on the Board. This means that if you do not resign, your actions will prove you are not putting your fiduciary obligation towards the organization first. Your vote will be discoverable by the future Court. This is an easy one for a Judge. Did the Board members vote to allow the organization to live or die? If you resign you demonstrate compliance with your fiduciary obligation to the organization. There also will be no legal action because the organization will be doing great. If you fail to resign you will be liable as failing to comply with your individual fiduciary obligation. And there will be a legal action because the organization will be dead or at death's door - and the Mother Lioness will have her day in Court. Each of the three of you - how you vote - is an action that is discoverable by the Courts.

I am accusing you, **Board Member Jurgen**, with abundant evidence, of violating your fiduciary obligation if you do not resign. As the organization cannot survive with no money, no followers, no workers and no ideas; as there is abundant proof that the entire organization and all the money is against this Board: I am accusing you of murdering the organization if you do not resign. Murdering the organization is incompatible with your fiduciary obligation to the organization. Just as the mother lioness will not let her baby lion be murdered, neither will I.

I am accusing you, **Board Member Mack**, with abundant evidence, of violating your fiduciary obligation if you do not resign. As the organization cannot survive with no money, no followers, no workers and no ideas; as there is abundant proof that the entire organization and all the money is against this Board: I am accusing you of murdering the organization if you do not resign. Murdering the organization is incompatible with your fiduciary obligation to the organization. Just as the mother lioness will not let her baby lion be murdered, neither will I.

I am accusing you, **Board Member Gilbert**, with abundant evidence, of violating your fiduciary obligation if you do not resign. As the organization cannot survive

with no money, no followers, no workers and no ideas; as there is abundant proof that the entire organization and all the money is against the Board: I am accusing you of murdering the organization if you do not resign. Murdering the organization is incompatible with your fiduciary obligation to the organization. Just as the mother lioness will not let her baby lion be murdered, neither will I.

Each Board member is entirely fungible. I ask you to do the right thing by the organization. Step away as you have become the problem. All activities can continue with a new Board.

To assist you in coming to the correct decision, I happily remind you again, that on this date, October 12, I continue to offer each of you a mutual reciprocity of release. This offer expires at the conclusion of this Board meeting **AT NO RISK TO YOU AS AN INDIVIDUAL.**

Sherriff Mack: I do not think you have intentionally done anything to harm me or AFLDS. But should you not resign, you will become my enemy in this matter. I ask you to stand with me now and do what I judge is best for AFLDS and my relationship with you personally. I ask you to resign and let us see what the future holds for us together. Your life's work is ethical and honorable law enforcement and the Constitution. I want to work with you on those issues in the future. Should this Board not resign, we will end up in litigation, and your extraordinarily large financial request of AFLDS to financially benefit your own organization will be made public. I ask you to resign. Thank you.

Pastor Jurgen: Your actions have been shocking. You cannot both call me an Esther publicly to millions and then fail to heed what Esther needs. I hope it is possible to repair our relationship. I would need more information from you because your actions have been so shocking. But for now, I ask you to stand with me, a person you call Esther, and do what I judge is best for AFLDS and my relationship with you personally. Your life's work is bringing people to Gd. AFLDS is not necessary for your work. I ask you to please stop interfering with my ability to do my life's work which is to heal. I ask you to resign. Thank you.

Attorney Gilbert: Your actions have been disastrous. I do not think our relationship can be repaired based upon unethical and devious actions. But never say never as I bear you no personal ill will. You violated the Tenth Commandment ... which led to all your other violations. If you fail to resign - which you already offered to General Counsel and offered to the Board - you will once again show everyone your words are worthless, political silver tongue only, and at that decision-point, you will have decided to turn me into a mortal enemy. Your life's work is politics - you are a

politician-in-waiting. It would be unwise to take a popular folk-hero such as myself and turn her into your mortal enemy. I ask you to resign. Thank you.

The Way Forward:

The Vote to Resign:

Yea: (the easy way)

- Normal AFLDS work will resume.
- All audits will continue.
- Tens of thousands of dollars will be saved.
- Morale throughout AFLDS will be restored to normal optimism.
- Millions of Americans will continue to have their designated doctor-warrior continue to fight for them

Nay: (the hard way) = corruption

- AFLDS work will flounder
- All audits will continue.
- Tens of thousands of dollars will not be paid to Sally's firm*
- Energy throughout AFLDS will skyrocket as AFLDS employs freedom fighters who thrive on exposing corruption.

Jurgen, Mack, Joey: if any amongst you actually care about the organization you will step down as you have become the obstacle. You are harming the organization. And now heed these further words. I am giving you advance notice that you will also harm yourself if you continue down this path. There is nothing you can do to stop me. I will take several actions; I don't need any permission from you; nor can you stop me.

As you three well know, I have all the people with me and they will happily hate those who hurt me. I will of course go to all my social media, which I personally own, and I will do exactly the same thing Tucker Carlson did in exposing the corrupted Board Members of Vanderbilt University Hospital. I will expose your actions. I am a mother lioness guarding her cub. Nothing else matters.

• I WILL EXPOSE EACH ONE OF YOU BY NAME AND LOCATION TO THE PUBLIC, EXACTLY LIKE TUCKER CARLSON EXPOSED THE VANDERBILT UNIVERSITY HOSPITAL BOARD OF DIRECTORS. JUST LIKE VANDERBILT REVERSED COURSE, SO TOO WILL YOU RESIGN AFTER I EXPOSE YOU PUBLICLY.

I will publicly identified you as follows, using the following URLs and pictures:

<https://awakenchurch.com>

Jurgen - sadly it will be absurdly easy for the public to believe the Church has been corrupted. It is obviously your moral obligation to not allow the good work you do in Gd's name to be overshadowed by allowing the public to connect you to corrupt actions. That would be a sin. And for literally nothing? That would be a grave sin b/c you cannot let your good deeds be overshadowed by nonsense - immoral. Please don't force me down this path. As heartbreaking as it is, I will not have a moment's hesitation as I am a mother lioness who will not let AFLDS die. Like Moses, like Esther: Let My People Go.



<https://www.joeygilbert.com/> <https://joeygilbertlaw.com>
<https://joeygilbertlaw.com>

Joey - you will be the Republic politician face of corruption. This one is too easy. You know all the phone calls your office gets about me? Multiple that by ten and make it hate, not love.



<https://cspoa.org>

Richard - you will become the public face of a person who tried to siphon the people's money away from their desired purpose. Your enemies will have a field day with this - and as I stand with you in defense of the Constitution, this is heartbreaking for me - but I will not have a moment's hesitation as I am a mother lioness who will not let AFLDS die.



* I will litigate this issue. While it is being litigated, no payments will be made. Sally

cannot be the choice to guide the nonprofit as she was selected at the recommendation of the attorney who persuaded the Founder to step down - a choice I accepted as a selfless act to protect AFLDS. The Founder followed this advice because as the mother lioness, I cared deeply about AFLDS. But that advice was horrific malpractice, and led us here, including to an attorney who is prolonging the dysfunction. Under no circumstances will Sally be paid while this sub-issue of her selection is litigated.

Gdspeed - do the right thing. For the people, for the organization, for yourself.

[REDACTED]
[REDACTED]
[REDACTED]

From: Simone Gold, MD, JD <drgold@afls.org>

Date: Tuesday, October 11, 2022 at 2:04 AM

To: Kellye Fabian Story <kellye@wagenmakerlaw.com>

Cc: Paul Z Winters <paul@wagenmakerlaw.com>, Sally R Wagenmaker <sally@wagenmakerlaw.com>

Subject: Re: Your Allegations Against Joey Gilbert/AFLDS; Next Steps

Hello Kellye,

Once Sally made the decision to investigate the veracity of my words, instead of investigating how the organization survives this, there are many people with whom you should consult. The reason to talk with me is to understand what you have gotten yourself into - and that is important - but I would ask that you please start with others as my work with AFLDS keeps me extraordinarily busy this week.

As I keep emphasizing, and as will become clearer to you each day, the organization is flailing because: first the Board acted improperly, then the Board acted worse, and then Sally failed to stop the flailing. I am a broken record but I'll say it again. You must remove Joey Gilbert from the Board and pause any illegitimate pretense of Joey in a COO position. It is a complete mystery why Sally has failed to take this most basic step. This is harming the organization.

I have enormous obligations to AFLDS this week (every week really.) On Wednesday AFLDS will be starting an adversarial process vs. the MBC (Medical Board of California) after almost nine months of preparation. On Friday I give the keynote speech to a highly influential donor audience. I speak before another large audience on Saturday. As I don't "dial it in" but I write new speeches, I cannot do anything else this week.

I **will continue to serve very effectively for AFLDS until or unless I choose not to**. At the moment I do not have time to deal with the drama that came from Joey's poor ethics, multiplied by the Board illegitimately naming him COO, and multiplied exponentially by your firm's failure to halt the damage.

No matter the reason, I have critical work to do this week and any other priority will have to wait.

In the meanwhile, millions of Americans would appreciate if you stop the hijacking of the fine organization that I built. The organization was in **excellent** shape until the Board illegitimately named Joey COO, the Board refused to pause that when given evidence of the harm, and Sally permitted the hijacking to continue. The latter is the worst of the three harms, by far. I have a sterling reputation which was ignored by Sally - to everyone's detriment. It's really such a shame.

Simone Gold, MD, JD

Founder

America's Frontline Doctors

The Trusted Name for Independent Information

@DrSimoneGold

DrGold@AFLDS.org

AmericasFrontlineDoctors.org

On Oct 10, 2022, at 12:30 PM, Kellye Fabian Story <kellye@wagenmakerlaw.com> wrote:

Dear Simone,

I am following up on Sally's emails below and would like to set up a couple times for us to talk. There is a great deal of information (emails and other documents) that I need to get through so I'd like to take two steps:

- 1) set up an initial 30-minute video call for us this Wednesday if that works for you in order for me to get an understanding of the most pressing issues from your perspective; and
- 2) set up a longer video call (probably 2 hours or so) next week to dive deeper into specifics.

Could you please let me know what time Wednesday might work for you? I'm available any time between 11:30 a.m. and 4 p.m. central time.

Sincerely,
Kellye

KELLYE FABIAN STORY | Attorney at Law
Wagenmaker & Oberly, LLC | *Trusted Advisors to Nonprofits*
312-626-1600

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From: Sally R Wagenmaker <sally@wagenmakerlaw.com>
Date: Friday, October 7, 2022 at 6:24 PM
To: Simone Gold, MD, JD <drgold@afls.org>
Cc: Paul Z Winters <paul@wagenmakerlaw.com>, Kellye Fabian Story <kellye@wagenmakerlaw.com>
Subject: Re: Your Allegations Against Joey Gilbert/AFLDS; Next Steps

Simone,

Thanks for your two recent emails. I will review your detailed email below in due course,

and Kellye or I will follow up with you early next week to schedule a time to speak together. In the meantime, please note that my recommendations below are not conditioned on any terms for compliance as you have indicated below. You have raised very significant and extensive allegations, as substantially added to below, and such matters take time to address properly and in light of related legal considerations. I hope you will understand.

Kindly,
Sally

SALLY WAGENMAKER | [Attorney at Law](#) | 312-626-1600
[Wagenmaker & Oberly, LLC](#) | *Trusted Advisors to Nonprofits*

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From: Simone Gold, MD, JD <drgold@afllds.org>
Date: Friday, October 7, 2022 at 12:55 AM
To: Sally R Wagenmaker <sally@wagenmakerlaw.com>
Cc: Paul Z Winters <paul@wagenmakerlaw.com>, Kellye Fabian Story <kellye@wagenmakerlaw.com>
Subject: Re: Your Allegations Against Joey Gilbert/AFLDS; Next Steps

Ty Sally. Your email raised three issues.

First, you should know that I have always been personally in touch with my large donors regularly, including since my release from prison. That is ongoing and will continue as the trust the donors place in me is the reason AFLDS exists. Each large donor has an ongoing verbal contract with me from when I was Chairman of the Board, that they and I would *always* be exactly aligned as to how their money would be spent. I also highly value my small donors and communicate with them regularly through twitter and other social media. The tens of thousands of small donors also relied upon all the public evidence of my leadership of AFLDS. Several of the large donors are concerned about their funds. I would be surprised if you don't start hearing from them. They are all aware that their monies, which they donated for specific reasons I promised to guard, are at risk. I know for certain that there is no large donor that donated for any reason *other* than me. It's highly personal to them. In addition, as part of my ongoing fundraising work for AFLDS, I communicate periodically with several important prospects, people who intend large gifts. And the same is true for the small donors, who send me letters by the thousands. The letters are personal to me. Not AFLDS. Me. As part of your due diligence you

should contact the donors so you are crystal clear on this fact that it's not an abstract nonprofit donation, the money and devotion are very specifically directed to me. I have a fiduciary obligation to donors - as does the Board.

Second is your query about public commentary from me or Joey about each other. If you knew me the way I wish you did, you would know that I would never disparage anyone behind their back, so there is no concern regarding that. But it is entirely up to Joey - and you - if I speak about him publicly. The possibility of my commenting publicly about Joey is extinguished as soon as you confirm to me in writing that Joey has already been relieved of any actual working authority or appearance of authority. I trust that your failure to have already confirmed this to me is a simple oversight on your part, as you surely have days ago taken this standard step. Obviously it would be very confusing if Joey continued to present himself internally and externally with the appearance of authority while these issues are being investigated.

Furthermore, I hope you don't misunderstand how important this is to me, because of the nature of Joey's "job", which was to be my surrogate speaker. This position is highly personal to me and it is irrelevant to me if anyone else understands or agrees. My reputation is *mine* to protect. I know for certain that Joey is unethical and my brand is ethics, so he cannot publicly speak in any way that implies my implicit endorsement. Joey does not have a behind the scenes desk job. His job was to publicly speak for me when I could not. As I will not tolerate any confusion on the matter, you must take charge of the issue or I will. Let us not fake pretend that AFLDS ≠ Dr. Gold. There is no separating us publicly. Therefore he cannot speak for AFLDS publicly as that would be my implicit endorsement of him - which is a breach of ethics for me. Know that I will not bend an inch on this - nor should you expect me to.

I have no interest in publicly maligning Joey - that is not who I am - but I will aggressively defend my own reputation - and him appearing to have my support is harmful to my reputation. I'm willing to be silent publicly on Joey once you confirm he's paused from even the appearance of authority within/out the organization.

Third, removing Joey from organizational work is critical, because Joey is uniquely positioned to harm the organization itself. For example, I set a very intentional process of hiring, specifically selecting for mission-driven people, and part of that process was bringing on people who would work for free or low paid. Joey threw my highly intentional approach out the window for himself and his assistant. These two facts by themselves are corrupt and that corruption is very harmful for the organization, no matter the reason, which also happened to be unethical, as he had no authority to pay himself more or his assistant more.

Until Joey put his hand in the cookie jar, until Joey paid his personal assistant double and attempted to leapfrog her over the Communications Director, until Joey tried to fire our outstanding Social Media Director who grew me from zero to half a million followers, until Joey tried to sideline our Executive Director, AFLDS workers knew AFLDS was the most ethical

organization they ever encountered. *His throwing my high ethical standards to the wind must be stopped at once.* You must ensure that the AFLDS team is all made aware that he is on hiatus during your investigation, so that processes can normalize. If you ensure this, I will also refrain from any public commentary about Joey. This must be announced at the Monday Leadership meeting. It can be a simple brief announcement, likely the most appropriate person is General Counsel or he can delegate. The only other step is that Joey has to make sure he does not use my name/likeness etc. at any public events.

Relatedly, I ask that there is no delay on your confirming my terms. As I have (already) permanently revoked his permission to speak for me, your investigative process is entirely irrelevant to the fact that he must not appear to be speaking for me both outside the organization and he must be relieved of any appearance of authority within the organization. If I don't get written confirmation of this by Friday 5 pm, I am not sure what I will do. I love AFLDS and I want the best for her, and I will have to decide if it's better to be silent or public if Joey is still public-facing. That's a rock and a hard place for me.

But most important of all, your email has conflated Joey's unpaid Board seat and his paid work. That is a glaring omission - and you should know that it is causing me to doubt the stated intention. Your first order of business is to reassure me that Joey has been removed from the Board. It is fine to do an investigation but Joey's departure from the Board does not depend upon that.

As I will not work with Joey Gilbert on the Board, all the Board needs to decide is if my presence or absence is better for the nonprofit. This is not a serious question of course. You can watch any of Joey's speeches for the answer; you can talk to the fundraiser for the answer; you can talk to the large donors for the answer, you can talk to the social media director for the answer, you can talk to the intaking mail center that is still opening the tens of thousands of letters that are still pouring in, you can talk to the accountant to find out if we are fiscally healthy. Not even Joey and all the Board members can retreat from their public praise as the proof is too overwhelming. I am, ironically, a victim of my success. Joey has become covetous of the millions of people and millions of dollars - neither of which he has earned. Removing a member from the Board when the Founder and Visionary and Rainmaker has lost faith and trust in that member is hardly rocket science. The Board is shirking its duty because it doesn't want to do it - two grown men are hiding behind you - and they need to stop it.

Although I was particularly detailed about why I cannot work with Joey - I think my desire for transparency ended up confusing people. At the end of the day, it seems folks are losing sight of the reality that it is wholly irrelevant if Joey is a saint or a sinner. The fact that I challenge *everyone* who was lying or misleading (the hospitals, the doctors, the lawyers, the politicians, the media, the pharmacists, the government etc.) is why AFLDS is successful. I have raised millions, intend to raise millions more, and have incredible ideas for 2023; I have built a great organization and shattered so many records; and I am telling you that there's this one person in

the organization whose ethics are intolerable to me. Exactly how is this complicated? And exactly how is this a surprise that I feel so strongly about ethics?! This is who I am and this is exactly what people want from me.

It is your job to make sure the Board members immediately do their duty. Either we continue our awesome growth trajectory or implode in a public and painful death. The only reason they haven't done their duty yet, best I can tell, is the bromance between the boys and/or inexperience with such matters and/or no adult in the room requiring them to do something they don't want to do. You must be that adult.

Joey's failure to resign when the Founder (whom he has repeatedly publicly stated is the magic) told him it was necessary for the best interest of the nonprofit, is just one more example of his ethically challenged character. Neither Jurgen or Mack would ever do that if I had told them they were standing in the way of my being productive. It demonstrates that Joey does not even care about the welfare of AFLDS. Board members are there to humbly serve. Joey is the type of person who will not relinquish power easily and the Board's tiptoeing is improper. His removal from the Board is not negotiable. I am highly concerned that you have conflated his two positions - I well know how talented you are Sally - George and others sing your praises. I'm telling you the two remaining Board members need your expert guidance to do something they don't want to do that is personally unpleasant. Well I find this whole thing unpleasant too! But AFLDS comes first.

Are you willing to advise them (against all evidence - money, people, ideas) that the organization is better off without me? As you cannot credibly say that, then you are required to advise the Board to immediately do its duty and act in the organization's best interest which is to vote him off or accept his resignation. This is distracting me from my work. His paid work is a different story. That can be decided with an investigation so all people are satisfied that the process was fair. This is certainly not required and it hasn't been done for any other worker who had to leave but it's not unreasonable. But first the Board seat must be relinquished as I find it highly suspect that this has not already happened. If you want me to believe that you and the Board are serving the organization, then **I must see proof that you and the Board are serving the organization**. Only then I will know we are on the same team.

So, here are **my terms to comply** with your request that I: "please refrain from sharing this information with others. On a related note, and in response to some of your recent emails, I strongly recommend that you do not ask donors to refrain from donating to AFLDS, disparage Joey to donors or others, or share any information about this investigation with donors or otherwise."

By Friday 5 pm PT please confirm in writing that:

1. Joey Gilbert has been instructed not to present himself with the appearance of authority to speak for AFLDS or me. This includes public speeches, interviews etc.

2. General Counsel(or he can designate to another Leadership person) to announce on Monday's Leadership call that Joey Gilbert is on hiatus. As no one reports in/out to Joey and he does no actual day to day work for the organization, this has absolutely no effect on the organization itself, but because Joey has presented himself to the workers as though he has more authority than he does, this is required.

3. You have either received Joey's resignation or the two remaining Board members have voted to remove Joey. I want to be very clear so you know that Joey's resignation or removal is the **only** thing that will prove to me that the Board is fighting for the same thing I am: the best for AFLDS. Should I **not** learn of Joey's removal by Friday 5 pm, I will know for certain that Jurgen and Mack do not have AFLDS' best interest in their hearts. Then I will have to decide my next steps as I won't continue like this. My time is too valuable to go around in circles on the very straightforward issue of my own Board making it possible for us to continue to be effective. I give you my word I would never do/say anything without alerting/discussing with you or your team. And that I don't have any time to ponder anything at the moment anyway. For example, this week in addition to dealing with this, I had to travel, it was the Jewish High Holidays and I met with two donors and I had to prep vs. MBC. All next week I have a critical issue to work on vs. the Medical Board of California and I have two keynote speeches to give and two donor meetings plus travel. So you need to understand my perspective Sally: due to their inaction and lack of care for me, I no longer believe this Board cares about AFLDS. All three men appear to be prioritizing either their own self-interest (Joey) or reducing their own personal discomfort (Jurgen, Mack.) I work myself to the bone for AFLDS, there are extraordinary results to show for my work, and my Board doesn't know what to do? Please. I simply don't need or want this. Joey's removal needs to occur by Friday 5 pm.

And lastly, come on. I play on #TeamReality not #TeamLunacy. Everyone has to stop pretending this is complicated. I am the Rainmaker and I don't have faith in him. It's over. Should Joey have the organization's best interest at heart, he will do his duty. If he does not, the Board must. If they do not, they have spoken and I have heard them.

Ty

On Oct 6, 2022, at 4:11 PM, Sally R Wagenmaker <sally@wagenmakerlaw.com> wrote:

Dear Simone,

I am in receipt of your correspondence and related emails raising significant allegations of misconduct against Joey Gilbert, seeking his removal from AFLDS, and seeking to regain your director role with AFLDS. Please be assured that the AFLDS board and its legal counsel are addressing such serious matters with all due consideration and appropriate urgency, in accordance with applicable legal parameters and best practices. In particular, and upon my legal advice, the non-conflicted directors of the board have authorized my law firm to commence an investigation of such matters.

As part of such investigation, I would like to speak with you in order to gain more understanding and information about this matter. Accordingly, I am copying my attorney colleague Kellye Fabian Story, who is extremely experienced with such matters and will be assisting here. Our legal team will proceed methodically with our investigation and in due time.

As one of our first steps, we would like to meet with you via videoconference. Please let Kellye and me know a few times that would work well for you, next week or the following week.

Please note too that we consider this investigation confidential at this point, as part of AFLDS's board governance. Accordingly, please refrain from sharing this information with others. On a related note, and in response to some of your recent emails, I strongly recommend that you do not ask donors to refrain from donating to AFLDS, disparage Joey to donors or others, or share any information about this investigation with donors or otherwise. All such actions would be in violation of your own fiduciary responsibilities owed in connection with your AFLDS leadership and could otherwise be legally problematic. Kellye and I can share further about such matters during our upcoming discussion together.

Thank you for your consideration of this matter, and I look forward to hearing back from you.

Sincerely,

SALLY WAGENMAKER | [Attorney at Law](#) | 312-626-1600
[Wagenmaker & Oberly, LLC](#) | *Trusted Advisors to Nonprofits*

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November 1, 2022

Sally Wagenmaker, Esq.
Wagenmaker & Oberly
53 W. Jackson Blvd – Suite 1734
Chicago, IL 60604

Re: Termination of Legal Services for Free Speech Foundation

Dear Ms. Wagenmaker,

Thank you for the legal services your firm has provided the Free Speech Foundation (“FSF”) this past year. However, since FSF is moving in a different direction we are no longer in need of those services, effective immediately. I will personally work with you over the next two weeks to ensure we have a smooth transition in concluding this matter.

For your reference, please find the attached copy of the notice letter that I recently sent to the sole additional FSF Board of Directors (“BOD”) member aside from myself, Joseph Gilbert, with courtesy copies sent to non-Board members Pastor Jurgen and Sheriff Richard Mack. Notice will also be provided to all FSF staff within 24 hours of today, so that everyone has a clear and consistent understanding. I have been the President and Board chairman of FSF since its original incorporation, and I am continuing in that role as the proposal for my resignation from FSF back in March was not legitimately accepted by FSF nor became legally effective for the reasons stated in my above referenced letter.

On the advice and opinion of counsel, the series of discussions since February pertaining to BOD changes was **legally a non-event** as FSF never fully executed the proposed Consulting Agreement (copy enclosed) and after eight (8) months never fully provided the consideration agreed nor in good faith cured the proposed Consulting Agreement, which was the basis of our earlier negotiations.

Furthermore, I never received formal “termination” under paragraph 8 of the “proposed” agreement, but Mr. Gilbert disregarded this in moving forward to remove me from the Florida corporate FSF filing on August 1, 2022 (copy attached) using the Arizona certificate of good standing for FSF as the basis of the filing. In short, this action is void on its face as I am still the Board Chairman and President of FSF under the Arizona charter of FSF. Therefore, effective immediately please direct all verbal and written communication directly to me as Chairman of the Board. Any communications from you or your designee made to any FSF board member or staff



member without my written consent will be considered a conflict of interest and such conflict is not waived.

Due to the disruption caused by Mr. Gilbert and the detailed report of serious ethical breaches which I provided to the BOD and to counsel, the Board will review and promptly conclude an investigation. That is, however, no longer your concern. I do look forward to conferencing with you later this week to discuss any pending matters you might have for FSF and to resolve any financial considerations. Please ensure there are no communications to any of the persons you incorrectly may have previously considered to have authority over the organization, as this would be a conflict of interest and such conflict is not waived.

Currently, there appears to be legal ethical breaches following the formal allegations of Board member misconduct, which were provided to you and the BOD 29 days ago. Specifically, the ABA Model Rules of Professional Conduct Rule 1.13 clearly indicates that an attorney should have advised the removal of Mr. Gilbert from authority or appearance of authority upon learning of such serious complaints. Because he was not removed pending the investigation, he was emboldened in a power grab, which then caused predictable injury to the organization. I do not understand why this concern about a conflict of interest was ignored.

The review of this professional legal misconduct has reintroduced concerns raised by a previous error when a critical large donation (more than a million dollars) was forfeited based solely on your advice. This donation was subsequently given successfully to an unrelated charity with no negative impact to them, and substantial loss to your client.

We appreciate your understanding of the concern we have with such detrimental developments and the necessary actions we will be taking to secure the survival and future success of FSF.

Sincerely,

Simone Gold, MD, JD

Dr. Simone Gold
President and Board Chairman
Free Speech Foundation



November 1, 2022

All AFLDS Team Members

Free Speech Foundation
1645 W. Valencia Rd #109-193
Tucson, AZ 85746

Re: Recusal and Ethical Investigation of Mr. Joseph Gilbert

Dear AFLDS Team,

Two scriptures meant a great deal to me in prison.

Joshua 1:9 “Have I not commanded you? Be strong and courageous. Do not be afraid, do not be discouraged, for the Lord your God is with you wherever you go.”

Exodus 50:20 “You intended to harm me, but God intended it all for good. He brought me to this position so I could save the lives of many people.”

I handpicked almost every single person at AFLDS. What I know is that you are courageous and you will not align with corruption. There has been a breach of ethics within AFLDS and it must stop now. “Whisper campaigns” are only possible when the truth is withheld, so I need to provide everyone with the same information as everyone else. You will likely hear continued whispers and rumors after my announcement, but I encourage you to remember what brought you to AFLDS, and to remember that the truth has nothing to fear, while darkness cannot survive the sunlight of examination.

It is with great sadness that I must announce to you that Joey Gilbert has repeatedly acted unethically, exhibiting a clear and longstanding pattern of inappropriate and damaging behavior. The violations are severe, including numerous improper financial dealings, all while he is publicly threatening all of you—the people who do the work—with pay cuts and termination. This ends immediately. AFLDS will not tolerate corruption, nor allow a culture of fear and bullying. Any of these recent hirings/firings/promotions/demotions that you may have heard about or wondered about are illegitimate and legal non-events.

I’m reminded of the character Gordon Gekko who said “greed is good”, from the 1980’s movie Wall Street. Gekko was the silver tongued character who masterminded “hostile takeovers”, destroying companies by reducing them to their components and then selling the pieces. The lesson to learn is that not everyone has the righteous motives they portray, and not everything you hear



is the full truth about a circumstance. Proverbs 18:17 says “The first to plead his case seems right, until another comes and examines him.”

Since founding this organization in June of 2020, I have always been and I continue to be the Chairman of the Board and President of America’s Frontline Doctors. Mr. Gilbert and his counsel have received copies of all relevant documentation and he has been thus informed to immediately stop acting or presenting himself as having any authority over or within AFLDS. The welfare of every team member is a responsibility I take very seriously, and I will not allow good people to be mocked or harmed. Sadly, Mr. Gilbert has already engaged in defamation, spreading malicious rumors of embezzlement, fancy homes, and other deceptive gossip. This slander must cease, and appropriate legal action will be taken. All AFLDS operations are carefully documented to maintain legal and ethical compliance with all relevant state and federal laws. This will continue, as always.

In March of this year, I was willing to consider the suggestion of stepping down from the AFLDS Board of Directors on the advice of certain legal counsel, because there was a lot of hostile attention placed on AFLDS and my highest priority is always to secure the best interest of the organization. However, this change never actually occurred legally, as the proposed contract was not fulfilled. **All original and current legal filings that are legitimate and establish the Free Speech Foundation as a 501(c)(3) in good standing, confirm that I am the President and Chairman of the Board.** I was very patient over the last many months and thoughtful in making every possible effort to rectify inappropriate behaviors in a more discreet manner with direct communication to Mr. Gilbert and his counsel, but those efforts made in good faith have all been aggressively rejected, and the misbehavior has worsened; so I will not tolerate any further damages. With wise guidance and legal counsel, I will be leading AFLDS through this difficult period of necessary internal investigation, and we will swiftly restore honor, propriety, and ensure the continuation of complete legal compliance.

Under my leadership, you do not need to be afraid. We will continue to work collaboratively against the tyranny and corruption all around us. I have exciting plans for AFLDS in 2023 and beyond! The best is yet to come. I want to thank each one of you for your courage, perseverance, and most of all your commitment to righteousness; doing what you know to be honorable and just, no matter how difficult or costly. Such character cannot be overcome by evil.

Let us overcome evil with good.

Always your in humility,

Simone Gold, MD, JD

Dr. Simone Gold
President and Board Chairman
Free Speech Foundation



FOR IMMEDIATE RELEASE

Dr. Simone Gold Reaffirms Her Leadership Role at America's Frontline Doctors (AFLDS) and Announces Organizational Reform and Future Initiatives

November 3, 2022

Dr. Simone Gold, Prominent Doctor, Lawyer, Founder of AFLDS and Challenger of the Covid Narrative, Presents Board Investigation and Review of Internal Safeguards to Ensure the Fiscal Health of AFLDS Going Forward

Tucson, ARIZONA – recently returning from a hyper-partisan political incarceration, Dr. Simone Gold reaffirmed her leadership role as Founder, President, and Board Chairman of America's Frontline Doctors (AFLDS) at the company meeting this week. Due to the hostile environment that AFLDS was operating in because of Gold's persistent challenges to the government's coronavirus propaganda, in the Spring of this year Gold discussed with her fellow Board members the possibility of her transitioning away from the Board in the best interest of the organization. Those discussions were never legally actualized, however, with Gold nevertheless admirably performing her professional obligations despite organizational assurances to her remaining unfulfilled, amidst increasing government and media opposition.

For months, as Gold worked through her numerous personal and professional challenges and subsequent imprisonment, the following scripture was one of two that sustained her - Joshua 1:9 "Have I not commanded you? Be strong and courageous. Do not be afraid, do not be discouraged, for the Lord your God is with you wherever you go."

Although Gold continues to rely on most of her management team to continue the day-to-day operations of AFLDS as she returns to resume her role as Board Chairman, Gold regrettably announced today that Joseph Gilbert, Esq., a board member as well as a paid consultant at AFLDS for some time, was being investigated for directing inappropriate expenditures, hirings, and firings for his personal benefit. Gold stated: "It is with great sadness that I must announce that Mr. Gilbert has repeatedly acted unethically, exhibiting a clear pattern of inappropriate and damaging behavior...including numerous instances of self-dealing and threats made to employees of financial retaliation and termination if they failed to comply with his demands...AFLDS will not tolerate corruption, nor allow a culture of fear and bullying." An internal audit and investigation are currently underway to review financial records and board actions taken while Gold was indisposed in prison.

Despite so many strenuous circumstances, Gold is excited to fully reengage with her team and thanks them all for their strength, perseverance, and most of all their commitment to righteousness. Gold would also like to thank her family, donors, and the public that have supported her throughout this difficult time.

Dr. Gold intends to share new plans for visionary efforts at AFLDS over the next several months, including its mission to expose CDC and FDA corruption and "Drain the Science Swamp."

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About AFLDS

America's Frontline Doctors is the nation's independent authority on ethical and transparent standards in science, health, and human rights. We provide individuals with unbiased and accurate information from the world's top experts in medicine and law so you can be empowered with facts to protect your rights, take care of your health, and safeguard your future. AFLDS.org

Media Contact Lisa Alexander, Communications Director | Media@AFLDS.org



November 3, 2022

Lauren Bradford
3860 20th Ave SE
Naples FL 34117

Re: Suspension of Employment

Dear Ms. Bradford,

Thank you for your past service to AFLDS. It has come to my attention that you have failed to comply with explicit instructions regarding communications with Mr. Gilbert, and explicit instructions to report directly to the Executive Director Lisa Andrzejewski and obtain her approval of any of your AFLDS actions or communications. Effective immediately, you are suspended without pay pending an internal investigation, and we will contact you within the next week to schedule further discussions about your future with AFLDS.

Please be advised, you (and any entity you manage or own) no longer have authorization to act on behalf of AFLDS in any capacity, nor present yourself to anyone as a representative of AFLDS in any way. Furthermore, you no longer have authorization to use, send, post, share, or otherwise access any AFLDS content, materials, or any other property belonging to AFLDS, and any further actions presuming such authority will be prosecuted to fullest extent of the law.

Sincerely,

A handwritten signature in black ink that reads "Simone Gold, MD, JD". The signature is written in a cursive, flowing style.

Dr. Simone Gold
President and Board Chairman
Free Speech Foundation

**AFLDS Board of Directors Meeting
February 2, 2022**

Minutes

Meeting started at 6:08pm

Present at meeting:

Dr. Simone Gold
Amy Landau
Joey Gilbert
Sheriff Richard Mack
Pastor Jurgen Matthesius
Facilitator: Chris Vaught, JD

BOD members present does constitute a Quorum. Meeting was conducted via Zoom.

DISCUSSION

1. Wellness Centers

AFLDS has been considering whether to pursue establishing wellness centers. Dr. Gold had advocated for the program. AFLDS has undertaken due diligence on this issue for several months. Dr. Gold formally offered the formation and running of clinic to AFLDS. Discussion of AFLDS taking on the opening and running of clinics/centers was considered in depth. BOD considered all factors involved in rolling out wellness centers nation-wide, including:

- * Technical issues of providing medical care
- * Historical issues with customer complaints (tele-med)
- * The broader mission of AFLDS being that of education and overall liberty/citizen involvement
- * The bandwidth of AFLDS and its ability to take on another labor intensive, and expanding set of business actions.
- * The legal and practical implications for AFLDS of trying to continue the current mission and expand to running wellness centers.
- * Given current broader mission of AFLDS, is it the best vehicle to accomplish medical goals.

After discussion and consideration of all the issues, the decision was made by unanimous vote of the BOD to reject adding the formation and running of medical wellness centers to the current mission, as not in the best interest of AFLDS.

ACTION: BOD member Joey Gilbert made a motion that AFLDS reject the idea of expanding into running Wellness Centers. BOD member Pastor Jurgen seconded the motion. Motion passed by unanimous vote.

2. Resignation of Dr. Gold from AFLDS

Dr. Gold discussed that her mission began as freedom of speech, and this has always included freedom from medical tyranny. Her core vision has always been to provide services that allow for people to

participate in their own medical care and to support and solidify the sacred doctor/patient relationship. Dr. Gold shared with the BOD her videos from 2016 that she made on this subject.

As such, and with the BOD rejecting the option of AFLDS taking on the wellness centers, Dr. Gold tendered her resignation to the BOD so that she can devote time and energy to her vision of opening Health and Wellness Centers nation-wide.

After consideration, the decision was made by unanimous vote to accept Dr. Gold's resignation.

ACTION: BOD member Amy Landau made a motion to accept Dr. Gold's resignation, and BOD member Pastor Jurgen seconded the motion. Motion passed by unanimous vote.

3. Composition of AFLDS BOD upon Dr. Gold's resignation

The organization and composition of the BOD was discussed in light of the resignation of Dr. Gold. Discussion was had about Joey Gilbert assuming the Chairman of the BOD. Discussion was had about Amy Landau being appointed to the Executive Director of AFLDS. It was discussed that Amy would need to resign from the BOD to assume the Executive Director role.

After discussion, it was decided by unanimous vote that:

- * Amy Landau would assume the position of Executive Director of AFLDS,
- * Joey Gilbert would assume the position of Chairman of the Board of Directors of AFLDS, and
- * Sheriff Mack and Pastor Jurgen would continue as Board Members.

ACTION: Pastor Jurgen made a motion to appoint Joey Gilbert to the Chairman of the BOD. Sheriff Mack seconded the motion. Motion passed unanimously.

ACTION: Sheriff Mack made a motion to accept Amy Landau's resignation from the BOD. Pastor Jurgen seconded the motion. Motion passed by unanimous vote.

ACTION: Joey Gilbert made a motion to appoint Amy Landau into the Executive Director position. Pastor Jurgen seconded the motion. Motion passed unanimously.

4. AFLDS Contract with GoldCare Marketing Services, LLC

Chair Joey Gilbert brought up and recognized that Dr. Gold has been the very public face of AFLDS, and that AFLDS would benefit if Dr. Gold continued to be involved and associated with that public face. In addition to the public face, her direct marketing efforts resulted in great success for AFLDS, approximately \$10 million raised under her leadership, excluding any monies from telemedicine donations. Chairman Gilbert requested that Dr. Gold continue to be the face of AFLDS in a marketing consulting capacity to AFLDS.

The BOD authorized Mr. Gilbert to negotiate a consulting agreement with Dr. Gold which would permit Dr. Gold to continue to promote AFLDS and its mission. It was agreed that this consulting agreement should be concluded as soon as possible so as to allow continuity of the mission of AFLDS. Full BOD will approve final agreement.

6. It was discussed that Sheriff Mack and Pastor Jurgen, facilitated by in-house counsel Chris Vaught, would comprise the compensation committee for determining the pay of the Executive Director position and for Joey Gilbert for his duties as Legal Strategist for AFLDS.

5. Per Diem for BOD members while traveling.

Sheriff Mack brought up compensation for expenses of BOD members for travel to AFLDS events. Discussion was had and there was agreement that BOD members who travel for AFLDS business should receive some sort of per diem per day for their efforts and time.

Meeting adjourned at 6:52 pm.

Lerner, Josh

Subject: FW: Zoom meeting next week AFLDS -

On Mar 12, 2022, at 12:20 PM, Simone Gold, MD, JD <drgold@aflds.org> wrote:

In my role as marketing consultant for AFLDS, as well as the Founder of AFLDS, given the turn of events, primarily Ms. Landau resignation as Executive Director (a position she had for ~three weeks), and the incredible level of incompetence displayed by another member of AFLDS, I have some concerns about my ability to do the work that I am supposed to do for AFLDS.

I would like to ask the Chairman of the Board of AFLDS, who is currently standing in also as Executive Director, and the senior attorney who occasionally has consulted for AFLDS, to have a meeting, in the hopes of streamlining the processes within AFLDS so everyone, myself included, can be most productive.

I am the person tasked with ensuring the overall success of AFLDS in the “marketplace” of nonprofit organizations that must constantly raise/compete for money. I cannot succeed in this role if not providing the necessary information. It is my observation that the workers at AFLDS feel they need permission to simply do their jobs because they have been exposed to incompetent advice. Prior to Ms. Landau leaving six days ago, they would have consulted with her but now they feel adrift - and worse - b/c of the incompetent advice they are completely stalled. As marketing consultant, I no longer have the authority to solve this issue.

I am asking that Mr. Wentz and Mr. Gilbert to set a time to talk to discuss this matter, and if that’s agreeable, then Mat, if you would schedule that, likely a 10-15 minute preliminary zoom-meeting for the two men, immediately followed by a longer 15-20 minute AFLDS zoom-meeting including the division directors and hopefully myself as this involves my ability to be successful. I included emails of potential invitees here for your ease of inviting them, if that is what you choose to do.

Drew Kachurak: IT Drew@AFLDS.org
Paula Lentz: Comms Paula@AFLDS.org
Kristine Lutzo: Operations Kristine@AFLDS.org
Lauren Bradford: Legal laurenbradford@aflds.org
Mordechai Sones: News sones@AFLDS.org
Pastor Jay: Citizen Corps PastorJ@AFLDS.org

Dr. Gold: DrGold@AFLDS.org

Ty.

Simone Gold, MD, JD

Founder

America's Frontline Doctors

The Trusted Name for Independent Information

[@DrSimoneGold](#)

DrGold@AFLDS.org

AmericasFrontlineDoctors.org

Lerner, Josh

From: Simone Gold, MD, JD <drgold@aflDs.org>
Sent: Sunday, May 22, 2022 11:59 AM
To: Adam Fulton; Lauren Bradford
Subject: Am I listed as Chairman for AFLDS?

Will one of you follow up on what was reported to me? The person who reported this may be wrong/incomplete. But if we are wrong, we should correct. This is from the pre-sentencing report for my Jan 6 case. Also please lmk if we have completed the move to Florida, tyvm.

The Free Speech Foundation did not appear to have a website. According to www.bizpedia.com, the Free Speech Foundation is a nonprofit corporation in Tucson, Arizona. The company is approximately two years old, and defendant Gold is listed as the Chief Executive Officer and Chairman of the Board of Directors.

Defendant Gold's historical employment history is related to her ec provide any additional employment history.

drsimonegold 5:07 PM Reply X

AFLDS is a dba of FSF. I am not the Chairman of the Board - have not been on the Board for many months. I am not sure why this is incorrect. I will send an email to the general counsel of AFLDS.

@ Post

Simone Gold, MD, JD
Founder
America's Frontline Doctors
The Trusted Name for Independent Information

@DrSimoneGold
DrGold@AFLDS.org
AmericasFrontlineDoctors.org



October 31, 2022

Joseph Gilbert – Board member

Free Speech Foundation
1645 W. Valencia Rd #109-193
Tucson, AZ 85746

Re: Expectations of Ethical Behavior During BOD Restoration

Dear Mr. Gilbert,

You are already in receipt of the letter that I, the Chairman of the Board and President of Free Speech Foundation, have sent to you. In addition, there are four other issues that I bring to your attention.

The first issue is that you must immediately cease from any appearance of authority as Chairman of the Board. If you continue to act or present yourself in this manner, and any third party relies upon this, you will be prosecuted to the fullest extent of the law.

The second issue is the existence of an attorney-client trust between us. As you most certainly recall, I deposited \$1.1 million with you in 2021. I have periodically checked that account, and it has remained safe to this point. I remind you that you have never had my permission to touch that money, and you still don't. Obviously you would jeopardize your law license if you were to disburse those funds without my authorization. The Nevada Bar would be notified immediately. The money belongs to the client, the Free Speech Foundation, and you are on notice that any appearance of authority on behalf of FSF that you may illegitimately present to anyone will not absolve you from an unauthorized movement of funds.

The third issue is that Sally Wagenmaker will be notified of her firm's termination from any representation of FSF or further involvement thereof with instructions that she has no authority to exchange private communications with you or Jurgen or Mack. You are currently a Board member, and I am Chairman of the Board. If she must communicate with the Board, it will be in writing to both of us. Should she communicate with you privately, she is exposing herself to legal ethics violations. Should you communicate with her privately, you are exposing yourself to legal ethics violations.

The fourth issue is a judgment call: I suggest that you stand down and resign because it is the right thing to do—for others, and also for yourself. You and I are both aware that every allegation I laid out against you 29 days ago is true, meaning we know the inevitable result of the investigation. You played your best hand: delay and confuse; but now the process is going to proceed rapidly.



I offer you the following:

Should you wish to simply take responsibility for your actions and step down from the Board immediately, we will conclude the investigation without further action against you. I urge you, in contrast, to consider the alternative: once I decide to proceed with the investigation, the results cannot remain private. It's a publicly funded non-profit, and all investigation results will be provided to the public in full transparency.

Donors and other unbiased observers will be furious to learn about the additional \$5000/month you took for yourself for many months. The Nevada State Bar will undoubtedly find it suspicious for anyone to be paid outside the normal pay structure. There's nothing you can say to refute this: it's documented.

Donors and other unbiased observers will consider it corrupt when they learn of your actions to give a 4x salary to your personal assistant, not to mention your inappropriate and abusive treatment of the Executive Director in bullying her to acquiesce to that excessive salary, and your insubordination in circumventing her final decision against it. Certainly, the NV Bar will find it highly concerning. There's nothing you can say to refute this: it's documented.

Donors and other unbiased observers will consider it additionally corrupt when learning of your choice to hire a business without disclosing that your inappropriately paid personal assistant owned that business. Again, the NV Bar will find this troubling. There's nothing you can say to refute this: it's documented.

The NV Bar is not going to overlook such a pattern of financial ethical concerns. Additionally they will be alarmed by the Florida State filing—an illegitimate action you took by signing as Board Chair while the legitimate and registered Chairman and President was incarcerated—the most indisposed a person could be. I will be forced to file a complaint with the Bar.

At the end of the day, FSF is not what you really want. You want a career in politics. You would do well to consider that the MAGA population is not going to vote for a person with a public record of known corruption, and that is what you are rapidly bringing upon yourself.

I remain,

Simone Gold, MD, JD

Simone Gold, MD, JD, F*ABEM
President and Board Chairman
Free Speech Foundation

2022 ANNUAL REPORT

ENTITY INFORMATION

ENTITY NAME: FREE SPEECH FOUNDATION
ENTITY ID: 23099519
ENTITY TYPE: Domestic Nonprofit Corporation
CHARACTER OF BUSINESS: Any legal purpose
AUTHORIZED SHARES:
ISSUED SHARES:

STATUTORY AGENT INFORMATION

STATUTORY AGENT NAME: Dr. Simone Gold
PHYSICAL ADDRESS: 1645 W. Valencia Road, 107-193, TUCSON, AZ 85746
MAILING ADDRESS:

KNOWN PLACE OF BUSINESS

Att: Dr. Simone Gold, 1645 W Valencia Rd., #109-193, TUCSON, AZ 85746

PRINCIPAL OFFICE ADDRESS

PRINCIPAL INFORMATION

CEO (Chief Executive Officer): Simone Gold - Dr. Simone Gold, 1645 W Valencia Rd., #109-193, TUCSON, AZ, 85746, USA - simonegold7@gmail.com - Date of Taking Office: 09/08/2020
Chairman of the Board of Directors: Simone Gold - Dr. Simone Gold, 1645 W Valencia Rd., #109-193, TUCSON, AZ, 85746, USA - simonegold7@gmail.com - Date of Taking Office: 06/20/2020
Director: Joey Gilbert - 405 Marsh Avenue, Reno, NV, 89509, USA - joey@afls.org - Date of Taking Office:
Officer: Ms. Lisa Andrzejewski - 1645 W Valencia Rd., #109-193, TUCSON, AZ, 85746, USA - Lisa.andrzejewski@gmail.com - Date of Taking Office: 05/01/2022
Secretary: Joey Gilbert - 405 Marsh Avenue, RENO, NV, 89509, USA - Joey@afls.org - Date of Taking Office:

SIGNATURE

Chairman of the Board of Directors: Simone Gold - 10/31/2022

From: Dave Kimbrel <dave@nvit.co>
Date: November 4, 2022 at 1:46:00 PM PDT
To: Joey Gilbert <Joey@joeygilbertlaw.com>
Subject: AFLDS takeover

Joey,

I have received an email from Microsoft that Jared Lewin has submitted a request to takeover the AFLDS Microsoft tenant. He is part of the AFLDS web team and is Simone's Executive Assistant at Goldcare according to LinkedIn. They are about to take over the entire Microsoft tenant, and we'll lose complete access to all of it, as they have the documents to provide Microsoft, unless you or the legal team interjects.

Dave



November 3, 2022

Joseph Gilbert, Esq.
405 Marsh Ave
Reno NV 89509

Re: Termination and Cease & Desist

Dear Mr. Gilbert,

As a follow up to my two letters to you dated October 31, 2022, please be advised that any attorney/client relationship which may have previously existed between us in the past is hereby terminated. Please promptly return any client files which you have maintained for AFLDS, and return all the funds which I deposited into your attorney-client trust without delay. My attorneys will contact you in short order to ensure this is completed without issue.

Additionally, you are also hereby advised that your position as Strategy Director with AFLDS as part of the legitimate Free Speech Foundation (FSF) is likewise terminated for cause. You are well aware of the ethical violations constituting cause which we have previously cited to you. Further, you continue to persist in your attempts to portray yourself as in effect the Chief Operating Officer of the legitimate parent FSF incorporated in Arizona, when in reality you are only relying upon your recent, unauthorized FSF corporate filing of August 1, 2022 in Florida, which you furtively filed while I was indisposed in prison, and which is merely a foreign corporation deriving its authority from the Arizona parent corporation. Your attempt to hijack the legitimate Arizona-based FSF, by pretending that the Florida FSF filing is the parent entity, has failed. This will likely create confusion in the minds of prospective donors and further may constitute violations of the various Fair Practices in the Solicitation of Charitable Contributions acts. Your recent unauthorized Florida filing cannot masquerade as the legitimate and operational Free Speech Foundation, nor as America's Frontline Doctors.

You also attempted to send out an unauthorized directive to all AFLDS employees on November 2, 2022 containing false and defamatory information, continuing to present yourself as in effect the CEO of FSF, which legally you are not. I remind you again that I am the Founder, current Chairman of the Board and current President of the Free Speech Foundation and of America's Frontline Doctors. The consulting agreement upon which you rely was never signed and executed nor all of its significant obligations fulfilled.



Therefore, I reiterate, cease and desist your attempts to usurp the control of the Free Speech Foundation and America's Frontline Doctors. Stop representing yourself to anyone as having any operational authority whatsoever over the FSF, or over America's Frontline Doctors, or as their Strategy Director, Chairman of the Board, or attorney. Furthermore, stop harassing AFLDS staff with threats, illegitimate orders, and contact of any kind; you have no permission to communicate with anyone at AFLDS aside from myself and my attorneys, and any further harassment will be documented and acted upon.

I remain,

Simone Gold, MD, JD

Simone Gold, MD, JD, F*ABEM
President and Board Chairman
Free Speech Foundation



November 7, 2022

To: All AFLDS Team Members

Re: Memorandum of Confirmed Leadership and Terminated Persons

Dear Team,

Thank you, again, for your steadfast performance in maintaining your AFLDS responsibilities during this challenging time. Consistent with my previous warnings, rumors and illegitimate communications are continuing to occur. I want to prepare you to handle these unfortunate and illegitimate attacks with factual information, clear instructions, and a clear messaging plan. As the original and currently still legitimate Chairman and President of Free Speech Foundation and AFLDS, I am confirming the following facts and directives, which are indisputable and not optional:

1. Mr. Gilbert has been recused from his role on the Board of Directors pending an internal investigation to review documented allegations filed against him. To reiterate: he has absolutely no authority to communicate with anyone working or volunteering at AFLDS for *any* purpose related to AFLDS. **IGNORE ANY CALLS/EMAILS/TEXTS/etc. from this person.** *Please immediately screenshot and save/archive any such communications*, and provide them to Lisa Andrzejewski without delay; then proceed as normal without any consideration of their content. Further, Mr. Gilbert has no authority to act or speak on behalf of the organization to anyone. He has been advised that any further actions or statements that presume any such authority are explicitly unauthorized and will immediately subject him to legal action. Furthermore, his position as Director of Strategy has been terminated, effective Nov 3, 2022. He has no active position at AFLDS whatsoever, period.

2. Dr. Chase Bradford, and Ms. Lauren Bradford, have been suspended from their AFLDS positions, effective Nov 3, 2022. They have absolutely no authority to communicate with anyone working or volunteering at AFLDS for *any* purpose related to AFLDS. **IGNORE ANY CALLS/EMAILS/TEXTS/etc. from these persons.** *Please immediately screenshot and save/archive any such communications*, and provide them to Lisa Andrzejewski without delay; then proceed as normal without any consideration of their content. Further, Dr. Bradford and Ms. Bradford have no authority to act or speak on behalf of the organization to anyone. They have been advised that any further actions or statements that presume any such authority are explicitly unauthorized and will immediately subject them to legal action. ***Any AFLDS persons who previously reported to Ms. Bradford, please report directly to the Executive Director Lisa Andrzejewski.***



3. Andrea Wexelblatt, Travis Ebarb, Vem Miller, and Studio 17 have all been terminated from their AFLDS engagements, effective Nov 3, 2022. They have absolutely no authority to communicate with anyone working or volunteering at AFLDS for *any* purpose related to AFLDS. **IGNORE ANY CALLS/EMAILS/TEXTS/etc. from these persons.** *Please immediately screenshot and save/archive any such communications*, and provide them to Lisa Andrzejewski without delay; then proceed as normal without any consideration of their content. Further, they have no authority to act or speak on behalf of the organization to anyone. They have been advised that any further actions or statements that presume any such authority are explicitly unauthorized and will immediately subject them to legal action.

4. To reiterate, Board members do not have the role or responsibility of directing routine operations or managing personnel; this is overseen by the executive chain of command within the organization, starting with the top position, which is President of FSF and AFLDS, and that is myself. The second highest position is Executive Director, and that is Lisa Andrzejewski. **PLEASE REMEMBER**, all department directors must report directly to President Dr. Gold and/or Executive Director Lisa Andrzejewski regarding any actionable items or decisions, without exception. **No orders, or meetings, are valid without clear approval from the President and/or Executive Director.** If anyone feels an order, an action, or a suggestion from anyone in the organization is unauthorized or in conflict with the directives issued by the President and the Executive Director, you must first report this concern to the Executive Director immediately before proceeding, to clarify the correct authorization.

5. *The most import part of this letter:* many of you have asked what you can do when you see or hear untruths. First, you must recognize propaganda in real time. Page 86 of my book teaches you exactly how to do that and you must do that now. Once you identify propaganda, you fight it with confidence, and with clarity. In this case, those speaking slander are trying to convince you to disbelieve something you know experientially: that you and I have worked together tirelessly for years in constant pursuit of facts over fear and courage over confusion. You don't need to get tangled up in arguments defending yourself or Dr. Gold or AFLDS against slanderous accusations; our track record, *your* track record, speaks for itself. Every action taken by myself and the organization, whether financial, legal, or operational, has been documented and guided by legal counsel; this will all be reviewed and confirmed at the proper time, in the proper manner. For anyone asking you about these recent defamations, simply *refer them back to our Nov. 3 press release*, and remind them that Dr. Gold and AFLDS have been under constant attack from the beginning; of course the slander is going to continue! They threw me in prison trying to silence me and as that clearly didn't work, we can expect the accusations and censorship to come again with even more intensity. In fact, discord is occurring in many, perhaps all, freedom groups across the nation right now. That is why it's so important to stay strong and consistent with our approach to responding, and with our steady march forward to carry out our mission. Remember, they're not after me; they're after you, and I'm just in their way.



I understand the recent improprieties, and resulting confusion, has been very stressful for everyone; I am deeply grieved for this hardship being placed on you, and I want to encourage you all to remain strong, joyful, and confident in the knowledge that AFLDS remains completely committed to truth, transparency, and the highest standard of ethical behavior. God's word reminds us in Iasaih 54:17,

“No weapon forged against you will prevail, and you will refute every tongue that accuses you. This is the heritage of the servants of the Lord, and this is their vindication from me,” declares the Lord.”

And one of my favorite scriptures, Exodus 50:20, gives us this amazing encouragement:

“You intended to harm me, but God intended it all for good. He brought me to this position so I could save the lives of many people.”

The entire leadership team at AFLDS appreciates your vigilance in supporting the organization's values and total compliance with the law as AFLDS continues to carry out its critical mission—which is only made possible by your continued courage and perseverance. We, and the American people, are deeply grateful.

Sincerely,

Simone Gold, MD, JD

Dr. Simone Gold
President and Board Chairman
Free Speech Foundation



November 7, 2022

Via Email joey@joeygilbertlaw.com

Mr. Joey Gilbert
America's Frontline Doctors

Re: Gloves Off with Joey Gilbert

Dear Mr. Gilbert,

I am counsel to American Media Periscope, Inc. ("AMP") and John Michael Chambers. It has come to our attention that Ms. Lisa Andrzejewski, through her counsel, has made allegations of financial improprieties concerning transactions involving you and America's Frontline Doctors. Please note that AMP and Mr. Chambers make no judgment about the veracity of Ms. Andrzejewski's allegations. We believe that you should focus on resolving the allegations and wish you the best in doing so.

However, until such time as the allegations are resolved and AMP is no longer at risk, AMP will pause your show, *Gloves Off with Joey Gilbert*. Please keep AMP apprised of any developments regarding the allegations.

As to the equipment owned by AMP that is in your possession, you may either return it to AMP or retain it while this matter is resolved. If you do decide to retain the equipment, understand that it must be returned upon request by AMP.

Respectfully submitted,



Curtis W. Wallace
Counsel to AMP

cc: John Michael Chambers

Lerner, Josh

From: Shannon Prater <preshag@sbcglobal.net>
Date: November 7, 2022 at 9:05:31 AM PST
To: andrea@joeygilbert.com
Cc: joey@joeygilbert.com
Subject: Resignation Letter 11/7/2022

To Whom it May Concern:

I am writing to inform you, effective today, November 7, 2022, that I am stepping down as client services manager and billing/donation coordinator due to the infighting and accusations of misappropriation of AFLDS donation funds. I joined this mission in May 2021 as a volunteer putting in 30 hours a week to help organize, sort, and answer AFLDS client services emails. I was brought on part-time and then full-time in August 2021 first as a client services rep and then as the client services manager. At the time there was a purpose and a mission for AFLDS, for example, Covid 19 education, telemedicine referral services, legal services and referrals, citizen corp, talk of in-person health and wellness center, etc. there was a clear and distinct mission for fighting medical tyranny, fighting for civil rights and Covid 19 education. Fast forward to Oct 2022. There hasn't been a clear mission or strategy communicated to me since the downsizing and mass exodus in March 2022. I keep asking what's our purpose and our mission with no clear answer. The things the American people need and are asking for in the client services emails are as follows:

1. Telemedicine services/sick care/refills
2. Doctor referrals
3. Medical exemptions
4. Medical Guidance
5. Lawyer referrals
6. Donation cancellations

I don't feel that at this point we are providing any of those services, except I am able to help people cancel their donations.

Due to the accusations of mishandled funds, and the rumors of bullying and threats of termination, I no longer in good conscience can be associated with this organization. We have been pitted against each other and have been indirectly asked to pick a side. I have lost trust in the whole organization and don't know who to trust or believe. Maybe there was wrongdoing on both sides. The hard-working people at AFLDS have been kept in the dark about people being terminated and who are in leadership positions, not to mention the rumors of leadership positions being paid absurd amounts of money for salaries. I will be the first to admit that since I lost my client services team in March 20022 and no longer act in a management role, I do not feel I deserve the amount of pay I am getting each month from AFLDS.

We are supposed to be helping the American people fight back against tyranny and standing up for civil rights. Instead, we are fighting amongst ourselves and our leadership.

At the end of the day, I only answer to God and ultimately Jesus. I have to follow my conscience and when I lay my head on the pillow at night to sleep, I have to know I am in God's will. I cannot do that working for what has become of AFLDS. I pray the truth comes to the surface and exposes the darkness.

Blessings and farewell,

Shannon Prater
Follower of Jesus Christ

 Shannon L Prater

"I know the plans I have for you", declares the Lord, "plans to prosper you and not to harm you, plans to give you hope and a future." Jeremiah 29:11



November 2, 2022

To All AFLDS Team Members

Re: Memorandum of Proper Leadership

Dear Team,

Thank you for your steadfast performance in maintaining your AFLDS responsibilities during this challenging time. As I warned in my previous letter of notice, rumors and improper suggestions have already begun to appear, so as the original and currently still legitimate Chairman and President of Free Speech Foundation and AFLDS, I am going to set the record straight for everyone, such that there will be absolutely no confusion or deviation.

First, Mr. Gilbert has been recused from his role on the Board of Directors pending an internal investigation to review documented allegations filed against him. Effective immediately, he has absolutely no authority to communicate directives or instructions of any kind to anyone working or volunteering at AFLDS. Further, he has no authority to act or speak on behalf of the organization to anyone. He has been advised that any further actions or statements that presume any such authority are explicitly unauthorized and will immediately subject him to legal action. Additionally, his position as Director of Strategy has no actual oversight or authority over any department or persons within AFLDS, and this position is also under review pending the internal investigation.

Second, Board members do not have the role or responsibility of directing routine operations or managing personnel; this is overseen by the executive chain of command within the organization, starting with the top position, which is President of FSF and AFLDS, and that is myself. The second highest position is Executive Director, and that is Lisa Andrzejewski. Effective immediately, all department directors must report directly to President Dr. Gold and Executive Director Lisa Andrzejewski regarding any actionable items or decisions, without exception. **No orders are valid without clear approval from the President and Executive Director.** If anyone feels an order, an action, or a suggestion from anyone in the organization is unauthorized or in conflict with the directives issued by the President and the Executive Director, you must first report this concern to the Executive Director immediately before proceeding, to clarify the correct authorization.

We appreciate your vigilance in supporting the highest ethical standards and total compliance with the law as AFLDS continues to carry out its critical mission.

Sincerely,

A handwritten signature in black ink that reads "Simone Gold, MD, JD". The signature is written in a cursive, flowing style.

Dr. Simone Gold
President and Board Chairman
Free Speech Foundation

Re: Banking

Troy Brewer, CPA <troy@afls.org>

Sun 10/16/2022 8:20 AM

To: Lauren Bradford <laurenbradford@afls.org>

Cc: Adam Fulton <afulton@jfnvlaw.com>; Joey Gilbert, Esq <joeq@afls.org>

I cannot transfer the funds out of the chase account. I've tried for a while, phone calls to the bank etc. Dr. Gold has the only permission. All 6 million is in Security Bank. I am the only person that can access those funds. We have 1.3 million in our Caging account. Me and Matt I believe, am the only ones to access it. I closed Lisa and Dr Golds credit cards with Security Bank. There are no debits. Headed to church, be back after lunch

Thanks Troy

Get [Outlook for iOS](#)

From: Lauren Bradford <laurenbradford@afls.org>

Sent: Saturday, October 15, 2022 6:58:10 PM

To: Troy Brewer, CPA <troy@afls.org>

Cc: Adam Fulton <afulton@jfnvlaw.com>; Joey Gilbert, Esq <joeq@afls.org>

Subject: Banking

Hi Troy,

Where do we stand on transferring the funds? Are you able to change / secure all passwords so that no one unauthorized can access any of the accounts?

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

FREE SPEECH FOUNDATION, INC.)
d/b/a AMERICA’S FRONTLINE)
DOCTORS, INC., an Arizona nonprofit)
corporation, and JOSEPH GILBERT,)

Plaintiffs,)

Case No. 22-CV-00714

v.)

SIMONE GOLD,)

Defendant.)

**TEMPORARY RESTRAINING ORDER AND ORDER SCHEDULING
HEARING ON MOTION FOR PRELIMINARY INJUNCTION**

Before the Court is a Verified Complaint (Doc. 1) seeking, *inter alia*, injunctive relief along with a Motion for Temporary Restraining Order and Preliminary Injunction (the “Motion”) (Doc. ___) filed by Plaintiffs, FREE SPEECH FOUNDATION, INC. d/b/a AMERICA’S FRONTLINE DOCTORS, INC. (AFLDS) and JOSEPH GILBERT. For the reasons that follow, the motion for temporary restraining order is due to be granted, and a hearing on the motion for preliminary injunction will be set.

I. VERIFIED ALLEGATIONS:

The Complaint and Motion allege as follows.

Simone Gold incorporated ALFDS in June 2020 under the Arizona Nonprofit Corporation Act “exclusively for charitable purposes,” and specifically “to perform, every act or acts necessary, incidental to or connected with the furtherance of its charitable, scientific, literary, religious, and educational purposes, with a focus on educating the public on the enduring importance of the Bill of Rights to America’s history and civic traditions.” AFLDS is currently governed and always has been governed by a Board of Directors.

From September 2020 through January 2022, Gold was a director and the executive director of AFLDS. In her role as executive director, Gold authorized the hiring of employees, developed and supervised AFLDS’ charitable programs, developed and managed partnerships with other organizations, oversaw fundraising activities, and oversaw communications with program participants, government officials, and the general public. Plaintiff Joseph Gilbert is the AFLDS Chairman of the Board, Chief Operating Officer, and Director of Strategy. AFLDS has two other current board members – Jurgen Matthesius and Richard Mack.

I. Gold Has Misused AFLDS’ Charitable Funds.

As set forth in the Verified Complaint, beginning at least as early as 2021, Gold began misusing AFLDS’ funds for her own personal use and those in her circle. For example, she purchased a \$3,600,000 home in Naples, Florida (the “Naples Home”) using AFLDS funds. She also rented a home for her friends, her personal assistant and security guard (employees of AFLDS) all without authorization or approval of the Board of Directors. Gold currently lives in the Naples home with

John Strand rent free and her friends live in the other home rent free. Gold pays a personal housekeeper over \$5,000 a month and a personal security officer \$12,000 a month (all with AFLDS funds). For months, she has spent \$50,000 per month on AFLDS credit cards for her own personal expenses.

Gold also purchased three vehicles including a Mercedes Benz Sprinter van, a Hyundai Genesis, and a GMC Denali, using AFLDS funds for her own personal transportation needs. On at least two occasions, Gold flew on private planes using AFLDS funds without approval or authorization from the Board of Directors. One of those trips exceeded \$100,000.

II. Gold Resigned from the AFLDS Board of Directors and as Executive Director.

On February 2, 2022, at an AFLDS Board of Directors meeting, Gold resigned from AFLDS' Board so that she could devote time and energy to her vision of opening health and wellness centers nation-wide. The Board unanimously voted to accept Gold's resignation, voted Mr. Gilbert into the Chairman position, Amy Landau as the Executive Director, and the remaining board members as Jurgen Matthesius, and Richard Mack. There is substantial evidence that Gold resigned from the AFLDS Board, including meeting minutes and correspondence from Gold herself.

At the same February 2, 2022 Board meeting, the Board discussed Gold and AFLDS entering into a consulting agreement so that Gold could continue as the "face" of AFLDS and using her marketing skills to raise money for AFLDS. The

Board voted to have Mr. Gilbert negotiate the consulting agreement with Gold. During the negotiations of the consulting agreement, Gold sought from AFLDS a “signing bonus” of \$1.5 million and \$50,000 monthly as a consulting fee. Under that agreement, GoldCare (discussed below) was also to be granted, at no cost, private work space and accommodations at the Naples Home.

After resigning from the Board, Gold created a for-profit enterprise called GoldCare Marketing Services LLC (“GoldCare”) to pursue the creation of health and wellness centers. After doing so, through her influence, Gold began diverting numerous AFLDS employees that are paid by AFLDS to work at GoldCare, while using AFLDS’ charitable resources to pay their salaries although they did little to no work for AFLDS.

III. Gold Has Tortiously Interfered with AFLDS’ Relationships and Illegally Attempt to and Has Seized Control of the Organization.

On June 22, 2022, Gold was sentenced to serve 60 days in federal prison after pleading guilty to a misdemeanor charge of unlawfully entering and remaining in a restricted area of the U.S. Capitol on January 6, 2022. While Gold served her prison sentence, Plaintiff Joseph Gilbert, the Board Chairman and Director of Strategy, stepped into day-to-day operations to help AFLDS run smoothly during Gold’s absence. By that time, the Board had become aware of Gold’s uses of AFLDS funds and hired a forensic auditor, obtained a compensation study, and had its outside accounting firm begin a financial audit in order to determine what next steps should be taken with regard to Gold’s use of AFLDS funds for her personal use.

Gold was released from prison on September 9, 2022 and continues to be under supervised release. Upon Gold's release, Gold wanted to take back control of AFLDS and restore herself into a leadership role with the organization. Even though she had no role other than as a consultant, Gold began directing AFLDS employees in different ways in attempts to learn information and seize control.

On October 4, 2022, Gold sent an email addressed to "the AFLDS Board of Directors," identifying Pastor Jurgen Matthesius and Richard Mack, in which she alleged that the third Board Member, Plaintiff Mr. Gilbert, had engaged in wrongdoing in his role with AFLDS. In that email, Gold demanded that the Board take steps to essentially remove Mr. Gilbert from the Board and investigate her allegations. The Board responded to Gold's allegations by retaining counsel to investigate her allegations thoroughly. However, as soon as this investigation began, Gold began threatening the Board, AFLDS' counsel, and employees that she would interfere with AFLDS donors, to persuade them not to make donations to AFLDS if her demands were not met. During this time, Gold continued to participate in speaking engagements representing AFLDS in public forums. AFLDS representatives learned that Gold falsely told donors that Mr. Gilbert had engaged in financial improprieties, ethical violations, and corruption.

Beginning in October 2022, Gold has interfered with, sought to seize control of, and has ultimately taken control of AFLDS in the following manner and by the following actions:

- On October 12, 2022, Gold sent the Executive Director and her personal assistant, Lisa Andrzejewski, to a Board meeting to read a demand letter by Gold that each member of the Board resign immediately. That letter also threatened each Board Member with litigation and exposure “by name and location to the public” if they did not immediately resign from their positions as board members.
- In response to requests that Gold refrain from disparaging board members or discussing her allegations or the investigation into those allegations with donors, Gold advised AFLDS’ counsel, among other things, that she would do what she needed to do and that AFLDS donors she had been in touch with are “aware that their monies, which they donated for specific reasons I promised to guard, are at risk.” She also stated that whether she disparaged Mr. Gilbert in public depended upon him resigning from his position on the Board.
- On October 31, 2022, without the authorization of the Board, Gold sent a letter on AFLDS’ letterhead, fraudulently signing her name as the “Chairman and President of Free Speech Foundation” through which AFLDS operates as a d/b/a, to Mr. Gilbert asserting that he had committed ethical violations and that he was recused from the Board.
- On October 31, 2022, without the authorization of the Board, Gold sent a letter on AFLDS letterhead, fraudulently signing her name as the “Chairman and President of AFLDS,” to AFLDS outside counsel, Wagenmaker & Oberly, purported to terminate its representation of AFLDS.
- On October 31, 2022, without the authorization of the Board, Gold caused a 2022 Annual Report to be filed with the Arizona Corporation Commission, in which she represented herself to be “CEO and Chairman of the Board of Directors of Free Speech Foundation, through which AFLDS operates as a d/b/a.
- On November 1, 2022, without the authorization of the Board, Gold sent a letter to the AFLDS employees which, among other things, accused Mr. Gilbert of “improper financial dealings” and falsely asserted that she was the Chairman and President of AFLDS.
- On November 2, 2022, without the authorization of the Board, Gold entered the Microsoft Teams application used by ALFDS employees and advised the

employees falsely, among other things, that she was the “legitimate Chairman of the Board and President” and that Mr. Gilbert had been recused from the Board and no authority to act on behalf of AFLDS. She also advised that employees were not to take any orders other than from her, the President or from the Executive Director Lisa Andrzejewski (whose employment had been terminated by the AFLDS Board).

- On November 2, 2022, without the authorization of the Board, Gold advised AFLDS’ treasurer not to abide by directions from the Board of Directors regarding funds or the entity’s bank accounts and payments. AFLDS’ treasurer is Troy Brewer, CPA. In his email message to Gilbert and AFLDS General Counsel, Brewer advised that he could not transfer funds from an AFLDS account, notwithstanding calls to the Bank, because Gold is the only authorized person. Additionally, Treasurer Brewer has refused to abide the instructions of the Board or the Executive Director, stating he is conflicted and does not know to whom he should listen.
- On November 2, 2022, without the authorization of the Board, Gold directed AFLDS employees to seize control of AFLDS’ electronic mail, website domain name systems (“DNS”), and other electronic databases, and lock certain employees out of these systems.
- On November 3, 2022, without the authorization of the Board, Gold purportedly on behalf of AFLDS, and identifying herself as the “Chairman and President of AFLDS,” released a press release that reported she had “resumed” her role as Chairman and President of AFLDS and repeated Gold’s allegations against Mr. Gilbert that she announced to the AFLDS employees.
- On November 3, 2022, without the authorization of the Board, Gold sent a letter on AFLDS letterhead, signing her name as the “Chairman and President of AFLDS,” to AFLDS’ in-house counsel advising her that she was suspended without pay for violating Gold’s order that AFLDS employees disregard requests from the Board.
- On November 4, 2022, one of AFLDS’ employees wrote an email to Plaintiff Gilbert, the subject of which was “AFLDS Takeover,” in which he informed Mr. Gilbert that Defendant Gold’s Executive Assistant at GoldCare had attempted to take over AFLDS’ “entire Microsoft tenant, and we’ll lose

complete access to all of it [i.e., organizational emails and related communications] . . . unless the legal team interjects.”¹

- On November 3, 2022, without the authorization of the Board, Gold sent a letter on AFLDS letterhead, signing her name as the “Chairman and President of Free Speech Foundation” through which AFLDS operates as a d/b/a, to Gilbert purporting to terminate his position with AFLDS, and asserting her own role as “Founder, current Chairman of the Board and current President of the Free Speech Foundation and of America’s Frontline Doctors.”
- On November 7, 2022, without the authorization of the Board, Gold sent a letter on AFLDS letterhead, signing her name as the Chairman and President of Free Speech Foundation, through which AFLDS operates as a d/b/a, to AFLDS’ employees, the subject of which was “Memorandum of Confirmed Leadership and Terminated Persons,” in which she advised the employees to ignore communications from Plaintiff Gilbert, the Chairman of the Board of AFLS, Lauren Bradford, the general counsel for ALFDS, and others.

Furthermore, Gold has focused her vitriol on Gilbert’s activities that are separate from AFLDS. Gold’s personal assistant, Lisa Andrzejewski, made allegations of purported financial improprieties concerning transactions with AFLDS to the media outlet through which Gilbert broadcast a podcast on a weekly, or more frequent, basis. As a result, the media outlet has stopped broadcasting his podcast.

Gold’s false statements regarding her authority and her false statements concerning Gilbert have served to confuse, intimidate staff, causing them to quit.

¹ “A Microsoft 365 tenant is a dedicated instance of the services of Microsoft 365 and your organization data stored within a specific default location.”
<https://learn.microsoft.com/en-us/microsoft-365/solutions/tenant-management-overview?view=o365-worldwide> (last visited on November 8, 2022).

For example, on November 7, 2022, the Client Services Manager and Billing/Donation Coordinator resigned “due to the infighting and accusations of misappropriation of AFLDS donation funds.” This former employee elaborated

[d]ue to the accusations of mishandled funds, and the rumors of bullying and threats of termination, I no longer in good conscience can be associated with this organization. We have been pitted against each other and have been indirectly asked to pick a side. I have lost trust in the whole organization and don’t know who to trust or believe. . . . The hard-working people at AFLDS have been kept in the dark about people being terminated and who are in leadership positions, not to mention the rumors of leadership positions being paid absurd amounts of money for salaries.

Reflecting upon the services AFLDS could be providing to the public, this employee lamented that all she is doing under the current circumstances is cancelling donors’ charitable contributions. “I don’t feel that at this point we are providing any of those services, except I am able to help people cancel their donations.” *Id.*

II. DISCUSSION

Rule 65 of the Federal Rules of Civil Procedure establishes the relevant procedures for granting a temporary restraining order and preliminary injunction. In order for an injunction to issue under Rule 65, the movant must show: (1) a substantial likelihood that the movant will succeed on the merits; (2) that the movant will suffer irreparable injury without the injunction; (3) this irreparable injury outweighs the potential harm that granting the injunction will inflict on the opposing party; and (4)

that the injunction is in the public interest. *GeorgiaCarry.Org, Inc. v. U.S. Army Corps of Eng'rs*, 788 F.3d 1318, 1322 (11th Cir. 2015).

Applying these criteria, the court finds that the Verified Complaint and Motion satisfies Plaintiffs' burden for the issuance of a temporary restraining order. The record demonstrates that Defendant has made harmful misrepresentations as to her status with AFLDS, has attempted to, and to an extent succeeded, in usurping corporate assets for her own benefit to the detriment of Plaintiff and its donors, and that Defendant has interfered with Plaintiff's advantageous business relationships. The Court therefore finds that Plaintiffs are likely to prevail on the merits of their claims.

Defendant's actions -- which include attempts to hijack Plaintiff's electronic data storage and email system and successful efforts to cut off Plaintiff's access to its own bank accounts, making disparaging comments in writing about Plaintiff's AFLDS' Chairman, Gilbert -- if continued, will cause immediate and irreparable harm to Plaintiffs, including to their reputation and ability to raise money through donations unless a temporary restraining order is granted. An injury is irreparable if it "cannot be undone through monetary remedies." *Id.* "The loss of intangible assets, such as harm to reputation, can constitute irreparable injury. *See United Healthcare Ins. Co. v. AdvancePCS*, 316 F.3d 737, 741 (8th Cir. 2002). This is because "harm to reputation and goodwill is difficult, if not impossible, to quantify in terms of dollars." *Medicine Shoppe Int'l, Inc. v. S.B.S. Pill Dr., Inc.*, 336 F.3d 801, 805 (8th Cir. 2003)." *Allan Block Corp. v. E. Dillon & Co.*, 2005 U.S. Dist. LEXIS 13566, *20 (D. Minn. July 1, 2005).

Therefore, the Court finds that the threatened injury to Plaintiffs as a result of the Defendant's conduct outweighs any potential harm to the Defendant that may be occasioned by the entry of a temporary restraining order. Because the Court also finds that it is in the public interest to issue this order, the four elements required for a temporary injunctive relief are satisfied.

For the foregoing reasons, it is **ORDERED** as follows:

1. Plaintiffs' motion for temporary restraining order is GRANTED.
2. Defendant and her agents, representatives, servants, employees, and other persons acting under, in concert with, or for her, are hereby **RESTRAINED** and **ENJOINED** from (a) holding herself out as a representative, officer or director of AFLDS to AFLDS staff, AFLDS donors, and the public, including, without limitation, from communicating with any of AFLDS' banking partners relating to AFLDS or AFLDS' assets; (b) communicating with current AFLDS employees about matters concerning its activities, this lawsuit, and the claims asserted in this lawsuit; (c) accessing AFLDS' electronic mail, website domain name systems, electronic databases, and other internet and intranet systems; (d) accessing and using AFLDS' funds, including credit cards, real estate and other properties; and (e) defaming or disparaging Joseph Gilbert, AFLDS and others associated with AFLDS, until such time as the hearing on Plaintiffs' action is held.

3. A hearing will be held on _____, 2022, to decide whether to convert Plaintiffs' temporary restraining order into a preliminary injunction.

4. Plaintiffs are hereby directed to execute and file a bond with the Clerk of the Court in the amount of \$_____. If a bond is not filed on or before _____, the injunction will dissolve by operation of law.

DONE and **ORDERED** in Chambers in __, Florida this ___day of November 2022.

U.S. DISTRICT COURT JUDGE