



**PROVIDENT LAW**

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**IN THE SUPERIOR COURT IN THE STATE OF ARIZONA**  
**IN AND FOR THE COUNTY OF MARICOPA**

SIMONE GOLD, M.D., both in her individual capacity and as a director on behalf of Free Speech Foundation d/b/a America’s Frontline Doctors, an Arizona nonprofit corporation,

Plaintiff,

vs.

JOSEPH “JOEY” GILBERT, an individual; JURGEN MATTHESIUS, an individual; RICHARD MACK, an individual; and FREE SPEECH FOUNDATION d/b/a AMERICA’S FRONTLINE DOCTORS, an Arizona nonprofit

Defendants.

Case No. CV2022-015525

**DEFENDANTS’ NOTICE OF FILING  
DECLARATIONS  
OF WITNESSES AMY LANDAU, VEM  
MILLER, RICHARD MACK,  
CHRISTINE PAZZULA, JURGEN  
MATTHESIUS, AND JOSEPH  
GILBERT**

(Assigned to the Hon. Timothy Thomason)



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FREE SPEECH FOUNDATION, INC. d/b/a  
AMERICA’S FRONTLINE DOCTORS, an  
Arizona nonprofit corporation and. JOSEPH  
GILBERT,  
  
Counter Plaintiffs,  
  
vs.  
  
SIMONE GOLD,  
  
Counter Defendant.

Pursuant to the Court’s Minute Entry Order entered on December 15, 2022,  
Defendants Joseph “Joey” Gilbert, Jurgen Matthesius, Richard Mack, and Free Speech  
Foundation d/b/a American’s Frontline Doctors (the “Defendants”), by and through  
undersigned counsel, hereby give notice of filing the Declarations of: Amy Landau attached  
hereto at Exhibit 1, Vem Miller attached hereto at Exhibit 2, Richard Mack attached hereto  
at Exhibit 3, Christine Pazzula attached hereto at Exhibit 4, Jurgen Matthesius attached  
hereto at Exhibit 5, and Joseph Gilbert attached hereto at Exhibit 6.

**RESPECTFULLY SUBMITTED** this 18th day of January 2023.

**PROVIDENT LAW®**

*/s/ Timothy J. Watson*  
\_\_\_\_\_  
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**COPY** efiled with AZTurboCourt  
this 18th day of January 2023.

**COPIES** served as indicated below  
this 18th day of January 2023, to:

Honorable Timothy Thomason  
Maricopa County Superior Court

[AZTurboCourt]

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/s/ Mary Richardson

/s/ Ann Washington



# **PROVIDENT LAW**

## **Exhibit 1**

**DECLARATION OF AMY LANDAU**

I, Amy Landau, hereby make the following true and complete statements in relation to the matter in Arizona State Court with the Case Number CV2022-015525.

**Background Information**

1. I am an adult residing in the State of Texas and am under no legal disability.
2. I am personally acquainted with and have personal knowledge of the facts stated herein.
3. I was a director of AFLDS from on or about September 8, 2020, until February 2, 2022, when I was appointed Executive Director of AFLDS by the remaining directors Joseph Gilbert, Richard Mack, and Jurgen Matthesius.

**Purchase of Residential Property in Naples, Florida**

4. In or about September 2021, Simone Gold told me of her idea to establish a headquarters for AFLDS. Dr. Gold mentioned that residential property would be cheaper than commercial property and that Dr. Gold would reside at the property. I questioned whether a nonprofit organization like AFLDS could buy residential property and asked Dr. Gold if this was permissible. Dr. Gold told me she would talk to the AFLDS lawyers about it and that it was done all the time by founders of nonprofits.
5. In or about October 2021, I traveled to Naples, Florida. And in or about November 2021, I traveled to Miami, Florida. Both trips were to look at property for a potential location for AFLDS' headquarters. At no time before its purchase did I view the property at 808 Myrtle Terrace in Naples, Florida ("the Naples House").
6. I did not participate in or have any knowledge of AFLDS entering into a purchase agreement for the Naples House. I did not know that AFLDS funds would be used for the

purchase of the Naples House. At no time was a motion regarding the purchase of the Naples House presented for a vote of the AFLDS Board of Directors. At no time did the AFLDS Board of Directors authorize the purchase of the Naples House or authorize the use of AFLDS funds to be used to purchase the Naples House.

**Dr. Gold's Resignation as A Director and Executive Director**

7. On February 2, 2022, I attended a meeting of the AFLDS Board of Directors via Zoom. At this meeting, Gold offered her resignation from the AFLDS Board of Directors and from her positions as Chairman and Executive Director of AFLDS. The Board of Directors voted unanimously to accept her resignation. Gold offered her resignation unconditionally. There was no discussion of any contingencies that must occur for her resignation to be effective.

8. Before the February 2, 2022 Board meeting, Dr. Gold told me privately that she planned to resign in order to pursue the development of wellness clinics. She asked me if I would be interested in being named Executive Director of AFLDS when she resigned. In this conversation, she did not say anything about her resignation being conditioned on entering an agreement with AFLDS or getting paid by AFLDS. I did not make any agreement with Dr. Gold prior to the Board meeting that if she resigned AFLDS would enter into a consulting agreement with her or make payments to her. I am unaware of any agreement having been made between Gold and AFLDS prior to the February 2, 2022 board meeting relating to Gold's resignation.

9. Immediately after accepting Gold's resignation, the remaining AFLDS Board of Directors voted to elect Joseph Gilbert as Chairman of the Board and myself as Executive Director to fill the vacancies left by Gold. Dr. Gold did not vote on the appointment of Mr. Gilbert or myself or any other motions that were made after she resigned.


10. It was not until after the Board of Directors accepted Simone Gold's resignation and filled her positions that Joseph Gilbert recommended that AFLDS enter into a consulting agreement with Gold to enable her to continue to market and fundraise for AFLDS. The remaining members of the Board of Directors—Joseph Gilbert, Richard Mack, and Jurgen Matthesius—agreed to discuss and approve any consulting fees at a future meeting.

11. On February 9, 2022, there was an AFLDS leadership meeting at which Gold announced to AFLDS leadership staff that she had resigned from AFLDS and the AFLDS Board of Directors. Gold further announced that I was the new Executive Director of AFLDS and that Joseph Gilbert had been appointed as Chairman of the Board of AFLDS. She did not tell the staff that her resignation was, or that she believed it was, conditional in any way.

12. Immediately after the February 9, 2022 leadership meeting, I began acting in my new role as Executive Director of AFLDS.

I declare under penalty of perjury that the foregoing is true and correct.

Date: January 17, 2023

DocuSigned by:  
  
FA3A92E042E846B

Amy Landau



# **PROVIDENT LAW**

## **Exhibit 2**



## **DECLARATION OF VEM MILLER**

I, Vem Miller, a living man, hereby make the following true and complete statements in relation to the matter in Arizona State Court with the Case Number CV2022-015525.

1. I am a living man residing in the original landmass territory of Nevada and am under no legal disability.
2. I am personally acquainted with and have personal knowledge of the facts stated herein.
3. I am an owner of Studio 17 LLC, which is a communication consulting firm. Studio 17 was established in or about June 2022 as a limited liability company with four members -- me, Travis Ebarb, Mindy Robinson, and Andrea Wexelblatt. Each member receives distributions from Studio 17 based on projects that they actually work on. If a member does not work on a project, they do not receive any portion of the proceeds from that project.
4. In July 2022, Studio 17 began creating and publishing social media and other content for Free Speech Foundation, Inc. d/b/a America's Frontline Doctors ("AFLDS"). When Andrea Wexelblatt began working for AFLDS, Studio 17 ensured that AFLDS was aware of Ms. Wexelblatt's roles with both organizations. No one at AFLDS indicated that this would be a conflict.
5. At no time did Andrea Wexelblatt work on AFLDS projects for Studio 17. Accordingly, Ms. Wexelblatt did not receive any of the money that Studio 17 received for its work for AFLDS. Nor did she have access to the money paid to Studio 17 for its work for AFLDS.
6. I understand that on September 15, 2022, Lisa Andrzejewski, the then-Executive Director of AFLDS called Travis Ebarb at Studio 17 to ask him if Ms. Wexelblatt was getting

paid by Studio 17 for the work it was doing for AFLDS. Mr. Ebarb apparently told Ms. Andrzejewski that Ms. Wexelblatt had received \$2,000 from Studio 17 that month. While it is accurate that Ms. Wexelblatt had received a \$2,000 distribution from Studio 17 that month that distribution was not related to work Studio 17 did for AFLDS. That distribution related to media services Ms. Wexelblatt provided to an individual unrelated to AFLDS or this matter.

I declare under penalty of perjury that the foregoing is true and correct.

Date: January 17, 2023



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without prejudice  
all right reserved

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Vem Miller



# **PROVIDENT LAW**

## **Exhibit 3**

## **DECLARATION OF RICHARD MACK**

I, Richard Mack, hereby make the following true and complete statements in relation to the matter in Arizona State Court with the Case Number CV2022-015525.

### **Background Information**

1. I am an adult residing in the State of Arizona and am under no legal disability.
2. I am personally acquainted with and have personal knowledge of the facts stated herein.
3. I was the Graham County Sheriff in Arizona from 1988 to 1997. I have worked in public service in numerous capacities, including patrol officer, undercover narcotics officer, hostage negotiator, youth officer, school resource officer, communications supervisor, corporal, sergeant, detective, sheriff, Search and Rescue supervisor, jail administrator, and DARE instructor.
4. I am a director on the Board of Directors of Free Speech Foundation, Inc. d/b/a America's Frontline Doctors ("AFLDS"). I have served in that position since December 2021. I am also the President of AFLDS and have held that position since October 2022.
5. On December 9, 2021 I was elected to the AFLDS Board of Directors at a meeting that day of the AFLDS Board of Directors. Just a few weeks prior to that date, a person associated with AFLDS called me at the direction of Dr. Gold to ask me to attend the meeting and consider joining the AFLDS Board. Present at the December 9, 2021 Board meeting, among others, were the then-directors Dr. Simone Gold, Joseph Gilbert, and Amy Landau, along with Jurgen Matthesius and me. Mr. Matthesius and I were both elected to the Board by the unanimous vote of Gold, Gilbert, and Landau.

### **Naples House**

6. During my tenure as a director on the AFLDS Board of Directors, the Board never voted to approve the purchase of the home located at 808 Myrtle Terrace, Naples, Florida or to rent the

home located at 799 104<sup>th</sup> Ave N, Naples, Florida. I did not know about the purchase of the Naples House until several months after the closing.

**Dr. Gold's Resignation as A Director and Executive Director**

7. I attended the February 2, 2022 AFLDS Board of Directors meeting via Zoom as a Director. At that meeting, Dr. Simone Gold, then the Chairman and Executive Director of AFLDS, announced her resignation as Chairman and Executive Director, effective immediately. It was my clear understanding that she resigned so that she could start a for-profit organization that would run health and wellness clinics.

8. Prior to the February 2, 2022 Board meeting, I did not reach any agreement or have any discussions with Dr. Gold relating to her resignation. Neither I nor the Board of Directors promised that AFLDS would make her any payments in exchange for her resignation either prior to or at the February 2, 2022 Board meeting.

9. At the February 2, 2022 Board meeting, a discussion occurred about AFLDS negotiating a written independent consulting agreement with Dr. Gold, since it was suggested that she would perform marketing services for AFLDS. However, entering into that written agreement or making payments to Dr. Gold was not a condition of her AFLDS Board resignation.

10. I understand AFLDS began paying Dr. Gold in the spring of 2022 to perform marketing services for AFLDS in the amount of \$50,000 per month. I did not personally vote to approve that amount. To my knowledge, no written agreement between AFLDS and Gold was ever voted on or approved by the Board of Directors. AFLDS never agreed to pay and did not pay Gold the lump \$1.5 million sum she requested as part of her new independent consulting arrangement.

11. Also at the February 2, 2022 Board meeting, and in light of Dr. Gold's resignation, the Board elected Joseph Gilbert as Chairman of the Board to replace Dr. Gold and Ms. Amy

Landau as Executive Director. Ms. Landau had been a director, but she resigned as a director on February 2, 2022 to immediately begin serving as AFLDS' Executive Director. There was no controversy or concern about such leadership changes, expressed by Dr. Gold or otherwise.

### **Request for AFLDS Donation to CSPOA**

12. I am the President of Constitutional Sheriffs and Peace Officers Association ("CSPOA") and in early 2022, our leadership began planning a national convention that would take place on September 30-October 1, 2022 in Las Vegas. I thought AFLDS or Dr. Gold might be interested in supporting CSPOA because when I first met Dr. Gold, which was when I spoke at a Reno-area Republican women's banquet in 2021, Dr. Gold spoke about how important sheriffs and peace officers are to the country. In fact, the head of the Association asked me to give 10-15 minutes of my speaking time to Dr. Gold so she could express her support.

13. Therefore, on March 24, 2022, I sent an email to Joey Gilbert, Jurgen Matthesius, and Dr. Gold to ask for AFLDS' help to raise the funds that CSPOA would need – totaling \$2.5 million – to put on the convention. Specifically, I asked AFLDS to (a) make a donation and become a headline partner in sponsoring the convention; (b) introduce me to organizations and people who had helped AFLDS fundraise in the past; and (c) that "some of you appear at the convention as speakers."

14. In that email, I asked for board approval of my request and made my email an official motion. I also offered to abstain from voting as warranted, particularly in light of accompanying conflict of interest considerations. I was never directly involved in AFLDS fundraising and so did not otherwise consider that such request would be problematic.

15. I included Dr. Gold on the above-referenced email, in light of her new marketing role with AFLDS and because of her fundraising experience over the past number of years.

16. The directors of the Board did not respond to my email. However, on March 29, 2022, Dr. Gold responded and explained a bit about donations AFLDS had made to other nonprofits in the past, described the AFLDS donor base (most people made small-dollar donations), and offered to both make a personal appearance at the CSPOA convention and try to get some other great speakers to attend.

17. Dr. Gold did not communicate in person, by email, or otherwise at any other time, until October 2022, to assert that my request was improper or inappropriate in any way.

18. AFLDS did not make a donation to CSPOA.

### **John Strand**

19. During the time Gold was in prison, I learned of problems with John Strand's work as Creative Director and that he was apparently using AFLDS funds for personal purchases. The Board discussed this matter and I suggested that Mr. Strand's employment be suspended pending an investigation into his conduct. Mr. Strand was, in fact, suspended and later, his employment was terminated.

### **Investigation into Dr. Gold's Allegations**

20. In October 2022, as a member of the AFLDS Board of Directors, I received a letter from Dr. Gold in which she asserted allegations of wrongdoing against Joseph Gilbert, the Chairman of the Board. Dr. Gold claimed Mr. Gilbert had misappropriated funds by taking an "off-the-books" \$5,000 payment per month, failed to act with competence in doing his job for AFLDS, caused AFLDS to pay his "assistant" Andrea Wexelblatt an excessive salary, and entered into a conflicted transaction by causing AFLDS to enter into a business relationship with Studio 17, which is owned in part by Ms. Wexelblatt.

21. As a director of the AFLDS Board, I took Dr. Gold's allegations very seriously, as did the other non-conflicted director - Pastor Jurgen Matthesius. He and I (as the independent members of the Board) approved hiring the law firm Wagenmaker & Oberly to investigate Dr. Gold's allegations thoroughly, upon the exercise of our due diligence and after consultation with AFLDS's in-house counsel.

22. After approximately six weeks of conducting interviews, reviewing documents, and preparing an investigative report, and as set forth in its report, Wagenmaker & Oberly issued a written report reflecting the following conclusion: (a) no misappropriation of funds occurred by Mr. Gilbert because the Board approved his temporary increase in salary payments, as identified above; (b) no impermissible conflict of interest existed in the relationship with Studio 17, based on related safeguards to protect AFLDS's best interests; and (c) although Wagenmaker & Oberly did not conduct a compensation study, the report concluded that Ms. Wexelblatt's salary was not set unilaterally by Mr. Gilbert, that the facts did not support Dr. Gold's claim that Ms. Wexelblatt was Mr. Gilbert's assistant, and Ms. Wexelblatt's compensation was reasonable. More specifically, Ms. Wexelblatt worked as AFLDS's Operations Media Manager, a role that required her to work more than 60 hours a week, travel on the weekends, and oversee several departments. I relied on this report in connection with my AFLDS leadership responsibilities, particularly as it appeared very high quality and sufficiently thorough in light of the circumstances, and based too on my extensive public service experience.

23. At some point during Wagenmaker & Oberly's investigation, Dr. Gold added to her allegations a claim that I attempted to extort money from AFLDS by requesting a donation from AFLDS (as described above in paragraphs 11-15) to support the CSPOA convention. Wagenmaker & Oberly added that allegation to their investigation and, after further interviews



and the review of documents, determined that my actions did not constitute extortion because there was no evidence of coercion, force, or impropriety by me. Wagenmaker & Oberly did determine that there was no evidence of improper motive on my part, a donation by AFLDS to CSPOA would not have been legally permissible given that CSPOA is not a 501(c)(3) organization. I did not realize that legal restriction when I asked, but I understand that now.

24. The other AFLDS directors and I accepted Wagenmaker & Oberly's final conclusions as well-reasoned and appropriate under all the circumstances.

25. During Wagenmaker & Oberly's investigation, the Board decided not to remove Mr. Gilbert from his role as Director of Strategy because based on the available information during the weeks following Dr. Gold's accusations, no conduct seemed egregious enough for removal - even temporarily. In fact, we believed Mr. Gilbert was doing a great job leading AFLDS.

#### **Role as President of AFLDS**

26. On October 21, 2022, I was elected by my fellow AFLDS directors to be the President of AFLDS, with a salary of \$20,000 per month. In that role, I have been charged with numerous leadership responsibilities including the following: (a) identifying and solving issues regarding company mismanagement, potential personal inurement, and analysis of whether company funds were and are being handled appropriately; (b) after Board approval, overseeing the selling of the house Gold bought in Naples and communicating with occupants of that home; (c) after the ongoing forensic audit, explaining to current or former employees or attorneys what funds need to be repaid; (d) reviewing staff positions and salaries to ensure they are in line with industry standards; (e) ensuring no amount over \$10,000 is spent by anyone in AFLDS without a approval of the Board; and (f) working to repair AFLDS' reputation and image with the public and with professionals in the medical freedom community.

27. On November 30, 2022 I was owed payment as President of AFLDS. But I was not paid on that date because, to my understanding, Dr. Gold assumed control of AFLDS' payroll system and illegally refused to pay me and several other AFLDS employees, including Mr. Gilbert and Lauren Bradford. Eventually, I was paid as were the other employees through the use of AFLDS funds that Mr. Gilbert was holding on the organization's behalf.

**Board Decisions Related to Protecting AFLDS from Dr. Gold's Actions**

28. Together with my fellow ALFDS Directors, I voted as an AFLDS Director to terminate Dr. Gold's access to her email, the website, and other electronic resources, on or about October 31, 2022, based on her extensive efforts to interfere improperly with AFLDS' operations. The Board made this decision to protect against false statements Dr. Gold was making to employees and third parties and to stop Dr. Gold from continue to interfere with AFLDS' mission and operations.

29. Together with my fellow ALFDS Directors, I voted as an AFLDS Director to remove Dr. Gold as a signatory on AFLDS bank accounts and provide new signatories on those accounts. Additionally, the Board authorized me to open a new account in the name of AFLDS in order for AFLDS to have access to funds for payroll and other expenses. The Board made this decision to protect AFLDS's charitable assets from continuing to be wasted, diverted, and/or misappropriated by Dr. Gold and certain persons acting upon her instigation and her direction.

30. Together with my fellow ALFDS Directors, I voted as an AFLDS Director to hire an information technology security company to properly secure AFLDS' information technology assets and to otherwise assist AFLDS with assessing its security stance periodically by conducting vulnerability assessments, penetration testing, and any other means necessary to assess the current state and recovery ability of AFLDS. The Board made this decision because

Dr. Gold had directed certain individuals to make adjustments to AFLDS information technology systems that caused the Board to lose access to such systems, thereby interfering significantly with AFLDS's operations.

31. AFLDS has had several Board meetings since February 2, 2022. Dr. Gold has not attended or asked to attend any of those meetings, including those that occurred after she claims to have reinstated herself on the Board. She has not been notified of any such AFLDS Board meetings, nor has she otherwise sought to attend them as a purported AFLDS director or officer. That is because she never contended that she was an AFLDS director, until other efforts to regain control of AFLDS failed.

I declare under penalty of perjury under the laws of the United States of America and the State of Arizona that the foregoing is true and correct.

Executed on this 17th day of January 2023 in Phoenix, Arizona by:

DocuSigned by:  
  
F1E304A6B1F4436...  
Richard Mack



# **PROVIDENT LAW**

## **Exhibit 4**

**DECLARATION OF CHRISTINE PAZZULA**

I, Christine Pazzula, hereby make the following true and complete statements in relation to the matter in Arizona State Court with the Case Number CV2022-015525.

**Background Information**

1. I am an adult residing in the State of Nevada and am under no legal disability.
2. I am personally acquainted with and have personal knowledge of the facts stated herein.
3. I currently work as an Administrative Law Specialist with Disabled Rights Advocates, PLLC. I graduated from law school in December 2015.
4. I first got involved with Free Speech Foundation, Inc. d/b/a America's Frontline Doctors ("AFLDS") in November or December 2020 when I began volunteering with the AFLDS attorney alliance. About a year later, at the beginning of October 2021, I was hired to be part of a team that wrote articles and summarized case law related to vaccine mandate cases. I was also the legal advisor to Citizen Corp., a citizen outreach entity within AFLDS. I conducted research and summarize cases for the AFLDS blog. My last name during the time I volunteered with and worked for AFLDS was Vaught.
5. Around December 2021, Amy Landau called me and said Dr. Gold and she wanted to move me over to a role where I would be helping to manage the current external counsel workload, and assist in moving AFLDS corporate legal actions forward. I accepted the role, which was a promotion. In that role, I reported to Joseph Gilbert.

**February 2, 2022 Board Meeting**

6. In late January 2022, numerous employee meetings were scheduled to be held in Florida. I was originally scheduled to attend the week that all the Citizen Corp team was there, but I was ill that week, and so ended up going the following week when the legal staff team was there.

When I arrived at what we called the Team House (a house AFLDS was renting in Naples), I was told that Dr. Gold wanted to see me.

7. I immediately went to Dr. Gold's residence in Naples. When I arrived, Dr. Gold told me in confidence that she was planning to resign from AFLDS at the upcoming Board of Directors meeting so she could pursue the development of wellness centers through her for-profit company Gold Care. My understanding based on this conversation was that not many people knew she was planning to resign.

8. During this conversation, Dr. Gold did not say anything about entering an agreement with AFLDS for any reason and did not say that her resignation was conditioned upon any payments from AFLDS. Nor did I get that impression. It was clear to me she wanted to turn her attention to creating wellness clinics.

9. In connection with the upcoming meeting, she asked me to compile documents and information related to all corporate actions that AFLDS had done from the date it was created until that point in time. For example, she wanted me to collect past Board of Director agendas and notes, organization charts, employee work contracts, and other similar items. I did not know why she wanted these documents, but I did collect everything I could. Dr. Gold did not use any of the documents I collected for her at the February 2, 2022 Board meeting.

10. In the same conversation before the Board meeting, Dr. Gold advised me that she wanted me to run the February 2, 2022 Board meeting and take the minutes. She and George Wentz, who I understood to be her personal attorney, created the agenda and the flow for the meeting.

11. The Board Meeting was conducted via videoconference. Dr. Gold, Mr. Wentz and I were in Florida at Dr. Gold's home. The other participants, which included Mr. Gilbert, Ms. Landau, Richard Mack, and Jurgen Matthesius, attended via Zoom from their individual locations.

George Wentz sat off to the side during the meeting and was not introduced or acknowledged at the meeting. Dr. Gold instructed me not to tell anyone that Mr. Wentz was present. I followed her instruction.

12. I took the minutes of the February 2, 2022 meeting and for that reason, I paid careful attention throughout the meeting so that I could record what happened accurately. A true and accurate copy of the meeting minutes I prepared are attached as Exhibit 1.

13. The meeting started with Dr. Gold sharing the history of AFLDS, her vision for Gold Care, and her desire to run wellness centers. She offered to develop the centers as a part of AFLDS and when this happened the directors discussed the various benefits and downsides of doing so, which are identified in the meeting minutes. The Board declined to add the formation and running of wellness centers to AFLDS' mission because the directors believed there was too much risk and would pull AFLDS off mission. Additionally, Dr. Gold was already subject to political pressure and seemed to have a target on her back.

14. The directors – Dr. Gold, Ms. Landau, Mr. Gilbert, Mr. Matthesius, and Mr. Mack – took a vote and voted unanimously that AFLDS would not pursue the development of wellness centers.

15. After the vote, Dr. Gold shared that she wanted to focus on Gold Care and that she did not believe she could do so and continue in her role with AFLDS. Then, Dr. Gold said she would resign. She did not, at that time, say that her resignation was conditional on her signing any agreement with AFLDS or on any payments from AFLDS. No one raised any objection to Dr. Gold's resignation.

16. Ms. Landau moved to accept Dr. Gold's resignation. Jurgen Matthesius seconded the motion. A vote was then held. Dr. Gold did not vote, but the remaining Board members voted unanimously to accept her resignation.

17. After the Board voted to accept Dr. Gold's resignation, the Board discussed who would run the organization in light of Dr. Gold's resignation. A discussion was had about Mr. Gilbert assuming the role as Chairman of the Board and Ms. Landau was the logical choice for assuming the Executive Director role.

18. After discussion, Ms. Landau resigned as a director and it was decided by unanimous vote that: she 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.

19. Once it was decided who would be running the organization, Mr. Gilbert requested that Gold continue to be the face of AFLDS in a marketing capacity to AFLDS. The Board then authorized Mr. Gilbert to negotiate a consulting agreement with Gold that would permit Gold to continue to promote AFLDS and its mission. The full Board would need to approve the final agreement.

20. When the Board meeting ended, Dr. Gold, Mr. Wentz, and I had dinner together at her house. During that time, Dr. Gold seemed happy with her decision to resign and the ability to focus full time on creating the wellness centers. Neither she nor Mr. Wentz said, in my time with them, either before, during, or after the Board meeting, that her resignation was conditional in any way. It was clear to me that she considered herself no longer on the Board or in any official role with AFLDS.

#### **Negotiation of Independent Contractor Agreement**



21. I assisted Mr. Gilbert in negotiating the independent contractor agreement on AFLDS' behalf with Dr. Gold. Before a draft of the agreement was created, I had at least one conversation with Mr. Wentz. In that discussion, I advised Mr. Wentz that the Naples House presented a significant issue for AFLDS given that Gold was living there rent-free. Specifically, I informed him that if Gold was going to remain living in the house, rental payments would have to be part of the agreement.

22. Mr. Wentz informed me that he knew the house was an issue, but that it was all but sold – that he and Dr. Gold had someone who wanted to buy it and that by the time the agreement was signed, it would no longer belong to AFLDS. However, when Mr. Wentz' colleague sent a first draft of the agreement, the proposal was for Dr. Gold to live rent free in the house.

23. Additionally, the agreement Dr. Gold's lawyers created included two payment provisions – one that would require AFLDS to pay Dr. Gold \$50,000 per month and another that would require AFLDS to pay Gold an upfront lump-sum amount of \$1.5 million.

24. I resigned from AFLDS at the end of March 2022 because I got a new job.

I declare under penalty of perjury under the laws of the United States of America and the State of Arizona that the foregoing is true and correct.

Executed on this 17th day of January, 2023 in Fallon, Nevada by:

DocuSigned by:  
*Christine M. Pazzula*  
11A7482F407B424  
Christine M. Pazzula



# **PROVIDENT LAW**

## **Exhibit 5**

## **DECLARATION OF JURGEN MATTHESIUS**

I, Jurgen Matthesius, hereby make the following true and complete statements in relation to the matter in Arizona State Court with the Case Number CV2022-015525.

### **Background Information**

1. I am an adult residing in the State of California and am under no legal disability.
2. I am personally acquainted with and have personal knowledge of the facts stated herein.
3. I am one of the founders and lead pastors, along with my wife, of Awaken Church in San Diego, California and Salt Lake City, Utah. We founded Awaken Church in 2005 and have been leading the Church since then.
4. I am a director on the Board of Directors of Free Speech Foundation, Inc. d/b/a America's Frontline Doctors ("AFLDS"). I have served in that position since December 2021. I am also the Treasurer of AFLDS and have held that position since December 1, 2022.
5. On December 9, 2021 I was elected to the AFLDS Board of Directors at a meeting that day of the AFLDS Board of Directors. Just a few weeks prior to that date, a person associated with AFLDS called me at the direction of Dr. Gold to ask me to attend the meeting and consider joining the AFLDS Board. Present at the December 9, 2021 Board meeting, among others, were the then-directors Dr. Simone Gold, Joseph Gilbert, and Amy Landau, along with Richard Mack and me. Mr. Mack and I were both elected to the Board by the unanimous vote of Gold, Gilbert, and Landau.

### **Naples House**

6. During my tenure as a director on the AFLDS Board of Directors, the Board never voted to approve the purchase of the home located at 808 Myrtle Terrace, Naples, Florida (the "Naples

House”) or to rent the home located at 799 104<sup>th</sup> Ave N, Naples, Florida. I did not know about the purchase of the Naples House until several months after the closing.

#### **Dr. Gold’s Resignation as A Director and Executive Director**

7. I attended the February 2, 2022 AFLDS Board of Directors meeting via Zoom as a Director. At that meeting, Dr. Simone Gold, then the Chairman and Executive Director of AFLDS, announced her resignation as Chairman and Executive Director, effective immediately. It was my clear understanding that she resigned so that she could start a for-profit organization that would run health and wellness clinics.

8. Prior to the February 2, 2022 Board meeting, I did not reach any agreement or have any discussions with Dr. Gold relating to her resignation. Neither I nor the Board of Directors promised that AFLDS would make her any payments in exchange for her resignation either prior to or at the February 2, 2022 Board meeting.

9. At the February 2, 2022 Board meeting, a discussion occurred about AFLDS negotiating a written independent consulting agreement with Dr. Gold, since it was suggested that she would perform marketing services for AFLDS. However, entering into that written agreement or making payments to Dr. Gold was not a condition of her AFLDS Board resignation.

10. I understand AFLDS began paying Dr. Gold in the spring of 2022 to perform marketing services for AFLDS in the amount of \$50,000 per month. I did not personally vote to approve that amount. To my knowledge, no written agreement between AFLDS and Gold was ever voted on or approved by the Board of Directors. AFLDS never agreed to pay and did not pay Gold the lump \$1.5 million sum she requested as part of her new independent consulting arrangement.

11. Also at the February 2, 2022 Board meeting, and in light of Dr. Gold’s resignation, the Board elected Joseph Gilbert as Chairman of the Board to replace Dr. Gold and Ms. Amy

Landau as Executive Director. Ms. Landau had been a director, but she resigned as a director on February 2, 2022 to immediately begin serving as AFLDS' Executive Director. There was no controversy or concern about such leadership changes, expressed by Dr. Gold or otherwise.

### **Joseph Gilbert's Pay Increase**

12. Amy Landau resigned as Executive Director on or around March 11, 2022. When that happened, Mr. Gilbert stepped into that role for an interim period. Additionally, several other employees resigned in March and April 2022. For the months of March and April, Mr. Gilbert was the Executive Director, Director of Strategy and Chairman of the Board. At some point during March 2022, Mr. Gilbert and I discussed the fact that he was holding two paid positions, and with all the other resignations, he was working many more hours than usual and taking more time than usual away from his own legal practice. We agreed that his monthly pay should be increased from \$15,000 per month to \$25,000 per month.

13. My understanding is that Mr. Gilbert communicated that increase to the AFLDS accountant and that Mr. Gilbert was paid \$25,000 per month for March and April. Eventually, Mr. Gilbert stabilized the organization, a new Executive Director was hired, and Mr. Gilbert and I discussed decreasing his salary payments. Given the additional work Mr. Gilbert continued to do, I approved him receiving \$20,000 per month. This was a \$5,000 a month increase from what he was originally making before the increase to \$25,000. My understanding is that Mr. Gilbert communicated this change to the AFLDS accountant.

### **John Strand**

14. During the time Gold was in prison, I learned of problems with John Strand's work as Creative Director and that he was apparently using AFLDS funds for personal purchases. The Board discussed this matter and Mr. Mack suggested that Mr. Strand's employment be

suspended pending an investigation into his conduct. Mr. Strand was, in fact, suspended and later, his employment was terminated.

### **Investigation into Dr. Gold's Allegations**

15. In October 2022, as a member of the AFLDS Board of Directors, I received a letter from Dr. Gold in which she asserted allegations of wrongdoing against Joseph Gilbert, the Chairman of the Board. Dr. Gold claimed Mr. Gilbert had misappropriated funds by taking an “off-the-books” \$5,000 payment per month, failed to act with competence in doing his job for AFLDS, caused AFLDS to pay his “assistant” Andrea Wexelblatt an excessive salary, and entered into a conflicted transaction by causing AFLDS to enter into a business relationship with Studio 17, which is owned in part by Ms. Wexelblatt.

16. As a director of the AFLDS Board, I took Dr. Gold's allegations very seriously, as did the other non-conflicted director – Richard Mack. He and I (as the independent members of the Board) approved hiring the law firm Wagenmaker & Oberly to investigate Dr. Gold's allegations thoroughly, upon the exercise of our due diligence and after consultation with AFLDS's in-house counsel.

17. After approximately six weeks of conducting interviews, reviewing documents, and preparing an investigative report, and as set forth in its report, Wagemmaker & Oberly issued a written report reflecting the following conclusion: (a) no misappropriation of funds occurred by Mr. Gilbert because the Board approved his temporary increase in salary payments, as identified above; (b) no impermissible conflict of interest existed in the relationship with Studio 17, based on related safeguards to protect AFLDS's best interests; and (c) although Wagenmaker & Oberly did not conduct a compensation study, the report concluded that Ms. Wexelblatt's salary was not set unilaterally by Mr. Gilbert, that the facts did not support Dr. Gold's claim that Ms.

Wexelblatt was Mr. Gilbert's assistant, and Ms. Wexelblatt's compensation was reasonable. More specifically, Ms. Wexelblatt worked as AFLDS's Operations Media Manager, a role that required her to work more than 60 hours a week, travel on the weekends, and oversee several departments. I relied on this report in connection with my AFLDS leadership responsibilities, particularly as it appeared very high quality and sufficiently thorough in light of the circumstances.

18. At some point during Wagenmaker & Oberly's investigation, Dr. Gold added to her allegations a claim that Richard Mack attempted to extort money from AFLDS by requesting a donation from AFLDS. Wagenmaker & Oberly added that allegation to their investigation and, after further interviews and the review of documents, determined that Mr. Mack's actions did not constitute extortion because there was no evidence of coercion, force, or impropriety by Mr. Mack.

19. The other AFLDS directors and I accepted Wagenmaker & Oberly's final conclusions as well-reasoned and appropriate under all the circumstances.

20. During Wagenmaker & Oberly's investigation, the Board decided not to remove Mr. Gilbert from his role as Director of Strategy because based on the available information during the weeks following Dr. Gold's accusations, no conduct seemed egregious enough for removal - even temporarily. In fact, we believed Mr. Gilbert was doing a great job leading AFLDS.

#### **Board Decisions Related to Protecting AFLDS from Dr. Gold's Actions**

21. Together with my fellow ALFDS Directors, I voted as an AFLDS Director to terminate Dr. Gold's access to her email, the website, and other electronic resources, on or about October 31, 2022, based on her extensive efforts to interfere improperly with AFLDS' operations. The Board made this decision to protect against false statements Dr. Gold was making to employees

and third parties and to stop Dr. Gold from continue to interfere with AFLDS' mission and operations.

22. Together with my fellow ALFDS Directors, I voted as an AFLDS Director to remove Dr. Gold as a signatory on AFLDS bank accounts and provide new signatories on those accounts. Additionally, the Board authorized me to open a new account in the name of AFLDS in order for AFLDS to have access to funds for payroll and other expenses. The Board made this decision to protect AFLDS's charitable assets from continuing to be wasted, diverted, and/or misappropriated by Dr. Gold and certain persons acting upon her instigation and her direction.

23. Together with my fellow ALFDS Directors, I voted as an AFLDS Director to hire an information technology security company to properly secure AFLDS' information technology assets and to otherwise assist AFLDS with assessing its security stance periodically by conducting vulnerability assessments, penetration testing, and any other means necessary to assess the current state and recovery ability of AFLDS. The Board made this decision because Dr. Gold had directed certain individuals to make adjustments to AFLDS information technology systems that caused the Board to lose access to such systems, thereby interfering significantly with AFLDS's operations.

24. AFLDS has had several Board meetings since February 2, 2022. Dr. Gold has not attended or asked to attend any of those meetings, including those that occurred after she claims to have reinstated herself on the Board. She has not been notified of any such ALFDS Board meetings, nor has she otherwise sought to attend them as a purported AFLDS director or officer. That is because she never contended that she was an AFLDS director, until other efforts to regain control of AFLDS failed.



I declare under penalty of perjury under the laws of the United States of America and the State of Arizona that the foregoing is true and correct.

Executed on this 17th day of January 2023 in San Diego, California by:



Jurgen Matthesius



# **PROVIDENT LAW**

## **Exhibit 6**

**DECLARATION OF JOSEPH GILBERT**

I, Joseph Gilbert, hereby make the following true and complete statements in relation to the the matter in Arizona State Court with the case number CV2022-015525.

**Background Information**

1. I am an adult residing in the State of Nevada and am under no legal disability.
2. I am personally acquainted with and have personal knowledge of the facts stated herein.
3. I am a lawyer licensed to practice in Nevada and I run my own law firm, Joey Gilbert & Associates.
4. I have been involved with Free Speech Foundation, d/b/a America's Frontline Doctors ("AFLDS") since March 2021, when I was elected as a director on the AFLDS Board of Directors.
5. I am currently the Chairman of the Board of AFLDS. I am also the Director of Strategy and Chief Operating Officer, and I receive \$20,000 per month as compensation for those two roles.
6. In my role as Director of Strategy, I am responsible to provide leadership to all departments with AFLDS, fill the needs of our staff so they can perform their job responsibilities, and make decisions that are in the best interests of AFLDS. As Chief Operating Officer, I am responsible for overseeing AFLDS' operations, attending leadership meetings, handling issues and disputes internally and externally, directing point of contact for department directors, working with counsel to ensure compliance with local, state, and federal laws, overseeing organizational goals, objectives and budget, setting organizational goals and ensuring each team member is meeting deadlines, and identifying areas for growth and creating and

overseeings new company objectives which further the interest of the organization. Additionally, as Chairman of the Board, my responsibility is to approve all budgeting, large expenditures, additional staff, and to provide overall direction of AFLDS.

### **Gold's Improper Use of AFLDS Funds**

7. In the fall of 2021, Gold suggested that she wanted to move to Florida for a more favorable political climate and have AFLDS headquartered there. As this was discussed, I and other directors at AFLDS had internal discussions about this and agreed it might be a good idea. At some point, I understood that Dr. Gold began shopping for homes in Florida, but no Board vote was ever held and no approval was ever given by the Board to use AFLDS charitable funds to do so.

8. In fact, in-house counsel repeatedly advised Gold not to purchase a residential home. Ultimately, Dr. Gold bought her residence at 808 Myrtle Terrace in Naples, Florida (the "Naples House") and used AFLDS funds to do so. She also signed a lease for a rental home located at 799 104<sup>th</sup> Ave. N in Naples, Florida (the "Team House") where she planned to host team meetings. She also did this without Board approval. The Board was not provided with a listing contract or purchase offer or invoice, or a lease or lease paperwork until after Gold had signed the purchase agreement on the Naples House and the lease on the Team House. To this day, Gold lives in the Naples Home with John Strand rent free and AFLDS funds are used each month to pay the rent at the Rental House.

9. I did not become aware that Gold had used AFLDS funds to purchase her personal residence -- the Naples House -- until after she had already signed the purchase agreement on the home.

10. My fellow director Richard Mack was formally informed about the Naples House in April and at that time, he said AFLDS needed to sell this house immediately. I advised Dr. Gold that the Naples House was a major problem and that AFLDS should sell it. She told me that she was going to have a Gold Care investor purchase the Naples House from AFLDS. Mr. Mack told me we should give Dr. Gold a month or 60 days to sell the Naples House, but if she did not do so, the Board would need to sell it.

11. 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 spent \$50,000 per month on AFLDS credit cards for her own personal expenses.

12. Gold also purchased three vehicles including a Mercedes Benz Sprinter van, a Hyundai Genesis, and a GMC Denali, using AFLDS funds for her own transportation needs. (Def. Ex. 48) She never sought or received the approval of the Board to purchase these vehicles.

13. On a few occasions, Gold flew on private planes using AFLDS funds without approval or authorization from the Board of Directors. I was present on one of these flights; however, Gold invited me because we were flying to the same location and she had paid the plane. One of those trips exceeded \$100,000.

14. At some point in the fall of 2021, Gold created a for-profit business 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 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.

#### **Dr. Gold’s Resignation as a Director and Executive Director**

15. I attended the February 2, 2022 AFLDS Board of Directors meeting via Zoom. The minutes for that meeting, which are Def. Exhibit 1, fairly and accurately reflect what happened at the meeting. At that meeting, Dr. Simone Gold, then the Chairman and Executive Director of AFLDS, announced her resignation as Chairman and Executive Director, effective immediately. It was my clear understanding that she resigned so that she could start a for-profit organization that would run health and wellness clinics.

16. Prior to the February 2, 2022 Board meeting, I was aware that Dr. Gold intended to resign, but I did not reach any agreement with Dr. Gold relating to her resignation. Neither I nor the Board of Directors promised that AFLDS would make her any payments in exchange for her resignation either prior to or at the February 2, 2022 Board meeting.

17. At the February 2, 2022 Board meeting, at Dr. Gold's request I suggested that AFLDS enter into a consulting agreement with Dr. Gold for her to continue to promote the AFLDS mission. The Board directed me to negotiate an independent consulting agreement on behalf of AFLDS with Gold. Entering into that agreement or AFLDS making payments to Dr. Gold was not a condition of her resignation.

18. AFLDS began paying Dr. Gold in March of 2022 to perform marketing services for AFLDS in the amount of \$50,000 per month. Those payments were made through October 2022. No written agreement between AFLDS and Dr. Gold was ever signed or approved by the Board of Directors. AFLDS never agreed to pay and did not pay Gold the lump sum of money she was requesting in negotiations for an independent consulting agreement.

19. Also at the February 2, 2022 Board meeting, and in light of Dr. Gold's resignation, the Board elected me as Chairman of the Board to replace Dr. Gold and Ms. Amy Landau as Executive Director. Ms. Landau had been a director, but resigned as a director to immediately

begin serving as AFLDS' Executive Director. There was no controversy or concern about such leadership changes, expressed by Dr. Gold or otherwise.

20. AFLDS has had several Board meetings since February 2, 2022. Dr. Gold has not attended any of those meetings, including those that have taken place after she claims to have reinstated herself on the Board. Nor has she asked to attend any of those meetings.

21. There was never a time from February 3, 2022 through October 31, 2022 when Dr. Gold ever communicated to me that her resignation was conditioned upon entering into an consulting agreement with AFLDS or receiving payments from AFLDS. Nor did she ever question my status as the Chairman of the Board of Directors. She acknowledge I was the Chairman to AFLDS staff, third parties, and the public.

#### **Negotiation of Independent Consulting Agreement**

22. George Wentz acted as Dr. Gold's counsel in connection with negotiating an independent consulting agreement between AFLDS and Dr. Gold. On March 10, 2022, Mr. Wentz' colleague sent a first draft of the agreement, which included two payment provisions – one that would require AFLDS to pay Dr. Gold \$50,000 per month and another that would require AFLDS to pay Gold a lump-sum amount of \$1.5 million. (A true and accurate copy of this draft agreement is Def. Exs. 45-46)

23. I did not necessarily disagree with the terms Dr. Gold's counsel proposed, but I was concerned about whether the payments she was requesting, and particularly the lump-sum payment, given its size, would be appropriate under nonprofit law.

24. Because of the concerns about the propriety of paying Dr. Gold such a high lump sum of money, on March 31, 2022, Dr. Gold proposed to “defer any direct payout of the \$1.5 million to a later date/time TBD.” (A true and accurate copy of that proposal is Def. Ex. 55) That same day,

later in the day, her counsel forwarded a revised draft of the consulting agreement he had previously sent. This draft still had AFLDS paying Dr. Gold \$1.5 million but it was spread over a period of twelve months. (A true and accurate copy of this draft is Defs. Ex. 52-53)

25. There were too many concerns for us to sign an agreement paying Dr. Gold \$1.5 million until the audit and compensation study (discussed below) were completed. No agreement has been signed to date and as stated below, the audit is ongoing.

### **Pay Increase**

26. Amy Landau unexpectedly resigned as Executive Director on or around March 11, 2022. When that happened, I stepped into that role for an interim period. Additionally, several other employees resigned in March and April 2022. For the months of March and April, I was the Executive Director, Director of Strategy and Chairman of the Board. At some point during March 2022, I discussed with my fellow director, Jurgen Matthesius, the fact that I was holding two paid positions, and with all the other resignations, I was working many more hours than usual and taking more time than usual away from my legal practice. We agreed that my monthly pay should be increased from \$15,000 per month to \$25,000 per month.

27. I communicated that increase to the AFLDS accountant, Troy Brewer, and I was paid \$25,000 per month for March and April. (A true and accurate copy of that email is Def. Ex. 21) Dr. Gold and I talked about my increase in pay. It was no secret.

28. Eventually, with the help of new general counsel and with the hiring of Wagenmaker & Oberly, we were able to stabilize the organization. At that time, without advising the Board or getting authorization of the Board, Dr. Gold announced that Lisa Andrzejewski was the new Executive Director. The Board deferred to Dr. Gold even though she did not hold a position with AFLDS anymore. Ms. Andrzejewski was also Dr. Gold's assistant at the same time.



29. I also talked with Pastor Matthesius decreasing my salary payments. Given the additional work I continued to do, Pastor Matthesius approved me receiving \$20,000 per month. This was a \$5,000 a month increase from what I was originally making before the increase to \$25,000. I communicated this change to Mr. Brewer. (A true and accurate copy of that email is Def. Ex. 23) These payments were all documented. (A true and accurate copy of the report of payments made to me is Def. Ex. 24)

### **AFLDS Audit**

30. In March 2022, AFLDS hired a law firm, Fisher Broyles, to examine and provide insight into the structure of how AFLDS was receiving money from telemedicine companies and whether AFLDS' approach was lawful. This was a step we felt necessary to take because I and the other Board members were concerned about the propriety of AFLDS receiving commissions on referrals from the telemedicine business. After it gathered preliminary data, Fisher Broyles suggested AFLDS hire an outside firm to conduct a forensic audit so they could understand where money was coming in and going out.

31. On or around March 10, 2022, Fisher Broyles was provided a copy of the independent consulting agreement that Gold's counsel proposed to AFLDS, which included the \$50,000 payment per month and a lump-sum payment of \$1.5 million. Shortly thereafter, on March 21, 2022, after emphatically warning AFLDS not to enter into the proposed agreement with Dr. Gold, Fisher Broyles terminated its engagement with AFLDS and decided not to move ahead with representing or doing any other work with AFLDS.

32. In April and May of 2022, after speaking with our nonprofit counsel, Wagenmaker & Oberly, I and my fellow AFLDS Board members began to have concerns about transactions Gold

had engaged in while she was Executive Director and on the Board of Directors, including the purchase of the Naples Home, vehicles, and other expenses.

33. In June 2022, the ALFDS Board received a detailed memorandum from Wagenmaker & Oberly regarding Dr. Gold's excess benefit transactions and the federal tax implications of those transactions along with her personal spending of AFLDS funds. Wagenmaker & Oberly confirmed significant concerns the Board had in April and May of 2022 that Gold was using AFLDS to forward her for-profit business and pay for her personal expenses.

34. After receiving Wagenmaker & Oberly's memorandum, I immediately took steps to follow the advice of our counsel. First, AFLDS hired Capin Crouse LLP to complete a compensation study on or around July 18, 2022 to determine whether the independent consulting agreement AFLDS was negotiating with Dr. Gold reflected fair and reasonable compensation under nonprofit law. Shortly thereafter, we hired the same accounting firm to conduct a forensic audit of ALFDS' finances and financial transactions (discussed below).

#### **Gold's Prison Term and Changes for AFLDS**

35. Dr. Gold was sentenced 60 days in federal prison on June 16, 2022 after pleading guilty to charges related to the January 6, 2021 Capitol Riot. When Dr. Gold reported to prison on July 26, 2022, AFLDS continued to be run by its Board of Directors and staff. Additionally, I led AFLDS's day-to-day operations so that AFLDS would run smoothly during Gold's absence. One of the first steps I took was to implement new safety measures and standard operating procedures, which included: credit card reimbursement protocols, a procurement policy, and a purchasing form.

36. Additionally, during the time Dr. Gold was in prison, AFLDS Board also hired Capin Crouse to conduct a forensic audit regarding Dr. Gold's apparent misuse of AFLDS funds. The

objective of this audit was to seek compliance with applicable IRS requirements and to identify any appropriate remedial measures.

37. The Capin Crouse audit is ongoing. While Dr. Gold was still involved (through October 2022) she made it very difficult, if not impossible, for Capin Crouse to get the documentation it needed to complete the audit. To date, Capin Crouse has had a difficult time locating appropriate back up documentation for many of Dr. Gold's expenses and those of individuals who acted on her behalf.

#### **Alison Rockett and John Strand**

38. During the time Dr. Gold was in prison, the organization had increasing problems with two employees –Alison Rockett and John Strand.

39. Rockett was hired by AFLDS and was paid \$10,000 per month. In that role, she was supposed to assist with relationships with donors and seeking relationships that would be beneficial to AFLDS. However, Rockett continuously went around the chain of command, attempted to obtain information her role did not require, and included Dr. Gold on communications when it was not necessary to do so. I had repeated conversations with Rockett to correct her behavior and try to get her back on track. I kept Dr. Gold in the loop regarding the problems we were having with Rockett because Dr. Gold was the one that highly recommended hiring her. After repeated conversations, including one with Dr. Gold in which she said, "I made a mistake, we should get rid of her," and after discussing the matter with Executive Director Lisa Andrzejewski, I decided we needed to terminate Rockett's employment with the organization. We terminated her employment on July 27, 2022. (A true and accurate copy of the termination notice is Def. Ex. 82)

40. Strand was the self-appointed AFLDS Creative Director for a time and then at Dr. Gold's request, he was demoted several times and limited to directing two media segments within AFLDS—Doc Tracy and Frontline Flash. Strand was also romantically involved with and living with Dr. Gold. In essence, Strand was not taking direction from his supervisors and the Board as he conducted his job and continued to use AFLDS credit cards for thousands of dollars in personal expenses.

41. I discussed the problems with Strand personally and also raised it with the Board on August 6, 2022. At that meeting it was decided that his employment would be suspended with pay, pending termination. The reasons for his suspension/termination were set forth in a letter dated August 9, 2022 and emailed to him on that same date. (A true and accurate copy of that email is Def. Ex. 81)

42. As stated in that letter, I had informed Dr. Gold during a visit with her on August 8, 2022 at the Miami federal prison that the Board had decided to terminate Strand's employment. Based on the information I shared with her, Dr. Gold agreed that Strand should be terminated to preserve and protect AFLDS' nonprofit status and reputation of both AFLDS and Dr. Gold. Other employees, including the Executive Director Lisa Andrzejewski and Director of Security A.J. Andrzejewski agreed that Strand's employment should be terminated.

43. Gold was released from prison on September 9, 2022 and continues to be under supervised release.

44. When Gold was released from prison, I, 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 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. One of the first recommendations I mentioned was the

need to sell the Naples House. Although she 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.

45. The Team House was used for AFLDS business up through March 2022, then there was no one using it except for a goodbye party for Gold when was on her way into prison, and for key executives to meet with Gold before she went to prison to get content and footage for AFLDS advocacy when she was in prison.

46. 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.

47. For example, I discovered that Dr. Gold was directing the payroll and staffing processes through her influence over Ms. Andrzejewski, who traveled with her and was her personal assistant. I decided, with the advice of counsel, that Ms. Andrzejewski could no longer be both Dr. Gold's personal assistant and the AFLDS Executive Director.

48. 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 I, the third Director, had engaged in wrongdoing in my role with AFLDS. In that email, Gold demanded that the Board take certain steps to essentially remove me from the Board and investigate her allegations.

49. The Board responded to Gold's allegations by retaining counsel to investigate her allegations thoroughly.

50. 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.

51. 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.

### **Gold's Interference**

52. Beginning in October 2022, Gold took the following actions (among others):

- a. 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. (A true and accurate copy of that letter is Def. Ex. 73)
- b. 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). (A true and accurate copy of that posting is Def. Ex. 25)
- c. 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 me and AFLDS General Counsel, attached

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. (A true and accurate copy of that email is Def. Ex. 13)

- d. 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.
- e. Between October 31, 2022 and November 7, without the authorization of the Board, Dr. Gold sent letters to various employees and third parties performing work for AFLDS purporting to fire them. (True and accurate copies of these letters are Def. Exs. 5, 8, 9, and 12)
- f. On November 30, 2022, without authorization of the Board, Gold failed to pay various AFLDS employees, including myself, who continue to work on AFLDS' behalf to forward its charitable purposes.
- g. On or around December 18, 2022, after the Court in this matter denied her motion for a temporary restraining order that sought to have her identified as a member of the AFLDS Board, Gold or someone at her direction, persuaded Chase bank to freeze AFLDS' bank account as a way of trying to prevent AFLDS from paying its employees.

**AFLDS Funds in Joey Gilbert Law Offices**

53. In March 2021, Dr. Gold was fearful that because the government was freezing bank accounts of individuals that participated in the January 2021 Capitol Riot, AFLDS' accounts would be frozen in light of her participation. She asked me if certain AFLDS money could be transferred to a trust account within my firm. I agreed and we signed an agreement that the funds would be held in trust. AFLDS then set about to and did have the money transferred to a trust account with my firm (the "AFLDS Trust Account").

54. Dr. Gold and AFLDS' accountant asked me to provide for bank statements related to this money over time. But at no time did anyone ask that those funds be wired to the AFLDS bank account in Tennessee or anywhere else.

55. From the date the money was transferred into my law firm trust account until AFLDS retained Wagenmaker & Oberly, not a cent of that money was used for any purpose. On November 22, 2022, I directed the money in the AFLDS Trust Account to be transferred into a trust account with AFLDS' legal counsel, Wagenmaker & Oberly. I did this because I was concerned, based on Dr. Gold's conduct at the time, that she would seek to exercise control over those funds even though she was not on the AFLDS Board and held no position with AFLDS.

56. Since the money that was in the AFLDS Trust Account was transferred into a trust account with Wagenmaker & Oberly, that money has been used in part to pay AFLDS employees, vendors, and third parties working for AFLDS and to forward AFLDS' charitable purposes.

#### **Dr. Gold's Defamatory Statements & Threats**

57. Beginning in early October 2022, Dr. Gold began making false and defamatory statements about me both to the AFLDS staff and to the public.

58. I am aware of at least the following:



- a. False statements made by Dr. Gold about me on a videoconference with doctors associated with Gold Care, including “what a sick individual he is”; “He’s a freakin’ crook and a con man”; “he’s caused Gold Care harm”; there is “zero chance he won’t lose his law license”; “he may go to jail”; “I can make his life difficult”; “he’s already been disinvited from everything”; “I really wonder if he’s brain damaged.”
- b. False statements made by Dr. Gold in writing to the AFLDS staff, including: “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...” (A true and accurate copy of this letter is Def. Ex. 4); “Mr. Gilbert has been recused from his role on the Board of Directors pending an internal investigation” (A true and accurate copy of this letter is Def. Ex. 7);
- c. False statements made at Dr. Gold’s instruction to the public in an AFLDS’ blog article in which Gold claims I represented to a federal judge that I “knew nothing about” the Naples House; that I created the subsidiary in which the Naples House property is owned (A true and accurate copy of that article is Def. Ex. 74); false statements in a press release sent at Dr. Gold’s instruction on AFLDS’s website and trademark that I “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. ALFDS will not tolerate corruption nor

allow a culture of fear and bullying.” (A true and accurate copy of that press release is Def. Ex. 10)

59. Dr. Gold also threatened me and my fellow AFLDS directors. Specifically, Dr. Gold posted threats on the AFLDS affiliate Frontline Flash Telegram account, using the fake name “Lady Wisdom.” (A true and accurate copy of the post is Def. Ex. 79) Gold also sent an email to each of the directors threatening them. (Def. Ex. 73)

60. As a result of Gold’s defamatory statements, I was disinvited to speak at the Reawaken Tour Pennsylvania in October 2022, the Reawaken Tour Missouri in November 2022, and all future Reawaken Tours. My Gloves Off Podcast on American Media Periscope was put on hold because Gold called the organizers of that podcast and said false statements about me. I have spent months building my audience for that podcast and because of Dr. Gold’s actions, it is dead in the water.

#### **AFLDS Information Technology**

61. On November 2, 2022, I became aware that I and several other employees could no longer access our AFLDS emails. I reached out to Dave Kimbrel, an IT consultant, to ask me to look into what had happened.

62. Dave Kimbrel looked into the matter and sent me an email, a true and accurate copy of which is Def. Ex. 28. As set forth in that email, in the course of investigating what had happened, Kimbrel learned that the afllds.org domain were hijacked and taken over. Specifically, the DNS settings for afllds.org were changed, and email servers were changed from Microsoft’s servers to Google’s servers. Additionally, Kimbrel’s access to the accounts that manage the domains and DNS was also revoked.

63. Based on Kimbrel's investigation, he concluded that an employee internally who had access to AFLDS' IT/Marketing infrastructure made these changes discussed above.

64. After these changes were made, Dr. Gold and those loyal to her were in complete control of the accounts that own and manage the afls.org domain, and any others in the same accounts.

65. On November 4, 2022, Kimbrel reported to me that he had received an email from Microsoft indicating that Jared Lewin, a member of the AFLDS web team and Gold's executive assistant at Gold Care, submitted a request to take over the AFLDS Microsoft tenant. This request was an indication to Kimbrel that Lewin, probably at Gold's request, was about to take over the entire AFLDS Microsoft tenant (not just email), and that the Board of Directors and other employees would lose complete access to AFLDS' systems. Kimbrel reported this information to me in an email, a true and accurate copy of which is Def. Ex 11.

#### **AFLDS' Registration in Florida**

66. Dr. Gold has claimed that I moved I changed the corporate address of AFLDS to my law firm address in Reno, Nevada without her knowledge. As set forth in Def. Ex. 14, this is not true. Dr. Gold was involved with and aware of the change of the AFLDS business address.

#### **Trademarks**

67. The documents that are Def. Exs. 77 and 78 are true and accurate copies of two of AFLDS' trademarks registered with the United States Patent and Trademark Office.

#### **Andrea Wexelblatt and Studio 17**

68. Andrea Wexelblatt was first hired in May 2021 as a legal assistant with the legal team at AFLDS. In that role, she helped manage the plaintiffs AFLDS worked with to bring certain lawsuits related to the vaccine mandates. As set forth in Def. Ex. 83, Ms. Wexelblatt received a payment in the amount of \$1,600 on May 17, 2021 and a second payment for \$3,200 on May 25,

2021. In June 2021, she received an increase in pay to \$5,700 per month. In May 2022, Ms. Wexelblatt left her position with AFLDS to work as my campaign manager for my Nevada gubernatorial campaign. Ms. Wexelblatt did not work for AFLDS in May or June of 2022.

69. In July 2022, Dr. Gold decided to hire a consulting company, Studio 17, in which Ms. Wexelblatt was a part owner, to develop social media content for AFLDS. And, on July 11, 2022 Ms. Wexelblatt began working under Katie Stephens in the Gold Care operations department. On July 22, 2022, shortly after Ms. Wexelblatt began working for Gold Care, Lisa Andrzejewski, Gold, and I each called her to see if she would consider moving from Gold Care to AFLDS. Ms. Wexelblatt agreed and Ms. Andrzejewski gave her the title "Operations Media Manager." Two AFLDS employees reported directly to Ms. Wexelblatt in that role. Ms. Wexelblatt began receiving \$12,000 per month in her new role on July 29, 2022, as shown in Def. Ex. 83)

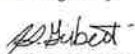
70. Ms. Wexelblatt currently works at my law firm on a part time basis.

71. I was not responsible for hiring or the setting of any compensation for Studio 17 or Ms. Wexelblatt. Dr. Gold and Ms. Andrzejewski were. And Dr. Gold knew from the beginning that Ms. Wexelblatt was a part owner of Studio 17. Additionally, it is my understanding that Ms. Wexelblatt has not received any of the funds that AFLDS paid to Studio 17 for its work for AFLDS.

I declare under penalty of perjury under the laws of the United States of America and the State of Arizona that the foregoing is true and correct.

Executed on this 18th day of January, 2023 in Reno, Nevada by:

DocuSigned by:



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Joseph Gilbert