

STATE OF INDIANA ) IN THE BOONE COUNTY CIRCUIT COURT  
 ) SS:  
COUNTY OF BOONE ) CAUSE NO.:

JAMES DEOREO, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
THEODORE DUDZINSKI, and )  
THE ROMAN CATHOLIC DIOCESE )  
OF LAFAYETTE-IN-INDIANA, INC. )  
 )  
Defendants. )

**COMPLAINT**

Plaintiff, James DeOreo, by counsel, for his Complaint against Defendants, Theodore Dudzinski (“Dudzinski”) and The Roman Catholic Diocese of Lafayette-in-Indiana, Inc. (“Diocese”), hereby states and alleges as follows:

1. Plaintiff is a resident of Indiana and a Catholic Priest, employed by Defendant Diocese.

2. Defendant Diocese is an Indiana non-profit corporation based in Lafayette, Tippecanoe County, Indiana. Diocese is a diocese of the Roman Catholic Church and owns, and operates churches, parishes and pastorates in north-central Indiana, including in Boone and Hamilton Counties.

3. Defendant Dudzinski is a catholic priest, resident of Indiana and employed by Defendant Diocese and also acts as the corporate secretary for the Diocese and as the Vicar General.

4. The subject of Diocese' Defamation and Dudzinski's Fraud occurred in Zionsville, Boone County, Indiana and venue in this Court is therefore preferred.

### **FACTUAL BACKGROUND**

5. On or about January 4, 2021, a complaint ("Allegation 1") was made by a parishioner of St. Alphonsus Liguori Church in Zionsville, Indiana, a church within the jurisdiction of the Diocese. The individual ("Complainer") claimed that Plaintiff, while employed by the Diocese and stationed at St. Alphonsus, had abused the complainer by encouraging him to fast and engage in other spiritual and ascetic practices, eventually causing the Complainer to suffer an eating disorder.

6. Allegation 1 was delivered to the Diocese and its review and subsequent investigation was overseen by Dudzinski.

7. Dudzinski and the Diocese privately instructed DeOreo, who was at that time stationed at Our Lady of Mount Carmel in Carmel, Indiana, to suspend any active ministry while the investigation took place.

8. Dudzinski and the Diocese engaged Kurt Wolf as an independent investigator of Allegation 1 and Wolf conducted an investigation from January 28, 2021 until February 20, 2021.

9. Wolf concluded that Allegation 1 was unsubstantiated, that Plaintiff had not 'caused' the Complainer's eating disorder, and that no abuse had occurred.

10. Upon receiving and accepting Wolf's conclusions, the Diocese and Dudzinski returned DeOreo to active ministry with no other consequence to his employment at that time.

11. The Diocese informed Complainer on multiple occasions, including at least in February, 2021 and again in May, 2021 that, based upon the conclusion of the investigation, that DeOreo had not committed abuse and that neither DeOreo nor the Diocese were responsible for the Complainer's eating disorder.

12. Nevertheless, the Diocese agreed to pay for the Complainer's psychotherapy to aid in coping with this mental issues and eating disorder.

13. Other than ongoing therapy, the Complainer considered the matter and complaint closed on or before May, 2021.

14. As a consequence of paying for Complainer's psychotherapy, Dudzinski, claimed a right, ostensibly on behalf of the Diocese, to sit in on Complainer's therapy sessions between February and September, 2021.

15. Upon information and belief, on multiple occasions, while participating in the Complainer's psychotherapy sessions, that Dudzinski informed Complainer and his therapist that the Diocese would be inclined to either reopen the investigation, or initiate a new investigation if Complainer's allegations were of a sexual nature.

16. Upon information and belief, Dudzinski harbored significant ill-will toward DeOreo and believed that an allegation of sexual abuse by Complainer would provide a basis for terminating DeOreo's employment.

17. Upon information and belief, Dudzinski worked during the therapy sessions and conversations with Complainer, particularly the therapy session on August 22, 2021, the phone call on September 16, 2021, and the therapy session on September 28, 2021, to create the false impression in Complainer that DeOreo would be held responsible and punished for allegations of sexual abuse made by Complainer and that the Diocese would tender compensation to Complainer, regardless of the veracity of those allegations, and preyed upon Complainer's desire for vengeance and blame for his eating disorder.

18. In addition, upon information and belief, during the therapy sessions and other correspondence with Complainer from March, 2021 through September, 2021, Dudzinski misrepresented to Complainer that DeOreo was not permitted by the Diocese to be around minors and

intentionally created the false impression in Complainer that DeOreo was restricted by the Diocese from communication with minors, despite the fact that Dudzinski knew this to not be true.

19. At the therapy session on September 28, 2021 and confirmed by a letter written by Complainer dated October 8, 2021, Complainer made false allegations that DeOreo had abused him by “sexual harassment and grooming.” (“Allegation 2” or “new Allegations”)

20. Following the September 28, 2021 therapy session, Complainer also engaged an attorney to aid in making a demand for compensation to the Diocese.

21. At the September 28, 2021 therapy session or during communication shortly thereafter, Dudzinski misrepresented to Complainer that DeOreo would be immediately restricted from any contact with minors, even before any investigation of the new allegations had occurred, knowing this to be false and contrary to the Diocesan protocols.

22. Having received a written accusation of sexual abuse, the Diocese immediately began an internal investigation. Even before the letter was received, on October 6, 2021, (former judge) Tom Busch, Chair of the Diocesan Review Board, informed the Board of the allegations, noting:

The original allegations of misconduct did not involve sexual abuse. They were investigated by Kurt Wolf, our investigator, and Barry Loftus, attorney for the

Diocese. The priest was placed on leave during that investigation. The investigation did not result in a referral to the Review Board....During therapy, new allegations have come to light which may qualify as sexual abuse of a minor .... The Board will decide whether the new allegations, together with the earlier allegations, fall within our jurisdiction.

23. The Diocesan Board met on October 13, 2021 and instructed Kurt Wolf and Barry Loftus to lead an investigation into the new allegations by Complainer against DeOreo.

24. On or about October 27, 2021, Kurt Wolf and Barry Loftus, on behalf of the Diocese and Diocesan Review Board, met with and interviewed the Complainer regarding the new allegations against DeOreo.

25. This was the last and only communication between the Complainer and any representative of the Diocese and/or Review Board regarding an investigation into the new allegations by Complainer.

26. Upon information and belief, the October 27, 2021 interview was the only investigatory action taken by the review board regarding the new allegations.

27. In the October 8, 2021 letter, the Complainer had specifically noted "I would like to be clear from the start, at no point was there any sexual contact." By Indiana statute, no form of sexual abuse can occur absent physical contact, rendering the new allegations unfounded *ab initio*.

28. Relying upon the October 8 letter and their interview of Complainer, neither Wolf, nor Loftus, nor the Review Board found the new allegations to be credible and found no evidence to substantiate the allegations or to support the assertion that the alleged behavior constituted sexual abuse.

29. On or about November 9, 2021, and in reliance upon Dudzinski's representations and impressions that DeOreo had violated a restriction against being in the presence of minors, Complainer sent an email to the Diocese complaining about DeOreo's presence at a service with children present, asserting: "The Diocese obviously could care less about what I have suffered under [DeOreo] and has no concern for what he is capable of...A priest who has been accused of sexual abuse should be nowhere near children... It is absolutely disgusting that the Diocese would needlessly endanger children... all I want is for my abuser to be held accountable for what he has done to me. The Diocese continues to enable Fr. DeOreo and it is horrific."

30. From and after September 28, 2021, without divulging his efforts during August and September to encourage the Complainer to make the new Allegations, Dudzinski operated to hide, obfuscate, or destroy the findings of Review Board and acted to intentionally create the false impression in Diocesan leadership, including Bishop Timothy Doherty, that Complainer's

new allegations were credible, actionable, or otherwise harmful to the Diocese.

31. Based upon Complainer’s distraught email on November 9, 2021 and Dudzinski’s efforts to misconstrue the veracity of the new allegations, and contrary to the findings of its own Review Board and internal protocols, the Diocese issued a Decree on November 19, 2021, noting that the Diocese “received information regarding a possible violation of the sixth commandment<sup>1</sup> by a cleric with a minor ... the information ... does not appear manifestly false, nor does the inquiry appear to be superfluous.” (“November Decree”)

32. Pursuant to the November Decree the Diocese initiated a ‘preliminary investigation’ and “nominate[d] Messrs. Barry Loftus, attorney at law, and Kurt A Wolf, to conduct this preliminary investigation. They are admonished to be aware of ... the need to prevent any illegitimate harm to the right of the good reputation to any of those involved in this preliminary investigation.”

33. Despite the confirmation of their appointment, upon information and belief, neither Loftus nor Wolf took additional investigatory actions following the November Decree.

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<sup>1</sup> According to the *Catechism of the Catholic Church*, the sixth commandment: “thou shall not commit adultery” covers all sins of a sexual nature and violations of this commandment include: Lust, masturbation, fornication, pornography, prostitution, and rape. (¶¶2351-56)



34. Pursuant to the November Decree, DeOreo was, for the first time, restricted from public ministry with youth or with any parishioner of St. Alphonsus, the parish of the Complainer and DeOreo's previous post. Nothing in the November Decree restricted DeOreo's non-ministry related communication with minors or presence around minors.

35. Neither the November Decree nor the preliminary investigation were announced publicly or otherwise published at that time.

36. From November 19, 2021 until March 7, 2022, the Diocese continued to negotiate with the Complainer and his counsel regarding a potential settlement and payment, but made no further efforts to investigate the veracity of the new allegations.

37. During the course of those negotiations, upon information and belief, Dudzinski misrepresented the substance of the November Decree to Complainer and/or his family and also to Jackie Montrie, the Victim's Assistance Counselor for the Diocese, suggesting that DeOreo was prohibited from contact at all with minors and/or that DeOreo was entirely suspended.

38. On or about March 7, 2022, and relying upon Dudzinski's misrepresentations regarding the substance of DeOreo's restrictions or those same misrepresentations communicated by Montrie, Complainer's mother telephoned the Diocese to complain about DeOreo's presence at a Carmel

High School swim meet, incorrectly believing such presence was in violation of the November Decree.

39. While DeOreo was at the swim meet, he had been invited by a swimmer's parents, with whom he was sitting for the meet, and did not engage in any act of public ministry while at the meet and took no other action in violation of the November Decree.

40. Upon information and belief, Dudzinski leveraged the complaint by Complainer's mother and intentionally created a false impression in Diocesan leadership that DeOreo had intentionally violated the terms of the November Decree, despite the clear written terms of that Decree, and suggested that Complainer would subject the Diocese to additional legal scrutiny or liability as a result of DeOreo's actions.

41. Based upon the complaint made by Complainer's mother, the misrepresentations by Dudzinski, and contrary to its own November Decree and internal protocols, the Diocese suspended DeOreo on March 11, 2022. ("March Suspension")

42. Pursuant to the March suspension, DeOreo was suspended from all public exercise of sacred orders, evicted from the rectory at Our Lady of Mount Carmel church and prohibited from residing within Howard, Boone, or Hamilton Counties, and prohibited from wearing clerical garb.

43. Bishop Doherty of the Diocese, has testified that the exclusive reason for the March Suspension was DeOreo's perceived violation of the November Decree. The Diocese had not gathered any new or additional information that caused it to reasonably believe that the New Allegations were any more plausible or credible than they had been in October, 2021.

44. On or about March 13, 2022, the Diocese published a Statement to the parishioners of Our Lady of Mount Carmel, other members of the Diocese in Indiana, and publicly to news agencies, among others. ("March Statement")

45. A true and accurate copy of the March Statement is attached to this Complaint as Exhibit 1.

46. The statement intentionally intimates that DeOreo was suspended because the Diocese "received allegations of inappropriate conduct with a minor" and further intimates such inappropriate conduct was sexually abusive by directing persons to "make a report to Child Protective Services" and that "the safety and well being of our children and young people are of the utmost importance."

47. Because DeOreo was suspended for violating the November Decree, as Bishop Doherty testified, the Diocese knew the March Statement to be inaccurate as published.

48. The Code of Canon Law is a set of protocols published by the Catholic Church, available to the public, and represent the common internal operational protocols of the international church. While the enforcement of Canon Law is exclusively the province of the Church as an ecclesiastical matter, Canon Law is generally understood by Catholics and non-Catholics and conveys meaning regarding the procedures and processes taken by Diocesan leadership.

49. The March Statement purports to be “according to Canon 1722” which specifically provides that the Bishop, “after having heard the promoter of justice and cited the accused, at any stage of the process can exclude the accused from the sacred ministry or from some office and ecclesiastical function, can impose or forbid residence in some place or territory, or even can prohibit public participation in the Most Holy Eucharist.” However, the Bishop had neither “heard the promoter of justice” nor “cited the accused.” Furthermore, before the measures ‘according to Canon 1722’ may be put in place, the Bishop must first conclude his preliminary investigation and determine that he “has knowledge, which at least seems true, of a delict, he is careful to inquire personally or through another suitable person about the facts, circumstances, and imputability” of the claim. (Canon 1717)

50. Thus, by claiming, falsely, that the measures of Canon 1722 were in place, the Diocese was also, by implication, representing that an

investigation had occurred and that substantial evidence pointed toward DeOreo's misconduct, guilt, and/or culpability – an untruth based upon the investigation performed by Loftus and Wolf and the inconsistencies of Complainer's claims.

51. Further, Catholic Canon Law additionally requires that “Care must be taken so that the good name of anyone is not endangered from this investigation.” And that the “acts of the investigation, the decrees of the ordinary which initiated and concluded the investigation, and everything which preceded the investigation are to be kept in the secret archive of the curia if they are not necessary for the penal process.” Thus, by publishing the allegation publicly and citing Canon 1722, the Diocese further intentionally or knowingly created the false impression that DeOreo had no ‘good name’ to endanger and that a penal process had been initiated. Neither of these was true.

52. Additionally, policies published by the Catholic Church, particularly the *Communication Policy for Allegations of Sexual Abuse by Clergy*, first published June 19th, 2019; provides that a clergy member's name, ordination date, and action taken will only be released publicly “either because of criminal charges being filed by the District Attorney or after substantiation by the independent investigation.” The publication of the March Statement including DeOreo's name, the suggestion of “inappropriate

conduct with a minor” and even subsequent public statements that included DeOreo’s ordination date all intimated that either criminal charges had been filed or that an independent investigation had substantially established culpability, when the Diocese knew neither of these to be true or even likely.

53. As a result of the publication of the statement by the Diocese, several news outlets ran news stories about DeOreo, each asserting that he was suspended for “inappropriate conduct with a minor” based upon the Diocesan statement. Further, several news stories and persons, based upon the clear intimation present in the March Statement, reasonably presumed that sexual abuse was at issue. A story from WRTV cited a statement from SNAP: “Fr. De Oreo was ordained in 2018 and may already have other victims. Because of the reality of delayed disclosure in cases of sex crimes, it is likely that other potential victims might take decades to come forward,” the statement read. “It is rare that an abuser has just one victim.” (*Carmel priest suspended amid allegations of inappropriate conduct with minor*, WRTV, March 15, 2022, <https://www.wrtv.com/news/local-news/crime/carmel-priest-suspended-on-allegations-of-inappropriate-conduct-with-minor>)

54. Since October, 2021, the Diocese has performed no further investigation into the new allegations, and has found zero evidence that corroborates, supports, or confirms the new allegations.

55. The Diocese has refused to retract the statement or otherwise clarify that DeOreo was not suspended for sexual misconduct with a minor, instead allowing the misinformation created by the March Statement to persist.

**COUNT I: Defamation by Diocese**

56. Plaintiff incorporates each of the above paragraphs as if fully restated herein.

57. The March Statement was defamatory *per se* in that it imputed both criminal conduct, misconduct in DeOreo's office of priest, and sexual misconduct.

58. The March Statement was made with knowledge or at least reckless disregard of its falsity; published to parishioners and news agencies; and damaged DeOreo's reputation.

59. The March Statement was not qualifiedly privileged as it was made without belief or grounds for belief in its truth by the Diocese and it was excessively and unnecessarily published.

60. Furthermore, the Diocese had sufficient information at the time it made the March Statement to confirm that, despite the false allegations by Complainer, DeOreo was not a danger to children and there was no public interest in publishing the defamatory March Statement.

61. DeOreo is entitled to recover compensation from the Diocese for the damage suffered to his reputation as a result of the defamatory imputation of the March Statement. The value of DeOreo's previously impeccable reputation as a priest was at least ten million dollars (\$10,000,000).

62. DeOreo does not request that this Court direct or invade the province of the Diocese to adjudicate its own internal norms and regulations, including Canon Law. DeOreo does not seek this Court's intervention in internal matters of punishment or his relation with the Diocese as a priest, pursuant to the protections and separation of the First Amendment.

63. Instead, DeOreo's claims are based solely upon the damage to his reputation wrought by the false, published March Statement regarding the reasons for his suspension, the intimation that the Diocese believed the new allegations of sexual abuse and that DeOreo had been suspended for physical contact and misconduct with a minor, and the incorrect and false reference to Canon Law in that statement which, as a common source of information for many Catholics, furthered the false imputation created by the March Statement and known by the Diocese to be false.

WHEREFORE, Plaintiff, James DeOreo, respectfully prays for Judgment in his favor and against Defendant, The Roman Catholic Diocese of Lafayette-in-Indiana, Inc., for its defamation wrought by the March



Statement, for an award sufficient to compensate Plaintiff for damages suffered as a result of Defendant's defamation, and for all other just and proper relief.

**COUNT II: Fraud by Dudzinski**

64. Plaintiff incorporates the above paragraphs as if set forth fully herein.

65. Dudzinski, with the intent to cause Complainer to obtain property, knowingly or intentionally made a false or misleading statement to Complainer and to the Diocese; created a false impression in Complainer and the Diocese; caused Complainer to present a claim to the Diocese that contained a false or misleading statement and created a false or misleading impression in the Diocese regarding DeOreo's behavior or conduct. Dudzinski made known misrepresentations of past and existing facts to Complainer and the Diocese to the detriment of DeOreo.

66. Dudzinski's actions have caused DeOreo damage.

67. Dudzinski's actions constitute fraud pursuant to Indiana's criminal statute, I.C. §35-43-5-4, and additionally constitute common law fraud.

68. DeOreo is entitled to recover damages from Dudzinski, including but not limited to those set forth in the Crime Victims Relief Act, §34-24-3-1;

namely three (3) times the damages suffered by DeOreo, the costs of this action, and his reasonable attorney's fees.

WHEREFORE, Plaintiff, James DeOreo, respectfully prays for judgment in his favor and against Defendant, Theodore Dudzinski, for Defendant's fraud, and for an award sufficient to compensate Plaintiff for damages incurred as a result of such fraud, including those set forth by statute, and for all other just and proper relief.

Respectfully submitted,

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