

STATE OF MICHIGAN  
IN THE THIRD JUDICIAL CIRCUIT COURT  
FOR THE COUNTY OF WAYNE

LINDA HULLIBARGER,  
c/o Wesley D. Merillat  
CHARLES E. BOYK LAW OFFICES, LLC  
405 Madison Avenue, Suite 1200  
Toledo, OH 43604

Plaintiff,

v.

THE ARCHDIOCESE OF DETROIT,  
12 State Street  
Detroit, MI 48226-1823

OUR LADY OF MT. CARMEL PARISH,  
8330 Lewis Avenue  
Temperance, MI 48182

AND

FATHER DON LACUESTA,  
8330 Lewis Avenue  
Temperance, MI 48182

Defendants.

CASE NO. 19 \_\_\_\_\_ NO

HON.

**COMPLAINT WITH JURY DEMAND**

There is no other pending or resolved civil action  
arising out of the same transaction or occurrence  
alleged in the Complaint.

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*Attorneys for Plaintiff*

NOW COMES Plaintiff, LINDA HULLIBARGER, (hereinafter Plaintiff) by and through her attorneys, CHARLES E. BOYK LAW OFFICES, LLC and BARKAN & ROBON, LTD., and brings this Complaint for damages against Defendants THE ARCHDIOCESE OF DETROIT, OUR LADY OF MT CARMEL PARISH, and FATHER DON LACUESTA. In support of her claims, Plaintiff hereby alleges and avers as follows:

### **COMPLAINT**

1. Linda Hullibarger, a wife and mother of six, is a life-long resident of Temperance, Michigan and a member of Our Lady of Mt. Carmel Parish in Temperance.
2. Since August 2013, Defendant LaCuesta has been, and continues to be, the priest at Our Lady of Mt. Carmel, a parish within the geographic authority of the Archdiocese of Detroit.
3. On December 4, 2018, the Hullibargers unexpectedly and tragically lost one of their children. The death of their child devastated the Hullibargers.
4. In the days that immediately followed, Linda and her husband Jeff turned to the Church for comfort and to plan funeral services.
5. In their meeting with Father LaCuesta, he offered them no prayer and demonstrated no compassion whatsoever. Instead, he simply “got down to business” as to the Church’s availability and as to what the family wanted for services, scripture readings, songs, and who all would be involved.
6. The Hullibargers were very clear that they wanted Father LaCuesta to deliver a positive, uplifting and loving message about the importance of kindness to one another. They expressly stated they wanted the service to be a celebration of how their son lived. The Hullibargers further requested that Father LaCuesta permit their other children be involved in laying the cloth on their brother’s casket and to permit the family, as well as others in attendance the opportunity

to stand and speak at the end of the service.

7. Father LaCuesta acquiesced to the Hullibarger's requests.

8. At no time did the Hullibargers disclose or discuss their son's cause of death to Father LaCuesta and at no point did Father LaCuesta inquire.

9. At no time did Father LaCuesta advise the Hullibargers that he would deliver anything other than the message the Hullibargers requested.

10. At no time did Father LaCuesta advise the Hullibargers that he would not honor their requests for their children to participate in the laying of the cloth, the reading of chosen scripture, or to permit family and friends in attendance to stand and speak about their son.

11. On December 8, 2018, hundreds of friends, family members, and acquaintances from the community gathered in mourning at Our Lady of Mt. Carmel for funeral services.

12. Shortly after Father LaCuesta began his homily, he started talking about "suicide".

13. The mere mention of the word sent the family and many of those in attendance into shock, as the Hullibargers never disclosed the cause of death to Father LaCuesta or the community, nor did they have any understanding Father LaCuesta knew or would discuss and disclose their son's cause of death.

14. People in attendance, including many of their son's classmates, had no idea as to the cause of death and became visibly and vocally upset upon hearing Father LaCuesta reveal and discuss it.

15. Father LaCuesta repeatedly discussed suicide and how it is condemned by the Church, how it is a secular crime, and how it is a sin against God with dire eternal consequences.

16. Linda and Jeff were visibly distraught, as were many in attendance, by Father LaCuesta's heartless condemnation of their son.

17. Unable to withstand the attack on his son any further, Jeff Hullibarger approached the pulpit, stopped his own son's funeral services, and explicitly pleaded with Father LaCuesta to "please stop" talking about suicide.
18. Father LaCuesta dismissed his pleas and continued with his homily about suicide and his questioning the eternal fate of their son.
19. Father LaCuesta then concluded the services without permitting the family to read their chosen scripture or saying their final words about their son – again, causing Jeff Hullibarger to intervene in the services.
20. Following the services, there was an outpouring of support for the family, including from others whom revealed that Father LaCuesta had held similar services for their deceased.
21. Devastated by what had occurred and Father LaCuesta's apparent prior history, the family requested to meet with Archbishop Allen Vigneron of the Detroit Archdiocese.
22. Archbishop Vigneron agreed to meet with the family, but as soon as Linda Hullibarger began discussing Father LaCuesta, Archbishop Vigneron ended the meeting, telling her he wasn't there to discuss Father LaCuesta.
23. At a later date, Plaintiff spoke to Bishop Battersby about the conduct of Father LaCuesta at her son's funeral. Bishop Battersby told her to "let it go", causing Plaintiff further pain.
24. Father LaCuesta's conduct was directed towards and fell upon a broken and suffering family, causing them irreparable harm.
25. Since her son's funeral, Linda has suffered and continues to suffer great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation, and psychological injuries for which she gets treatment.

### **PARTIES, JURISDICTION, AND VENUE**

26. Plaintiff Linda Hullibarger is a resident of Temperance, Monroe County, Michigan.

27. Defendant Archdiocese of Detroit (“Archdiocese”) is a non-profit ecclesiastical organization with its principle place of business in Detroit, Wayne County, Michigan.

28. The Archdiocese, its agents and employees were and continue to be responsible for the selection, assignment, and supervision of clergy within its geographic authority, which includes Temperance, Michigan.

29. Defendant Our Lady of Mt. Carmel is a non-profit ecclesiastical organization with its principle place of business in Temperance, Wayne County, Michigan.

30. Our Lady of Mt. Carmel falls under the geographic authority of the Archdiocese of Detroit.

31. The Archdiocese selected and appointed Defendant Father Don LaCuesta (“LaCuesta”) as priest of Our Lady of Mt. Carmel.

32. Since August 1, 2013 to present, Father LaCuesta has served as pastor for Our Lady of Mt. Carmel.

33. Defendant Father LaCuesta is a resident of Temperance, Monroe County, Michigan.

34. As the amount in controversy in this matter exceeds \$25,000.00, this Court has jurisdiction over this action.

35. Venue is proper in the Wayne County Circuit Court pursuant to MCL 600.1621(a) as Defendant Archdiocese of Detroit is located, has a place of business and/or conducts business in Wayne County.

### **BACKGROUND FACTS**

36. Plaintiff incorporates all preceding paragraphs of this Complaint as if fully set forth

herein.

37. The Archdiocese of Detroit has and exercises authority over Roman Catholic parishes within its territorial jurisdiction.

38. Inclusive in Archdiocese's authority over such parishes, is its authority to appoint, supervise, discipline, and/or transfer parish clergy.

39. Our Lady of Mt. Carmel in Temperance, Michigan is a parish within the Archdiocese of Detroit's territorial authority.

40. On or about August 1, 2013, Father Don LaCuesta, by appointment of the Archdiocese of Detroit, became the pastor of Our Lady of Mt. Carmel.

41. At all times material Defendant LaCuesta was a Roman Catholic Priest educated, trained and/or ordained by, and under the direct supervision, employ, agency and control of the Defendant Archdiocese. Defendant LaCuesta's duties in his employment were to provide pastoral care and counseling for Catholics.

42. Among his pastoral duties, Father LaCuesta has responsibility to provide pastoral care and counseling to Catholics who belong to the parish, as well as to conduct funeral rites.

43. At all relevant times Linda Hullibarger, her husband Jeff, and all of their children, were members of the Our Lady of Mt. Carmel parish.

44. On December 4, 2018, Linda and Jeff Hullibarger's son died.

45. On or about the following day, the grieving parents went to see Father LaCuesta to make arrangements for their son's funeral.

46. Although they were in unbearable grief, Father LaCuesta offered them no prayer or spiritual comfort. Instead, he "got down to business".

47. Father LaCuesta advised the Hullibargers that the Church had limited availability on

Saturday, December 8<sup>th</sup> to hold the funeral service right after a morning Holiday Mass.

48. Father LaCuesta discussed the liturgical format and what scripture readings and songs the family wished to have.

49. The Hullibargers advised Father LaCuesta that they wanted the funeral Mass to be a celebration of their son's life and the way he lived it. They requested that the homily be uplifting and focus on the importance of kindness – an attribute their son was well known for.

50. The Hullibargers further advised Father LaCuesta that at the end of the funeral liturgy they would like the opportunity to speak a few words in remembrance of their son and permit others in attendance to do the same.

51. At no time during the meeting with Father LaCuesta was there any discussion of the cause of their son's death.

52. At no time during the meeting with Father LaCuesta did he ever object or offer anything other than his acquiescence to the Hullibarger's requests.

53. The Hullibargers were advised that there would be a required "offering" of \$250 for Father LaCuesta's services.

54. The funeral Mass was then scheduled for December 8, 2019 at 11:00a.m.

55. On the day of the service, numerous family, friends, classmates, and community members attended.

56. Given the fact that the Church had Holiday Mass immediately before the funeral and that there was large number of individuals attending the funeral Mass, services did not start exactly at 11:00a.m.

57. The delay apparently frustrated Father LaCuesta who advised the funeral director that he wanted to "get this moving along".

58. The funeral services generally progressed as expected until Father LaCuesta began his homily.
59. It was immediately evident that the homily was not celebratory or uplifting in nature or tone, nor was it focused on their son's life or the importance of being kind.
60. Instead Father LaCuesta revealed to everyone that the Hullibarger's son died by "suicide".
61. Outside of close family and friends, the nature or cause of their son's death had not been publicly disclosed or known.
62. Many in attendance, including very close friends of their son, immediately became upset and burst out crying.
63. Despite the Hullibargers and others being visibly and vocally distraught, Father LaCuesta continued to hammer out his message on suicide.
64. Father LaCuesta repeatedly discussed suicide and how it is condemned by the Church, how it is a secular crime, and how it is a sin against God with dire eternal consequences.
65. Father LaCuesta's heartless condemnation of their son continued.
66. Unable to withstand Father LaCuesta's heartless attack and condemnation of his son any further, Jeff Hullibarger approached the pulpit, stopped his own son's funeral services, and explicitly pleaded with Father LaCuesta to "please stop" talking about suicide.
67. Father LaCuesta dismissed his pleas and continued with his homily about suicide and openly questioning the eternal fate of their son.
68. Father LaCuesta then concluded the services without permitting the family to read their chosen scripture or saying their final words about their son – again, causing Jeff Hullibarger to intervene in the services.



69. Immediately following the funeral Mass, the Hullibargers directed that Father LaCuesta be informed he was not welcome at the gravesite service.

70. The Hullibargers, spiritually and emotionally assaulted and abandoned by the Church, were left to conduct gravesite services for their son on their own.

71. Father LaCuesta neglected and/or willfully disregarded his parochial duties in pursuit of his own agenda, knowingly bringing harm, shame, embarrassment, and emotional distress to the Hullibarger family.

72. Following the funeral Mass Linda Hullibarger received information that Father LaCuesta had a prior history of such conduct.

73. Linda Hullibarger requested and received an appointment to speak with Archbishop Allen Vigneron of Archdiocese of Detroit.

74. Archbishop Vigneron agreed to meet with the family, but as soon as Linda Hullibarger began discussing Father LaCuesta, Archbishop Vigneron ended the meeting, telling her he wasn't there to discuss Father LaCuesta.

75. At a later date, Plaintiff spoke to Bishop Battersby about the conduct of Father LaCuesta at her son's funeral. Bishop Battersby told her to "let it go", causing Plaintiff further pain.

76. Defendants' conduct and actions were directed towards and fell upon a broken and suffering family, causing them irreparable harm.

77. Since her son's funeral, Plaintiff has suffered and continues to suffer severe and permanent emotional distress, terror, embarrassment, loss of self-esteem, disgrace, humiliation, loss of enjoyment of life, loss of religious faith, difficulty in practicing religion through the church, severe psychological injury and deprivation of earning capacity, and has incurred and will continue to incur expenses for psychological treatment, therapy, and counseling.

**FIRST CAUSE OF ACTION**  
**(Intentional Infliction of Emotional Distress)**

78. Plaintiff incorporates all preceding paragraphs of this Complaint as if fully set forth herein.

79. As described herein, Defendant LaCuesta understood that Linda Hullibarger suffered the unbearable loss of her child and was in an emotionally distraught state.

80. Defendant LaCuesta further understood that the Hullibargers had requested a positive, celebratory, uplifting homily centered around how their son lived his life with kindness.

81. Despite knowing Plaintiff's fragile emotional state and Plaintiff's expectation of a loving, uplifting funeral homily, Defendant LaCuesta disclosed to everyone in attendance that her son had committed suicide and that his suicide was a mortal sin, bringing his eternal salvation into jeopardy.

82. Despite seeing the family, including Plaintiff, visibly distraught at his message and despite the Hullibarger family intervening, stopping his sermon, and pleading with him to "stop", he proceeded to preach about the Hullibarger's son's suicide.

83. Defendant LaCuesta knew or should have known that there was a high probability that his acts would inflict severe emotional distress upon the Plaintiff and her family.

84. Defendant LaCuesta knew or should have known that his conduct was in fact inflicting severe emotional distress upon the Plaintiff and her family.

85. Despite his knowledge, Defendant LaCuesta intentionally, willfully, and/or recklessly disregarded the knowledge that his conduct was very likely to, or in fact was, causing Plaintiff severe emotional distress.

86. Defendant LaCuesta's conduct did cause and continues to cause Plaintiff to suffer severe and permanent emotional distress, terror, embarrassment, loss of self-esteem, disgrace,

humiliation, loss of enjoyment of life, loss of religious faith, difficulty in practicing religion through the church, severe psychological injury and deprivation of earning capacity, and has incurred and will continue to incur expenses for psychological treatment, therapy and counseling.

87. Defendant LaCuesta's conduct was sufficiently outrageous as to entitle Plaintiff to punitive damages.

88. WHEREFORE, Plaintiff Linda Hullibarger demands judgment against the Defendants for an amount in excess of Twenty-five thousand dollars (\$25,000.00), plus costs, reasonable attorneys' fees, interest and such other relief as the Court deems equitable and just.

**SECOND CAUSE OF ACTION**  
**(Misrepresentation)**

89. Plaintiff incorporates all preceding paragraphs of this Complaint as if fully set forth herein.

90. Defendant LaCuesta, as pastor of Our Lady of Mt. Carmel, has a duty to provide pastoral care to parishioners, which includes conducting funerals which provide spiritual support for deceased, which honor the deceased, and which bring the comfort of hope to those mourning the deceased.

91. In discussing the funeral homily with the Hullibargers, Defendant LaCuesta agreed to their request to deliver a sermon that was positive, uplifting, loving, and which focused on how the Hullibarger's son lived his life with kindness.

92. Plaintiff, to her detriment, reasonably and justifiably relied that Father LaCuesta would provide these pastoral duties by the nature of his position.

93. Plaintiff, to her detriment, reasonably and justifiably relied that Father LaCuesta would provide these duties due to his express agreement to do so.

94. At no time whatsoever, during their initial meeting or prior to the funeral service, did

Defendant LaCuesta advise Plaintiff that he would not deliver her requested message, or that he would disclose or speak about the nature of her son's death, or deliver a sermon regarding the "sinful" nature of her son's death, or that he would openly question the fate of her son's eternal salvation at the funeral.

95. Had Plaintiff had any understanding that Defendant LaCuesta would not fulfill his pastoral duties or that he would engage in any such conduct, she would not have permitted him to conduct the funeral Mass for her son.

96. Relying on Plaintiff's understanding of Father's LaCuesta's duties and of his acquiesce to her and her family's requests, Plaintiff paid Father LaCuesta's requested "offering" to perform the funeral Mass with every expectation that he would honor her requests.

97. Despite Defendant LaCuesta knowing that Plaintiff and her family were relying on him to deliver a homily consistent with their request, he intentionally, willfully, recklessly, or negligently concealed and/or failed to disclose that he would not honor their requests.

98. Defendant LaCuesta's acquiesce to Plaintiff's request and/or his omissions in failing to advise Plaintiff he would not honor her request, constitute a material misrepresentation.

99. As a direct and proximate result of Defendant LaCuesta's wrongful conduct, Plaintiff suffered and continues to suffer severe and permanent emotional distress, terror, embarrassment, loss of self-esteem, disgrace, humiliation, loss of enjoyment of life, loss of religious faith, difficulty in practicing religion through the church, severe psychological injury and deprivation of earning capacity, and has incurred and will continue to incur expenses for psychological treatment, therapy and counseling.

100. Defendant LaCuesta's conduct was sufficiently egregious as to entitle Plaintiff to punitive damages.

101. WHEREFORE, Plaintiff Linda Hullibarger demands judgment against the Defendants for an amount in excess of Twenty-five thousand dollars (\$25,000.00), plus costs, reasonable attorneys' fees, interest and such other relief as the Court deems equitable and just.

**THIRD CAUSE OF ACTION**  
**(Invasion of Privacy)**

102. Plaintiff incorporates all preceding paragraphs of this Complaint as if fully set forth herein.

103. As discussed above, outside of close family and friends, Plaintiff had not disclosed, revealed, or discussed the nature or cause of her son's death, which had not been publicly disclosed or known.

104. Defendant LaCuesta knew, or should have known, that the cause of death of Plaintiff's son was a personal matter and not of public concern.

105. Defendant LaCuesta knew, or should have known, that publicly disclosing and/or publicizing the nature of Plaintiff's son's death would be highly offensive.

106. Defendant LaCuesta knew, or should have known, that publicly disclosing or publicizing the nature of Plaintiff's son's death was not consistent with any legitimate pastoral duty and/or concern to the public.

107. As a direct and proximate result of Defendant LaCuesta's wrongful conduct, Plaintiff suffered and continues to suffer severe and permanent emotional distress, terror, embarrassment, loss of self-esteem, disgrace, humiliation, loss of enjoyment of life, loss of religious faith, difficulty in practicing religion through the church, severe psychological injury and deprivation of earning capacity, and has incurred and will continue to incur expenses for psychological treatment, therapy and counseling.

108. Defendant LaCuesta's conduct was sufficiently egregious as to entitle Plaintiff to

punitive damages.

109. WHEREFORE, Plaintiff Linda Hullibarger demands judgment against the Defendants for an amount in excess of Twenty-five thousand dollars (\$25,000.00), plus costs, reasonable attorneys' fees, interest and such other relief as the Court deems equitable and just.

**FOURTH CAUSE OF ACTION**  
**(Respondeat Superior /Vicarious Liability)**

110. Plaintiff incorporates all preceding paragraphs of this Complaint as if fully set forth herein.

111. Defendant Father LaCuesta's wrongful conduct, as set forth in the above causes of action, was undertaken while Father LaCuesta was an employee and agent of the Archdiocese of Detroit, while in the course and scope of employment with the Defendant Archdiocese, under the Defendant Archdiocese's supervision and control, and/or was accomplished by virtue of his job-created authority.

112. Defendant Father LaCuesta committed the acts alleged within the apparent authority arising from his agency, and while using the premises under the control and authority of the Archdiocese.

113. Father LaCuesta was acting, at least in part, to serve the interests of his employers when he committed the wrongful acts. Specifically, Father LaCuesta was acting in his special role of priest and adviser, using the premises of the Archdiocese's parish, as well as using the trust, power and the authority his position granted him.

114. By using his position as a priest and spiritual counselor and by using the trust, power and authority the position conferred on him, Father LaCuesta purported to act and/or speak on behalf of Defendant Archdiocese when he committed the tortuous acts alleged herein. Plaintiff relied upon Father LaCuesta's apparent authority to act on behalf of Defendant Archdiocese.

115. Father LaCuesta would not have been able to commit the wrongful acts were he not given the authority to act as a priest by Defendant Archdiocese of Detroit under their direct supervision.

116. Defendant Archdiocese is liable for the negligent and wrongful conduct of Father LaCuesta under the law of vicarious liability, including the doctrine of *respondeat superior*.

117. As a direct and proximate result of above-described conduct of Defendant LaCuesta and Defendant Archdiocese of Detroit, Plaintiff suffered and continues to suffer severe and permanent emotional distress, terror, embarrassment, loss of self-esteem, disgrace, humiliation, loss of enjoyment of life, loss of religious faith, difficulty in practicing religion through the church, severe psychological injury and deprivation of earning capacity, and has incurred and will continue to incur expenses for psychological treatment, therapy and counseling.

118. WHEREFORE, Plaintiff Linda Hullibarger demands judgment against the Defendants for an amount in excess of Twenty-five thousand dollars (\$25,000.00), plus costs, reasonable attorneys' fees, interest and such other relief as the Court deems equitable and just.

**FIFTH CAUSE OF ACTION**

**(Negligent Hiring, Supervision and/or Retention by Defendant Archdiocese of Detroit)**

119. Plaintiff incorporates all preceding paragraphs of this Complaint as if fully set forth herein.

120. Defendant Archdiocese of Detroit educates, trains, ordains, employs, and/or supervises priests, including Defendant LaCuesta.

121. Defendant Archdiocese has control of the hiring and supervision of priests within its denomination in its territorial area, including priests at the Our Lady of Mt. Carmel parish in Temperance, Michigan.

122. Defendant LaCuesta was unfit and/or incompetent to perform some, or all, of the pastoral duties for which he was hired, trained, ordained, and/or supervised to perform.

123. Upon information and belief, the Defendant Archdiocese knew, or should have known Defendant LaCuesta had propensities to engage in such wrongful conduct and/or in fact had actually engaged in similar previous wrongful conduct.

124. Defendant knew or should have known that Defendant was unfit and/or incompetent and that this unfitness and/or incompetence created a risk of harm to parishioners.

125. Despite Defendant Archdiocese's knowledge, it hired, supervised, and retained Defendant LaCuesta.

126. Despite having knowledge of Father LaCuesta's conduct as set forth in this Complaint, Defendant Archdiocese ratified his conduct by failing to remove him and/or limit his pastoral duties.

127. As a direct result of the above-described conduct of Father LaCuesta and Defendant Archdiocese, Plaintiff Linda Hullibarger has suffered and continues to suffer great pain of mind and body, shock, severe and permanent emotional distress, physical manifestations of emotional distress, terror, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually, including loss of religious faith, and difficulty in practicing religion through the church; has sustained and will continue to sustain loss of earnings and earning capacity; and has incurred and will continue to incur severe psychological injury and incur expenses for medical and psychological treatment, therapy and counseling.

128. WHEREFORE, Plaintiff Linda Hullibarger demands judgment against the Defendants for an amount in excess of Twenty-five thousand dollars (\$25,000.00), plus costs, reasonable



attorneys' fees, interest and such other relief as the Court deems equitable and just.

### **PUNITIVE DAMAGES ALLEGATIONS**

129. Plaintiff incorporates all preceding paragraphs of this Complaint as if fully set forth herein.

130. Defendant's conduct as alleged herein was done with fraud and/or malice.

131. Defendant's conduct was not done by accident or through some justifiable negligence.

Rather, Defendant LaCuesta knew Plaintiff Linda Hullibarger was suffering from the loss of her son and turning to him for spiritual healing and comfort. Defendant LaCuesta agreed to provide a positive, uplifting homily that focused on how her son lived his life, not how he died. Despite leading Plaintiff to believe he would deliver this solace to her and her family, Defendant LaCuesta planned to reveal the private nature of Plaintiff's son's death, attack his morality, and use the sermon as an opportunity to preach about suicide being a mortal sin which jeopardized her son's salvation. Defendant LaCuesta knew or should have known that such conduct and message was contrary to Catholic doctrine and canon law. Defendant LaCuesta knew or should have known that such message would bring certain pain and suffering to the Hullibarger family. Defendant LaCuesta, despite being directly confronted and pleaded with to "please stop" his painful homily, nonetheless continued to deliver his message on suicide and to call into question whether Plaintiff's son would be admitted into Heaven.

132. Defendant consciously disregarded Plaintiff's rights or likelihood of injury.

133. Defendant's conduct was outrageous and accomplished through misrepresentation and/or deceptive omission.

134. Defendant's conduct robbed Plaintiff of her right to make an informed decision about whether to use Father LaCuesta to conduct the funeral Mass for her son.

135. Upon information and belief, Defendant LaCuesta had engaged in the same or similar conduct prior to Plaintiff's son's funeral.

136. Upon information and belief, Defendant Archdiocese knew about such conduct and/or that Father LaCuesta was unfit/incompetent to perform funeral rites.

137. Despite Defendant Archdiocese's knowledge, it continued to retain Father LaCuesta as pastor of Our Lady of Mt. Carmel and held him out to parishioners as fit and competent to perform all pastoral duties.

138. When Plaintiff attempted to confront Defendant Archdiocese about the matter, Bishop Battersby scolded her that she needed to "let it go" and dismissed her.

139. Defendant Archdiocese continues to retain and employ Defendant LaCuesta as pastor of Our Lady of Mt. Carmel.

140. There is no indication that Defendants will change their behavior and practices unless it is punished and deterred. Accordingly, Plaintiff requests punitive damages against Defendants for the harms caused to Plaintiff.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays for judgment against the Defendants, jointly and severally, as follows:

- A. For an award of compensatory damages, including damages against Defendants for personal injuries, loss of income, pain and suffering, medical expenses, and other damages according to proof at trial in excess of \$25,000;
- B. Exemplary and punitive damages sufficient to punish and deter Defendants and others from future fraudulent and/or outrageous conduct;
- C. Pre-judgment and post-judgment interest;

D. Costs including reasonable attorneys' fees and costs, court costs, and other litigation expenses; and

E. Any other relief the Court may deem just and proper.

Dated: November 13, 2019

Respectfully submitted,

/s/Wesley D. Merillat  
Wesley D. Merillat (P83342)  
**CHARLES E. BOYK LAW OFFICES, LLC**

/s/Zachary J. Murry  
Zachary J. Murry (P73565)  
**BARKAN & ROBON, LTD**

*Attorneys for Plaintiff*

**JURY DEMAND**

The Plaintiff demands a trial by jury on all issues triable by right.

/s/Wesley D. Merillat  
Wesley D. Merillat (P83342)  
*Attorney for Plaintiff*