

STATE OF MICHIGAN
IN THE WAYNE COUNTY CIRCUIT COURT

REVEREND KENNETH KAUCHECK, an individual,

Plaintiff,

Case No: -NO
Hon.

v.

THE DETROIT FREE PRESS, a Michigan corporation,
NIRAJ WARIKOO, an individual,
SURVIVORS NETWORK OF THOSE
ABUSED BY PRIESTS, an Illinois corporation,
DAVID CLOHESSY, an individual,
MATT JATCZAK, an individual,
THE MACOMB DAILY, a Delaware corporation,
JAMESON COOK, an individual,
jointly and severally,

17-002048-NO
FILED IN MY OFFICE
WAYNE COUNTY CLERK
1/30/2017 10:51:09 AM
CATHY M. GARRETT

Defendants.

FRANK D. EAMAN PLLC
Jennifer J. Qonja (P79156)
Frank D. Eaman (P13070)
Attorneys for Plaintiff
1441 East Maple Road, Suite 304
Troy, MI 48083
(248) 633-2244

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

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, Reverend Kenneth Kauchek, by and through his attorneys at Frank D. Eaman PLLC, brings this complaint against the Defendants, and alleges as follows:

I. PARTIES, VENUE, AND JURISDICTION

1. Plaintiff, Rev. Kenneth Kauchek ("Fr. Kauchek"), is an individual who resides in Wayne County, Michigan. He is an ordained priest of the Roman Catholic Church.

2. Defendant, The Detroit Free Press, is a Michigan corporation, with its registered office located in Plymouth, Wayne County, Michigan.

3. Defendant, Niraj Warikoo, is an individual who, upon information and belief, resides in Troy, Oakland County, Michigan, and is a reporter for the Detroit Free Press.

4. Defendant, The Macomb Daily, is a Delaware corporation, with its registered office located in Plymouth, Wayne County, Michigan.

5. Defendant, Jameson Cook, is an individual who, upon information and belief, resides in Saint Clair Shores, Macomb County, Michigan, and is a reporter for the Macomb Daily.

6. Defendant, Survivors Network Of Those Abused By Priests ("SNAP"), is an Illinois nonprofit organization incorporated in with its registered office in Springfield, Illinois. SNAP also maintains a Chapter in Michigan and conducts business in Detroit, Michigan.

7. Defendant, David Clohessy, is an individual who, upon information and belief, is a resident of St. Louis, Missouri.

8. Clohessy serves as the Executive Director of SNAP.

9. Clohessy conducts business in Wayne County, Michigan.

10. Defendant, Matt Jatzak, is an individual who, upon information and belief is a resident of Livonia, Wayne County, Michigan.

11. Upon information and belief, Jatzak works for the Michigan Chapter of SNAP located in Detroit, Michigan.

12. Plaintiff suffered, is suffering, and will continue to suffer harm and original injury from Defendants' tortious conduct in Wayne County, Michigan.

13. Venue is proper under MCL 600.1629(a)(ii).

14. The amount in controversy exceeds \$25,000.

II. FACTUAL ALLEGATIONS

15. In 1976, Fr. Kauchek was ordained a priest in the Roman Catholic Church.

16. In 2009, a woman who was a teenager in 1976's, made an allegation of sexual misconduct against Fr. Kauchek that allegedly occurred in 1976 when Fr. Kauchek was an associate pastor assigned to Guardian Angels Parish in Clawson, Michigan.

17. In 1977, Fr. Kauchek was not removed from his assignment at Guardian Angels Parish as a result of this sexual misconduct allegation, rather Fr. Kauchek requested to be reassigned due to issues having nothing to do with the accuser's allegation.

18. Fr. Kauchek has vehemently maintained his innocence concerning the 2009 allegation.

19. The allegation against Fr. Kauchek have never been proven and no criminal charges concerning the allegation has ever been brought against him.

20. A civil hearing has never been held by any court, committee, or other tribunal to give Fr. Kauchek an opportunity to defend against the allegation.

21. Fr. Kauchek was not "ousted" as a priest as a result of this allegation, but rather in 2009 he was placed on administrative leave and restricted from public ministry.

22. There has been no finding by any civil or ecclesiastical court, committee, or other tribunal that Fr. Kauchek molested anyone. The Archdiocese of Detroit, through its Review Board, found the allegation against Fr. Kauchek to be "credible." "Credible" does not mean "guilty," verified, substantiated, or proven.

23. From July 17, 2015, to September 1, 2015, Fr. Kauchek voluntarily underwent an extensive psychological evaluation with Dr. Richard P. Fitzgibbons, M.D., regarding the 2009

allegation. Dr. Fitzgibbons is an expert in dealing with priests accused of sexual misconduct. Dr. Fitzgibbons formed the opinion that the history, psychological profile, and spiritual life of Fr. Kauchek are not consistent with those who sexually abuse adolescent females. Dr. Fitzgibbons also concluded that Fr. Kauchek is and always has been a psychologically healthy priest and he is not a threat to adolescent females or to women.

24. Fr. Kauchek and Sister Diane Masson, CSSF, (“Sister Diane”) are the co-founders of Gianna House Pregnancy and Parenting Residence (“Gianna House”). Since its inception, prior to the 2009 allegation, the vision for Gianna House was that Fr. Kauchek would be responsible for development/fundraising efforts and Sister Diane would run the everyday operations. Fr. Kauchek’s sole involvement with Gianna House was to raise funds.

25. On April 5, 2011, Fr. Kauchek met with The Most Reverend Allen H. Vigneron, Archbishop of the Archdiocese of Detroit in Wayne County, Michigan, to deliver sworn affidavits of key witnesses that supported his innocence concerning the 2009 allegation. At this meeting with Archbishop Vigneron, which was also attended by Sister Diane, the subject of Gianna House surfaced. Archbishop Vigneron was aware of Sister Diane and Fr. Kauchek’s efforts to launch Gianna House and offered them praise and support.

26. Fr. Kauchek never counseled, or had any contact with, teenage girls at Gianna House, at any time. Additionally, it is important to note that Gianna House did not in 2015 and at the time of this complaint does not house or “take in” any residents because the facility is undergoing extensive construction.

27. Fr. Kauchek voluntarily resigned from his official role at Gianna House in 2015 at the request of the Archdiocese of Detroit.

28. At the time of the Defendants' tortious conduct alleged in this Complaint, Fr. Kauchek had already resigned from any official role at Gianna House.

29. Fr. Kauchek assumed retired priest status on November 1, 2016.

30. Other than the allegation that surfaced in 2009, Fr. Kauchek has maintained a pristine record as a priest. Additionally, Fr. Kauchek's personnel file at the Archdiocese of Detroit was reviewed in 2009 and it contained no materials that would give rise to any concern about his conduct.

31. On April 17, 2016, Defendant, SNAP, intentionally caused a press release of and concerning Fr. Kauchek to be written and published titled, "MI--Accused predator priest works for girls' non-profit; Victims respond" ("SNAP Press Release"). The SNAP Press Release can be found on the SNAP webpage and on the website www.BishopAccountability.org. A copy is attached as Exhibit A.

32. Defendant, David Clohessy, as the Executive Director of Defendant SNAP, was the author of the SNAP Press Release.

33. The false and defamatory statements of and concerning Fr. Kauchek contained in the SNAP Press Release include, but are not limited to:

- a. "A priest who was ousted because he molested a girl now works for a non-profit that reportedly helps girls."
- b. "In 2009, Fr. Kauchek was ousted from Guardian Angels parish in Clawson because of credible allegations he had molested a girl."
- c. "All they need to do is use the dozens of Detroit church websites and bulletins to warn families about Fr. Kauchek. [Archbishop] Vigneron should insist that every priest announce from the pulpit next Sunday what Fr. Kauchek has

done and where Fr. Kauckeck is. That's a sure fire, immediate way to make it harder for him to assault another girl."

34. On April 15, 2016, and May 20, 2016, Defendant, The Macomb Daily, intentionally caused two articles of and concerning Fr. Kauckeck to be written and published: "Archdiocese seeks to remove priest from pregnant-teenager facility" and "Priest resigns from post at Eastpointe teen pregnancy center," respectively ("Macomb Daily Articles"). The articles can be found on the webpage of The Macomb Daily, and are attached as Exhibits B and C.

35. At the time of the publications of the Macomb Daily Articles, Defendant, Jameson Cook, was a reporter for the Macomb Daily and the author of the Macomb Daily Articles.

36. The false and defamatory statements of and concerning Fr. Kauckeck contained in the Macomb Daily Articles, include but are not limited to:

- a. "The Archdiocese of Detroit is seeking to remove a priest from his role at an Eastpointe facility for pregnant teenagers because he was found to have had sexual misconduct with a teenage girl in the 1970s."
- b. "The Archdiocese believes the Rev. Kenneth Kauckeck should not continue as development director of Gianna House Pregnancy and Parenting Residence, which he founded last year..."
- c. Fr. Kauckeck "was banned in April 2009 from public ministry and placed on 'temporary restriction' by the Archdiocese of Detroit."
- d. The Archdiocese of Detroit "determined that in 1976 he committed sexual misconduct with a 16-year-old girl who he was counseling at Guardian Angels Parish in Clawson."

- e. Fr. Kauchek, “A Catholic priest who was removed from public ministry seven years ago due to prior sexual misconduct with a teenage girl.”
- f. “Fr. Kauchek was a co-founder of Gianna House and took on leadership positions there, and did so without the knowledge or approval of the Archdiocese.”

37. The Macomb Daily articles also quote the following false and defamatory statements made by Defendant Clohessy, and Defendant Jatczak of the Michigan Chapter of Defendant SNAP:

- a. “Kauchek’s involvement ‘seems irresponsible.’”
- b. “Kauchek’s past should have raised ‘red flags.’”
- c. “Now he (Kauchek) is being around teenage women who are in a vulnerable position, that should raise all kinds of red flags...I don’t know how board members could allow him to get involved.”

38. On May 9, 2016, and May 19, 2016, Defendant, The Detroit Free Press, intentionally caused two articles of and concerning Fr. Kauchek to be written and published: “Priest removed for sex abuse works with teens” and “Catholic priest in abuse scandal resigns from pregnancy center,” respectively (“Detroit Free Press Articles”). The articles can be found on the webpage of The Detroit Free Press, and a link to the article is also posted to The Detroit Free Press Facebook page. Copies are attached as Exhibits D and E.

39. At the time of the publications of the Detroit Free Press Articles, Defendant, Niraj Warikoo, was a reporter for the Detroit Free Press and the author of the Detroit Free Press Articles.

40. The false and defamatory statements of and concerning Fr. Kauchek contained in the Detroit Free Press Articles, include but are not limited to:

- a. "Priest removed for sex abuse works with teens"
- b. "The Reverend Kenneth Kauchek, 62, was banned from public ministry by the Archdiocese of Detroit in 2009 after church officials determined he had sexual misconduct in the 1970s with a 16 year-old girl he was counseling as a priest."
- c. "Father Kauchek was a cofounder of Gianna House and took on leadership positions there, and did so without the knowledge or approval of the Archdiocese."
- d. "Open last year in a former convent, the center [Gianna House] takes in teenagers and young women who are pregnant..."

41. The Detroit Free Press articles also quote the following false and defamatory statements made by Defendant Clohessy, Executive Director of Defendant SNAP:

- a. Labeling Fr. Kauchek as a "child-molesting cleric" and stating that the Archdiocese should disclose his whereabouts so "that kids can be protected."
- b. "[A] priest who was ousted because he molested a girl now works for a nonprofit that reportedly helps girls."
- c. "It's inexcusable for any nonprofit to hire a credibly accused child molesting cleric. A simple Google search would have shown that Fr. Ken is potentially dangerous and should never be given any position or title that confers respect, much less gives him access to vulnerable people."

42. These statements of the Defendants contained in the Detroit Free Press Articles, Macomb Daily Articles, and SNAP press release were made with reckless disregard for the truth, as well as negligence and gross negligence with respect to truth.

43. The statements of the Defendants were made without contacting Fr. Kauckeck, or his attorneys, to verify the accuracy of the statements published.

44. The aforementioned published statements of the Defendants have led to several other false articles and false online postings about Fr. Kauckeck.

45. On information and belief, the aforesaid published statements of Defendants SNAP, Clohessy, and Defendant Jatczak were motivated by invidious religious bias against Fr. Kauckeck because he is a Roman Catholic priest.

46. On January 2, 2012, during a deposition in a case in Missouri, *John Doe, B P v Father Michael Tierney* (Jackson County Circuit Court, No. 1016-cv-29995), Defendant Clohessy admitted under oath that Defendant SNAP has issued press releases that contained false statements.

47. In another recent case in federal district court, a priest, who was charged and cleared twice of sexual molestation, alleged that SNAP and Clohessy conspired with the accusers and local police department to conduct a defamatory smear campaign against the priest in order to inflame public opinion. On August 22, 2016, the U.S. District Court for the E.D. of Missouri entered a Memorandum and Order for sanctions against SNAP and Clohessy for their failure to comply with an order compelling discovery. The court held that the SNAP defendants defamed the plaintiff and conspired to falsely accuse the priest of sexual abuse: “[T]he SNAP defendants conspired with one another and others to obtain plaintiff’s conviction on sexual abuse charges and that they entered into this conspiracy due to discriminatory animus against plaintiff based on

his religion, religious vocation, race and national origin...With respect to plaintiff's defamation claim,...the SNAP defendants' public statements about plaintiff were false and that they did not conduct any inquiry into the truth or falsity of these public statements, but instead made these statements negligently and with reckless disregard for the truth." *Jiang v Porter*, US District Court of ED of Missouri, Case No 4:15-cv-1008 (Memorandum and Order, August 22, 2016).

48. On July 8, 2016, Fr. Kaucke, through his counsel, requested that Defendant Detroit Free Press publish a retraction of the inaccurate and false allegations printed in the Detroit Free Press Articles, but his request was ignored. (Exhibit F attached)

49. On August 4, 2016, Fr. Kaucke, through his counsel, requested that Defendant Macomb Daily publish a retraction of the inaccurate and false allegations printed in the Macomb Daily Articles, but his request was ignored. (Exhibit G attached)

III. COUNT I – DEFAMATION – LIBEL

50. Plaintiff reasserts and incorporates by reference the foregoing allegations in paragraphs 1 through 49 as if fully set forth herein.

51. By publishing the above-referenced statements of and concerning Fr. Kaucke, Defendants broadcasted their content to members of the general public in Wayne County, Michigan, and elsewhere, on the dates they were published, and continuing to the present date.

52. The statements concerning the Plaintiff were made by the Defendants.

53. The statements of and concerning the Plaintiff have been circulated throughout the Internet, resulted in other postings, and have also caused other publications to reprint the allegations made in the articles.

54. Many statements contained in the articles concerning the Plaintiff and made by the Defendants are materially false because they misstated the facts and because they accused the

Plaintiff of committing sexual misconduct that he did not commit, of working with teenage girls when he did not do so, and of working on the Gianna House project without the knowledge of the Archdiocese of Detroit, when in fact the Archdiocese was aware.

55. By way of example, the statements contained in paragraphs 33, 36, 37, 40, and 41 of this complaint were materially false, and those statements are incorporated into this count as false statements made against the Plaintiff, as if fully re-alleged herein.

56. Defendants knew of the falsity of the statements concerning the Plaintiff contained in the published articles at the time they were published and posted online for the general public, and acted with reckless disregard for the truth or falsity of the statements of and concerning the Plaintiff.

57. Defendants acted negligently in publishing the articles because they failed to investigate the truth or falsity of the statements contained in the articles, and failed to contact Fr. Kauckeck.

58. Defendants SNAP, Clohessy, and Jatczak's conduct were motivated by ill-will towards Fr. Kauckeck because he is a Roman Catholic priest.

59. The statements contained in the articles made by the Defendants are defamatory because they are false and they harm the Plaintiff's reputation.

60. The statements contained in the articles made by the Defendants are defamatory because they lowered the Plaintiff in the estimation of the community and deterred others from association with him.

61. The statements made by the Defendants are libel per se under Michigan Law because the statements falsely impute a lack of chastity to the Plaintiff, who took a vow of chastity in connection with his ordination as a Roman Catholic priest.

62. The Plaintiff is entitled to injunctive relief against the Defendants, in order to prevent irreparable and continuing injury, loss, damage or harm to him as a result of the continued posting of a false and defamatory statements.

63. The Defendants are liable to the Plaintiff for the initial posting of the defamatory statements, and for continued damages as those statements remain posted online.

64. As a result of the statements contained in the articles, posted online, and as a result of the actions of the Defendants, the Plaintiff suffered damages, and will continue to suffer damages as long as the articles about the Plaintiff remain online.

65. Damages suffered by the Plaintiff include but are not limited to the following: mental pain and anguish, mental and emotional suffering and distress, damage to his reputation, embarrassment and humiliation, and reasonable fears that he will be shunned, avoided, and subjected to ridicule.

66. The Defendants' statements had the tendency to harm Fr. Kauchek's reputation, lower him in the esteem of the community, and deter other persons from associating or dealing with him.

67. Because the statements constitute libel per se, the Plaintiff is entitled to damages as a matter of law without proof of damages.

68. The Plaintiff has incurred attorney fees and costs in bringing this action.

69. The Plaintiff is entitled to special damages and exemplary damages because (1) the Defendants acted with bad faith and ill will, (2) the Plaintiff requested a retraction and apology from the Defendants Macomb Daily and Detroit Free Press, who refused to retract the story or apologize for the false statements, and (3) the Plaintiff has suffered incremental and increased injury to his feelings, which was caused by the bad faith and ill will of the Defendants.

70. The Plaintiff's damages continue as long as the defamatory statements remain online.

71. The Defendants had no privilege to communicate the statements at issue in this complaint.

Plaintiff respectfully requests that this Court enter a judgment against Defendants, awarding Plaintiff damages in excess of \$25,000, plus interest, attorneys' fees and costs, order Defendants to remove and retract the statements concerning Plaintiff, and order such other and further legal or equitable remedy appropriate.

IV. COUNT II – INVASION OF PRIVACY - FALSE LIGHT

72. Plaintiff reasserts and incorporates by reference the foregoing allegations in paragraphs 1 through 71 as if fully set forth herein.

73. Defendants broadcast the Detroit Free Press Articles, SNAP Press Release, and the Macomb Daily Articles, to the general public by publishing/posting them to their respective webpages.

74. The Detroit Free Press Articles, SNAP Press Release, and the Macomb Daily Articles contain several statements of and concerning the Plaintiff.

75. Many statements contained in the articles concerning the Plaintiff and made by the Defendants are materially false because they misstated the facts and because they accused the Plaintiff of committing sexual misconduct that he did not commit, of working with teenage girls when he did not do so, and of working on the Gianna House project without the knowledge of the Archdiocese of Detroit, when in fact the Archdiocese was aware.

76. The information broadcasted by Defendants was unreasonable and highly objectionable by attributing to Fr. Kaucke characteristics, conduct, and beliefs that were false.

77. The information broadcast by the Defendants placed the Plaintiff in a false position and violated his right of privacy.

78. The information broadcast by the Defendants would be highly offensive to a reasonable person.

79. Defendants knew of the falsity of the information and the false light in which Plaintiff would be placed in and/or acted in reckless disregard as to the falsity of the disclosed information and the false light in which Fr. Kauchek was placed.

80. Damages suffered by the Plaintiff include but are not limited to the following: mental pain and anguish, mental and emotional suffering and distress, damage to his reputation, embarrassment and humiliation, and reasonable fears that he will be shunned, avoided, and subjected to ridicule.

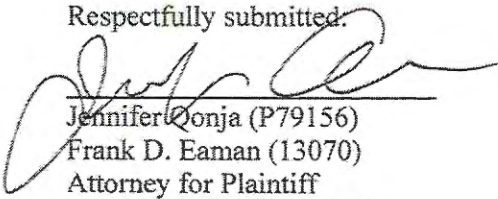
81. Defendants' statements had the tendency to harm Fr. Kauchek's reputation, lower him in the esteem of the community, and deter other persons from associating or dealing with him.

82. The Plaintiff's damages continue as long as the false and defamatory statements remain online.

Plaintiff respectfully requests that this Court enter a judgment against Defendants, awarding Plaintiff damages in excess of \$25,000, plus interest, attorneys' fees and costs, order Defendants to remove and retract the statements concerning Plaintiff, and order such other and further legal or equitable remedy appropriate.

Respectfully submitted.


Dated: January 30, 2017


Jennifer Qonja (P79156)
Frank D. Eaman (13070)
Attorney for Plaintiff
FRANK D. EAMAN PLLC
1441 East Maple Road, Suite 304
Troy, MI 48083

DEMAND FOR TRIAL BY JURY

Plaintiffs hereby demand a trial by jury on all matters raised in this complaint.

Dated: January 30, 2017


Jennifer Qonja (P79156)
Frank D. Eaman (P13070)
Attorneys for Plaintiff
FRANK D. EAMAN PLLC
1441 East Maple Road, Suite 304
Troy, MI 48083

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Exhibit A



Survivors Network of those Abused by Priests

MI--Accused predator priest works for girls' non-profit; Victims respond

April 17, 2016 6:58 PM

SHARE



MI--Accused predator priest works for girls' non-profit; Victims respond

For immediate release: Sunday, April 17, 2016

Statement by David Clohessy of St. Louis, Director of SNAP, the Survivors Network of those Abused by Priests (314 566 9790, 314 645 5915 home, davidgclohessy@gmail.com)

A priest who was ousted because he molested a girl now works for a non-profit that reportedly helps girls. And in a stunningly callous and reckless maneuver, top Detroit Catholic officials pretend they're powerless to stop him.

<http://www.dailytribune.com/article/DT/20160416/NEWS/160419643>

Fr. Kenneth Kauchek works for Gianna House Pregnancy and Parenting Residence, "which he founded last year along with Sister Mary Diane Masson in a former convent," according to the Daily Tribune.

In 2009, Fr. Kauchek was ousted from Guardian Angels parish in Clawson because of credible allegations he had molested a girl.

Five years ago, we wrote that Archbishop Allen Vigneron should disclose where Fr. Kauchek was living, and put him in "a remote, secure treatment center so that kids can be safer and so that he can get treatment."

Vigneron ignored us.

http://www.snapnetwork.org/snap_press_releases/2011_press_releases/061311_just_ar

As best we can tell, Vigneron evidently told few or no parishioners where Kauchek was which, we believe, is a violation of church policies and Vigneron's repeated pledges to be "open and transparent" in clergy sex cases.

Vigneron's irresponsible secrecy is one reason then non-profit's board chair, Dr. Robert Walsh, says he was unaware of the accusation against Fr. Kauchek and Fr. Kauchek's suspension.

But shame on him. A simple Google search would have shown that this priest allegedly molested at least one girl. (And we strongly suspect that he molested others.

Detroit Archbishop Allen Vigneron claims he's asking the Vatican's help in ousting Fr. Kauchek from the non-profit.

He's being deceptive, as is his public relations staffer, Joe Kohn. Both men know the church is a monarchy, that priests swear to obey their bishops, and that it's simple, cheap and easy for church officials to protect kids from Fr. Kauchek.

All they need to do is use the dozens of Detroit church websites and bulletins to warn families about Fr. Kauchek. Vigneron should insist that every priest announce from the pulpit next Sunday what Fr. Kauchek has done and where Fr. Kauchek is. That's a sure fire, immediate way to make it harder for him to assault another girl.

Kohn and Vigneron can also threaten Fr. Kauchek, saying 'We'll give your full personnel file to law enforcement unless you do as we say.' Frankly, they should have done so years ago.

Kohn claims Detroit church officials "are addressing the matter under canon law." Baloney. Canon law is what bishops hide behind when they are too timid or self-serving to take decisive action against a child molesting cleric. We know of no bishop anywhere who has been penalized under 'canon law' for taking steps to safeguard kids from a predator priest.

So Vigneron can and should take immediate steps to warn parents, police, prosecutors, parishioners and the public about Fr. Kauchek and remove him from working anywhere he might have access to youngsters.

Now, let's talk about a painfully common pattern: Bishops suspend predator priests, refuse to monitor them, and they become coaches, teachers, counselors and find other ways to be around kids.

A Kansas City priest, Fr. Thomas J. Cronin, is trying to set up a women's shelter.

http://www.snapnetwork.org/kc_former_kc_priest_now_runs_women_s_shelter_in_nv

A Superior Wisconsin priest, Fr. Thomas E. Ericksen, worked with the Special Olympics.

http://www.snapnetwork.org/mo_predator_priest_who_was_in_kc_finds_another_positio

http://www.bishopaccountability.org/assign/Ericksen_Thomas_E.htm

Another Kansas City priest, Fr. Michael E. Brewer, works with "disadvantaged youth" in Colorado.

http://www.snapnetwork.org/snap_press_releases/2010_press_releases/011310_ousted

A Connecticut priest, Fr. Richard McGann, lived at a home day care center.

http://www.snapnetwork.org/snap_press_releases/2011_press_releases/042511_predator

A Miami priest, Fr. Ronaldo J. Castillo, lived above a day care center.

http://www.snapnetwork.org/snap_press_releases/2009_press_releases/012309_accuse

A Chicago priest, Fr. John M. Furdek, lived in a building with a day care center.

http://www.snapnetwork.org/snap_statements/2007_statements/021407_chicago_priest

A Spokane priest, Fr. Patrick G. O'Donnell, became a counselor.

http://www.snapnetwork.org/mn_why_mn_predator_priests_get_more_than_non_offend

So did a Rockville Centre priest, Fr. Robert Huneke.

<http://www.timesherald.com/general-news/20160417/house-bill-means-justice-for-abused-children-says-advocate>

http://www.bishop-accountability.org/news/2003_05_04_Fosmoe_ItWas_HUNEKE.htm

A Steubenville Ohio priest, Fr. Gary Zalenski, became a college professor.

http://www.bishop-accountability.org/news2014/05_06/2014_06_16_SNAP_PredatorPriest.htm

So did a Catholic school teacher, Thomas Hodgman (now of Adrian College) who admitted child sex crimes.

http://www.bishop-accountability.org/news5/2005_05_20_Erb_AdrianCollege.htm

No matter what church officials do or don't do, we urge every single person who saw, suspected or suffered child sex crimes and cover ups in Catholic churches or institutions in the Detroit area to protect kids by calling police, get help by calling therapists, expose wrongdoers by calling law enforcement, get justice by calling attorneys, and be comforted by calling support groups like ours. This is how kids will be safer, adults will recover, criminals will be prosecuted, cover ups will be deterred and the truth will surface.

Fr. Kauchek reportedly lives at the Manresa Jesuit retreat center in Bloomfield Hills, according to the 6/5/09 The Detroit News & http://www.manresa-sj.org/910_Auction%202010%20Photos.htm

(SNAP, the Survivors Network of those Abused by Priests, is the world's oldest and largest support group for clergy abuse victims. SNAP was founded in 1988 and has more than 20,000 members. Despite the word "priest" in our title, we have members who were molested by religious figures of all denominations, including nuns, rabbis, bishops, and Protestant ministers. Our website is SNAPnetwork.org)

Contact - David Clohessy (314-566-9790 cell, davidgclhessy@gmail.com), Barbara Dorris (314-503-0003 cell, bdorris@SNAPnetwork.org), Barbara Blaine (312-399-4747, bblaine@snapnetwork.org)

Archdiocese seeks to remove priest from pregnant-teenager facility

By Jameson Cook, jamie.cook@macombdaily.com, 04/16/16,

Gianna House Pregnancy and Parenting Residence, located adjacent to St. Veronica Church in Eastpointe.

Gianna House Pregnancy and Parenting Residence, located adjacent to St. Veronica Church in Eastpointe. Ray Skowronek--The Macomb Daily

The Archdiocese of Detroit is seeking to remove a priest from his role at an Eastpointe facility for pregnant teenagers because he was found to have had sexual misconduct with a teenage girl in the 1970s.

The Archdiocese believes the Rev. Kenneth Kauchek should . . .

Read full article here

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Exhibit B

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Gimme Gimmie!

30Mbps INTERNET

MACOMB DAILY

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Archdiocese seeks to remove priest from pregnant-teenager facility



Gianna House Pregnancy and Parenting Residence, located adjacent to St. Veronica Church in Eastpointe. Ray Skowronek--The Macomb Daily

By [Jameson Cook](#), The Macomb Daily

Posted: 04/15/16, 2:56 PM EDT | Updated: on 04/16/2016

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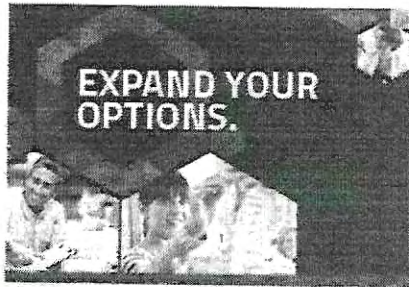
Rev. Kenneth Kauchek

The Archdiocese of Detroit is seeking to remove a priest from his role at an Eastpointe facility for pregnant teenagers because he was found to have had sexual misconduct with a teenage girl in the 1970s.

The Archdiocese believes the Rev. Kenneth Kauchek should not continue as development director of Gianna House Pregnancy and Parenting Residence, which he founded last year along with Sister Mary Diane Masson in a former convent adjacent to St. Veronica Catholic Church in Eastpointe.

Kauchek, while serving as a priest in Royal Oak and Ferndale, was banned in April 2009 from public ministry and placed on "temporary restriction" by the Archdiocese of Detroit after the organization determined that in 1976 he committed sexual misconduct with a 16-year-old girl who he was counseling at Guardian Angels Parish in Clawson. He was removed that parish and transferred to a Dearborn parish.

Kauchek, 62 when he received the banishment, in 2009 left his post as pastor at St. Mary Parish in Royal Oak and St. James Parish in Ferndale.



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Archdiocese spokesman Joe Kohn told The Macomb Daily on Thursday the organization has acted to remove Kauchek from his position at Gianna House subject to the requirements under the Catholic's Church's legal process, the Congregation for Clerk of the Vatican.

"Father Kauchek does remain barred from public ministry," Kohn said. "It is our position Father Kauchek's involvement in Gianna House is public ministry. We are addressing the matter under canon law."

Kauchek, who is a canonical lawyer himself, can have a lawyer represent him and combat the removal via the process.

Kohn said he could not elaborate on the case but said a public-ministry post is defined as "any position in which it would be assumed the priest's identity would be relevant."

Gianna House, founded last year, counsels and instructs girls under 18 who are pregnant and during their first year of motherhood. Gianna currently serves the girls as outpatients; its facility is under renovation to house up to 15 girls and their children later this year.

Dr. Robert Welch, who is chairman of the Gianna House Board of Directors, said Friday he was unaware of Kauchek's removal from public ministry in 2009 and the Archdiocese's attempt to oust him from the Gianna House position.

"This is obviously shocking news to me," Welch said. "This is troubling news, certainly."

He said Kauchek has been pleasant to work with and hasn't noticed anything that would raise suspicion. He has worked with Kauchek for about five years while the organization looked for and found a location for the facility.

"He seems very sincere, very committed," he said. "He's very nice to work with. I've seen nothing but honorable intentions from him."

Welch was asked to join the organization due to his position as an obstetrician and gynecologist at St. John Providence Health System. Welch also is vice chair of Detroit Medical Center Obstetrics and Gynecological Clinical Operations and Wayne State University chief and division director of Maternal Fetal Medicine.

Kauchek did not return a message left at his residence Friday.

Kauchek's role at Gianna House troubles representatives of two organizations that advocate for victims of sexual assault. They said Kauchek should not be involved with a group that helps teenage girls, those in the same age group as the girl with whom he allegedly had improper contact.

"It's horribly inappropriate," said Debbie McPeck, chief program officer at Turning Point in Mount Clemens, which serves "survivors" of sexual and domestic abuse.

She said Kauchek was in a position of authority when he committed a betrayal of trust.

"To put someone (with Kauchek's background) in a position of trust is horrendous," she said.

Matt Jatzcak of the Michigan chapter of the Survivors Network of those Abused by Priests, said Kauchek's involvement "seems irresponsible." He said Kauchek's past should have raised "red flags."

"Now he is being around teenage women who are in a vulnerable position, that should raise all kinds of red flags," he said. "I don't know how board members could allow him to get involved."

Masson, who gained approval from her order, the Felician Sisters, to start Gianna house, defended Kauchek's involvement. She said as development director he is not directly involved with the girls but rather seeks to raise money for the fledgling organization. She said he doesn't typically go to the Gianna House.

"He's not doing anything with the girls," she said.

She also noted that he was never found guilty of wrongdoing.

"He hasn't been proven guilty," she said. "Innocent until proven guilty."

She said she has known him since 1990.

Board of directors meetings have been held at Manresa Jesuit Retreat House in Bloomfield Hills, where Kauchek resides.

Kauchek receives a salary from the church.

An April 23, 2009, press release from the Archdiocese's then-director of communications, Ned McGrath, says Kauchek was placed on administrative leave after the Archdiocesan Review Board "has deemed substantive an allegation of sexual misconduct with a person under the age of 18 involving Fr. Kauchek dating back to the early years of his ministry in the Detroit archdiocese."

The incident occurred in 1976, the same year Kauchek was ordained a Catholic minister and became associate pastor at Guardian Angels Parish in Clawson. The girl went to him for counseling. Kauchek would have been 28 or 29 years old.

In 1977, he was transferred from Guardian Angels to Sacred Heart Parish in Dearborn, according to the Archdiocese. The transfer occurred after the girl's father complained to the lead priest at Guardian Angels, says a published report.

The matter was revived in January 2009 when the victim complained to the Archdiocese after she saw Kauchek in a doctor's office, a random contact, according to a published report. The incident was reported to Clawson police. Oakland County prosecutors did not charge him with a crime because the girl had reached the age of sexual consent, which is 16, the report said.

Over the years, Kauchek has served in about a dozen roles in several locations, according to the Archdiocese.

Three years after being assigned to Sacred Heart in Dearborn in 1977, he became associate pastor at Christ the King Parish in Detroit, and that same year was campus minister at Gabriel Richard Center in Dearborn. In 1982, he became a pastor at Epiphany Parish in Detroit and in 1983 was named auditor in annulment cases for the Archdiocesan Metropolitan (Marriage) Tribunal. In 1992, he was named Tribunal grievance clerk and associate pastor at St. Anastasia Parish in Troy, where he became lead pastor in 1996. In 2004, he became pastor at Our Lady Star of the Sea Parish in Grosse Pointe Woods and two years later was named temporary administrator at Holy Family in Detroit. He became pastor at St. Mary in Royal Oak and St. James in Ferndale in 2008.

The 10,000-square-foot Gianna House will provide bedrooms for up to 15 residents (including mothers and their children), a chapel, two residential staff suites, two WSU intern bedrooms and offices, staff offices, a mom and baby shop, and a kitchen, dining room and family room, according to Masson's message in the October 2015 Gianna House newsletter.

Masson says in the newsletter Gianna House officials have been warmly welcomed by St. Veronica Pastor, Rev. Stanley Pachla, and Eastpointe Mayor Suzanne Pixley and her staff.

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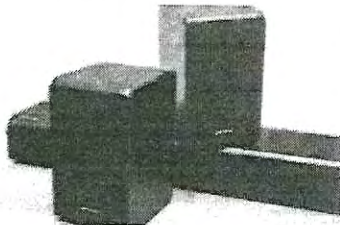
About the Author



My beat is the courts of Macomb County and general assignment. Read more of Jameson Cook's court coverage on his blog <http://courthousedish.blogspot.com/> Reach the author at jamic.cook@macombdaily.com or follow Jameson on Twitter: [@jamesoncook](https://twitter.com/jamesoncook).

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Priest resigns from post at Eastpointe teen pregnancy center



The Rev. Kenneth Kauchek

By [Jameson Cook](#), The Macomb Daily

Posted: 05/20/16, 4:30 PM EDT | Updated: on 05/20/2016

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Diane Trombley MICHIGAN NURSES FOR LIFE PHOTO

A Catholic priest who was removed from public ministry seven years ago due to prior sexual misconduct with a teenage girl has resigned from his post with an Eastpointe teen-pregnancy center.

The Rev. Kenneth Kauchek resigned late last month as development director of Gianna House Pregnancy and Parenting Residence, which he co-founded last year in a former convent adjacent to St. Veronica Catholic Church near Gratiot Avenue and Toepfer.

The resignation came after members of the board of directors from the Gianna House learned the Archdiocese of Detroit was attempting to remove him due to his previous ban. The effort was revealed in an April 15 article in The Macomb Daily.

"I think Fr. Kauchek had to do what the Archdiocese of Detroit instructed what he should do," said Gianna House board member Diane Trombley. "He really didn't have much of a choice."



Kauchek, 69, submitted his resignation April 17, according to the Archdiocese, although Trombley said the resignation was dated April 26.

The Archdiocese had been attempting to remove Kauchek since August 2015 through its internal legal channels because church officials believed his role violated his banishment from public ministry in 2009.

"Fr. Kauchek was a co-founder of Gianna House and took on leadership positions there, and did so without the knowledge or approval of the Archdiocese," the Archdiocese says in an April 18 statement posted on its web site.

Kauchek was pastor at St. Mary Parish in Royal Oak and St. James Parish in Ferndale when he was banned in April 2009. The Archdiocese determined that in 1976 he committed sexual misconduct with a 16-year-old girl whom he was counseling at Guardian Angels Parish in Clawson. He was removed from that parish and transferred to a Dearborn parish.

His position at Gianna House was criticized by two organizations that advocate for sexual-assault victims — Turning Point in Mount Clemens and the national Survivors Network of Those Abused by Priests.

Despite Kauchek's resignation, Catholic Church legal officials at the Vatican have not closed the case, said Archdiocese spokesman Ned McGrath. McGrath said he could not speculate on what church officials may do.

Kauchek remains a priest but cannot practice any form of public ministry. He can't perform Mass or dress as a priest in public, McGrath said.

McGrath said Kauchek has no assignment with the Archdiocese but receives a salary that could range from about \$25,000 to \$35,000 per year, plus benefits.

Kauchek was residing at Manresa Jesuit Retreat House in Bloomfield Hills but no longer resides there, said a woman who answered the phone at Manresa House.

Kauchek's banishment and the Archdiocese's effort to remove him from Gianna House surprised Dr. Robert Welch, who was chairman of the Gianna House Board of Directors. "This is troubling news, certainly," Welch told The Macomb Daily in April.

Welch has since left his post on the board when he decided not to seek an officer position, Trombley said.

At Gianna House, Kauchek did not come into contact with any teenage girls or any patrons, Gianna House officials said.

Gianna House, located in 10,000-square-foot of building space Redmond Avenue, has not yet started housing pregnant and nursing teenagers because it is undergoing renovations, including asbestos removal, Trombley said, a nurse who's a board member of Right to Life-Lifespan and president of Michigan Nurses for Life. It currently is offering free classes in one section such as on prenatal care, child birth, early childhood development and nutrition.

Officials hope up to seven pregnant girls under age 18 and their babies will start living there by the end of the year.

"We're hoping we will have a nice Christmas gift and be open," Trombley said.

Trombley said Gianna House will be the only facility that caters to pregnant and nursing teens.

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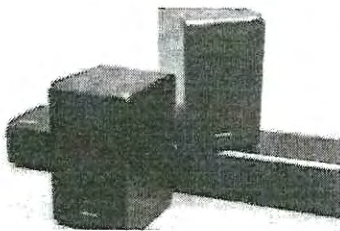
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Exhibit D

Priest removed for sex abuse works at pregnancy center for teens

Niraj Warikoo, Detroit Free Press 7:40 p.m. EDT May 9, 2016

Catholic priest removed in 2009 from two churches amid allegations he abused teen is now a director at Eastpointe center for teens that he cofounded



(Photo: Getty Images)

A Catholic priest removed from churches in metro Detroit after he was accused of sexually abusing a teenager is now the development director of a new Catholic center in Eastpointe he cofounded that counsels pregnant teenagers, prompting calls for him to step down.

The Rev. Kenneth Kauchek, 69, was banned from public ministry by the Archdiocese of Detroit in 2009 after church officials determined he had sexual misconduct in the 1970s with a 16-year-old girl he was counseling as a priest.

Kauchek is now a director at the Gianna House Pregnancy and Parenting Residence, next to St. Veronica Catholic Church in Eastpointe. Opened last year in a former convent, the center takes in teenagers and young women who are pregnant, assisting them and any children they might later have.

The [website for Gianna House \(http://giannahouse.org/\)](http://giannahouse.org/) says it "is a sacred sanctuary for its residents, each of whom deserve to continue the life of her unborn child in an environment imbued with spiritual grace, emotional and social support, and knowledge." The website says its "Board has been selected by Father Ken Kauchek and Sister Mary Diane Masson to provide a wide range of ideas and skills."

Joe Kohn, director of public relations for the Archdiocese of Detroit, told the Free Press last week that Kauchek's "position at Gianna House violates the restrictions placed on his ministry in 2009. We assert that he should not be allowed to continue in this position." The archdiocese and advocates for children who are abused by priests are calling for Gianna House to remove Kauchek.

Kohn said that Kauchek could be removed under Catholic canon law.

David Clohessy, director of the Survivors Network of those Abused by Priests (SNAP), said in a statement last month that it's disconcerting that "a priest who was ousted because he molested a girl now works for a nonprofit that reportedly helps girls."

"It's inexcusable for any nonprofit to hire a credibly accused child molesting cleric. A simple Google search would have shown that Fr. Ken is potentially dangerous and should never be given any position or title that confers respect, much less gives him access to vulnerable people."

Clohessy said there's a pattern of Catholic officials allowing suspended priests to resurface in other roles, sometimes around children. Prosecutors declined to press charges against Kauchek in 2009 because they said the girl was at the age of legal consent.

Clohessy also criticized the archdiocese and Archbishop Allen Vigneron for not being more active in alerting Catholics about Kauchek.

Clohessy said that "Vigneron's irresponsible secrecy is one reason" why Gianna House's board chairman, Dr. Robert Welch, "says he was unaware of the accusation against Fr. Kauchek and Fr. Kauchek's suspension."

Welch told the Macomb Daily that he was not aware of Kauchek's history, calling it "shocking news." Attempts by the Free Press to reach Welch at local hospitals and offices were unsuccessful.

A woman who answered the phone at Gianna House said she would not comment on Kauchek and would not leave a message for its officials. E-mails sent to Sister Mary Diane Masson, executive director of Gianna House, and Sister Theresa Mayrand, associate director of Gianna House, were not returned. Kauchek could not be reached for comment.

Masson and Kauckeck were listed as cofounders of Gianna House on the House website, and Kauckeck was also listed as an ex-officio member of its board of directors.

Kauckeck was ordained in 1976 and had served as a pastor or associate pastor at churches in Clawson, Dearborn, Detroit, Troy, Grosse Pointe Woods and Ferndale, according to information from the archdiocese. In 2008, he was appointed pastor at St. Mary Parish in Royal Oak and St. James Parish in Ferndale.

In 2009, a woman came forward with allegations that Kauckeck abused her when he was counseling her at Guardian Angels Parish in Clawson in 1976, when she was a teen.

Controversial retired priest now serves in Battle Creek

(<http://www.freep.com/story/news/local/michigan/2016/01/18/nienstedt-priest-archbishop-battle-creek/78957768/>)

Her allegations were backed by Elizabeth Sayraf, now an Ann Arbor psychologist, who was interviewed by a diocesan investigator.

Sayraf told the Free Press in 2009 that she was a 17-year-old receptionist at Guardian Angels in 1976 when the girl had told her about the abuse, showing a plane ticket of a trip she and the priest had taken together to Florida. Sayraf said she reported it to a deacon at church, who told the senior priest.

Kauckeck, who would have been in his mid 20s at that time, was then reassigned to the Sacred Heart Catholic Church in Dearborn.

After the incident was reported to police 33 years later, the Oakland County Prosecutor's Office declined to press criminal charges because the teen was of legal consent in 1976 when the sexual relationship took place, the Free Press reported.

Kohn said that when the archdiocese received the complaints in 2009, "we immediately reported the allegation to law enforcement authorities. The allegation also was reported to the Archdiocesan Review Board, which serves as a consultative body to review accusations of sexual abuse by members of the clergy. The Review Board deemed that the allegation was substantive."

"The archbishop made the decision after having met with the victim, Rev. Kauckeck, and the Review Board – to restrict Rev. Kauckeck from public ministry. ... The terms of these restrictions, which were made clear to Rev. Kauckeck, remain in place today."

Kauckeck has never commented publicly about the abuse allegations.

But in 2002, he was quoted in the Free Press about what Detroit Cardinal Adam Maida, at the time the head of the Catholic Archdiocese of Detroit, said during a meeting with 200 priests to discuss new church rules on sexual abuse.

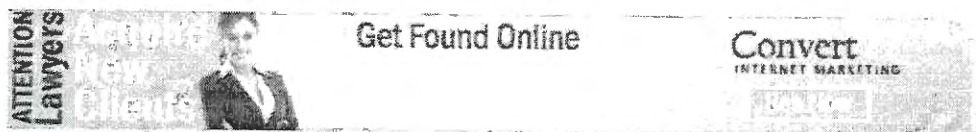
"Children, children, children -- we have to protect children," Kauckeck said, describing what Maida stressed at the meeting

Contact Niraj Warikoo: nwarikoo@freepress.com or 313-223-4792. Follow him on Twitter @nwarikoo (<http://www.twitter.com/nwarikoo>).

Ex-priest gets 20-40 years in prison for sexual assault

(<http://www.freep.com/story/news/local/michigan/2016/04/29/priest-james-rapp-sexual-abuse/83726260/>)

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Exhibit E

Catholic priest in abuse scandal resigns from pregnancy center

Niraj Warikoo, Detroit Free Press 10:56 p.m. EDT May 19, 2016

Fr. Kenneth Kauchek, 69, has resigned from a Catholic pregnancy teen center that he co-founded



(Photo: DeanDrobot, Getty Images/Stockphoto)

A Catholic priest who was removed in 2009 from churches after allegations he abused a teen girl has resigned from a center for pregnant teens in Eastpointe that he cofounded, Catholic officials said this week.

The Rev. Kenneth Kauchek, 69, was the cofounder, development director and a board member of Gianna House, a new Catholic center to help teen girls who are pregnant. But after recent reports ([/story/news/local/michigan/macomb/2016/05/08/priest-removed-sex-abuse-works-teens-pregnancy-center/83871114/](http://www.freep.com/story/news/local/michigan/macomb/2016/05/08/priest-removed-sex-abuse-works-teens-pregnancy-center/83871114/)) on his position there, officials with the center and the Catholic Archdiocese of Detroit now are saying he has resigned and no longer works there.

Kauchek's name has been scrubbed from Gianna House's website, (<http://giannahouse.org/>) which used to say that Kauchek cofounded the center along with Sister Mary Diane Masson, executive director at the House and that he selected the board along with Masson.

Now the website says Masson alone had selected the board and is a cofounder.

The center also has selected a new board, with chairman Dr. Robert Welch no longer on the board.



DETROIT FREE PRESS

Priest removed for sex abuse works at pregnancy center for teens

(<http://www.freep.com/story/news/local/michigan/macomb/2016/05/08/priest-removed-sex-abuse-works-teens-pregnancy-center/83871114/>)

Masson and another board member of Gianna House, pro-life activist Diane Trombley, told the Free Press this week that Kauchek did not interact with any girls while he was serving there.

"He ... did not interact with the pregnant and parenting teens whom Gianna House serves," Masson said.

Masson referred further questions to Trombley, who said that Kauchek never was on site when teens were there for classes.

"I think people have the wrong idea that Father Ken was there, living there ... and that just wasn't the case," Trombley said.

Currently, the center offers classes and support for pregnant teens as well as baby shower celebrations, Trombley said. She said the center plans to later have pregnant teens live full time on site, possibly by Christmas. Gianna House is aimed at helping girls in need ages 17 and younger who are expecting, since most other types of centers require the girl to be 18 in order to get help, Trombley said.

Messages left this week for Kauchek at Manresa Jesuit Retreat House in Bloomfield Hills, where he resides, were not returned.

Kauchek was banned from public ministry by the Archdiocese of Detroit in 2009 after church officials determined he had committed sexual misconduct in the 1970s with a 16-year-old girl he was counseling as a priest. In 2009, a woman came forward with allegations that Kauchek abused her when he was counseling her at Guardian Angels Parish in Clawson in 1976, when she was a teen.

Oakland County prosecutors declined to press charges against Kauchek in 2009 because they said the girl was at the age of legal consent, police said in 2009. The Macomb Daily first reported last month that Kauchek was involved with Gianna House.

On Thursday, Ned McGrath, a spokesman for the Archdiocese of Detroit, said that the Archdiocese had notified Kauchek and his canon lawyer in August 2015 that he was violating his prohibition on public ministry by his involvement with Gianna House. McGrath said the Archdiocese initially "heard he might be involved in some way with fund raising."

In a statement, the Archdiocese of Detroit said: "Gianna House is not owned, operated or officially affiliated with the Archdiocese of Detroit. Father Kauchek was a cofounder of Gianna House and took on leadership positions there, and did so without the knowledge or approval of the Archdiocese. ... The Archdiocese continues to address this matter in a canonical process overseen by the Congregation for Clergy at the Vatican."

Trombley said that "the Archdiocese was aware that Father Ken was involved with Gianna House," adding that they weren't "hiding Father Ken under a bushel."

Trombley said that she wasn't aware of what Kauchek might have done in the past. "I have no first-hand knowledge," she said.

Added Trombley, a nurse who's a board member of Right to Life-Lifespan and president of Michigan Nurses for Life: "I wasn't there. It was a long time ago. But all I know was his desire to help young girls with a problem pregnancy, to find them a place to live."

She said she was told that Vatican courts found there was no misbehavior on Kauchek's part.

"From my understanding, when he was first queried regarding this, he was quite open and took his entire history to the Vatican, and it was adjudicated through the Vatican courts."

"I was not aware of anything other than his desire to establish a residence for teen girls who were pregnant," she said.

David Clohessy, director of the Survivors Network of those Abused by Priests (SNAP), said that while Kauchek resigning is a good first step, the Archdiocese needs to do more to alert other churches and Catholic centers about Kauchek "through parish bulletins, church websites, pulpit announcements and personal visits to churches by the Archbishop."

If the Archdiocese had done that previously, he might not have been able to cofound Gianna House, Clohessy said.

"They should disclose the whereabouts of every child-molesting cleric who has worked or lives in the Archdiocese so that kids can be protected," he said.

Trombley said the focus at Gianna House now is to help pregnant teen, saying that being pro-life means not only being against abortion, but helping people in need.

"I don't ever want to be perceived or have Gianna House be perceived as less than it should be because of unknown quantities," Trombley said. "I don't want Gianna House damaged because somewhere someone said something happened. I don't know if anything happened. I just know I care deeply about Gianna House and I recognize the need for Gianna House and I want it to succeed, as does everyone else on the board."

Contact Niraj Warikoo: nwarikoo@freepress.com or 313-223-4792. Follow him on Twitter [@nwarikoo](https://twitter.com/nwarikoo) (<http://www.twitter.com/nwarikoo>).

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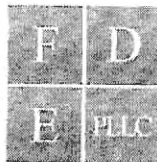
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Frank D. Eaman PLLC
Attorneys & Counselors

July 8, 2016

Detroit Free Press
160 W. Fort St.
Detroit, MI 48226

Attn: Niraj Warikoo
Stephen Henderson

Via email to nwarikoo@freepress.com and shenderson600@freepress.com.

RE: Father Kenneth Kauchek

Dear Mr. Warikoo:

This letter is directed to you and editor, Stephen Henderson. You may wish to contact legal counsel before you respond to this letter.

I was one of the attorneys in 2009 who reviewed the allegations made against Fr. Kenneth Kauchek by a woman who claimed sexual misconduct by Fr. Kauchek in the 1970s. I now write to you on his behalf, with his consent.

As you can imagine, defending against allegations that are more than 30 years old is always difficult. However, in this instance, many of the allegations were, in my opinion, easily refuted through our investigation, and a complete defense to all the allegations was filed with the Archdiocese of Detroit. Fr. Kauchek has strongly contested these allegations and maintained that he is completely innocent of any misconduct.

Fr. Kauchek's spotless record as a priest also assisted us in providing our defense. We know of no information that would support that Fr. Kauchek was ever "reassigned" due to any allegations of sexual misconduct or any misconduct. Other than the allegations which surfaced in 2009, there have been no allegations of misconduct of any kind that we are aware of. Even though there has been a tremendous amount of publicity concerning the 2009 allegations, we are aware of no other person who has ever come forward to make any additional allegations against Fr. Kauchek.

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Unfortunately, the Archdiocese has apparently chosen not to formally respond to Fr. Kauchek's defense, nor, as near as we can tell, interview the witnesses whose statements were provided to the Detroit Archdiocese to refute the allegations of sexual misconduct. The Archdiocese has never provided Fr. Kauchek or his attorneys with a response to his defense, and therefore for seven years Fr. Kauchek has been denied the opportunity to defend himself against the allegations made. As you are aware, there was no state prosecution (partly due to the age of the person who made the allegation and partly due to the fact that any applicable statute of limitations had run) and therefore no opportunity to present a defense in court. Fr. Kauchek has vigorously pursued his reinstatement to full priestly ministry through the canonical process. Due to canonical restrictions grounded in a concept known as "Pontifical Secrecy," I am not permitted to comment on Fr. Kauchek's canonical status. Likewise, I cannot share the information we presented to the Archdiocese to refute the allegations. I wish I could do that.

Nonetheless, it would have been appropriate if someone would have attempted to contact Fr. Kauchek before filing your articles in *The Detroit Free Press* (May 9, 2016 – "Priest removed for sex abuse works with teens" and May 19, 2016 – "Catholic priest in abuse scandal resigns from pregnancy center") Although your articles claim that there were attempts to contact Fr. Kauchek, our investigation shows he was never contacted by anyone from the Free Press; in contrast, after your articles, another member of the news media was able to contact him. The lack of contact with anyone who would have spoken for Fr. Kauchek is evidenced by the fact that you got his age wrong. He is 69, not 62.

Although Fr. Kauchek is prohibited from commenting on these matters, one of the attorneys who represented him would have responded to your request for information.

The articles published in the *Free Press*, based on my investigation, were filled with false statements as to whether the allegations were ever proved, the knowledge of the Archdiocese, the work of Gianna House, and Fr. Kauchek's role at Gianna House. The articles also used "loaded" terminology which painted the whole situation in a false light.

I realize that for years sexual abuse by priests was covered up by various church officials from the Roman Catholic Church all over the world, and that many people suffered from the actions of the priests and the cover-up. I have represented clients who have been victimized by priests and the church and sympathize greatly with those victims. However, the history of sexual abuse by

priests and church cover-ups should not mean there is a presumption of guilt when an allegation is made. Your articles engaged heavily in that presumption.

Here is an analysis of the false statements in your articles, based on our investigation:

- Fr. Kauchek was not “removed for sex abuse” or “banned” from public ministry. He was placed on administrative leave and temporarily restricted in his duties due to the allegations.
- The Archdiocese did not “determine[] he had sexual misconduct.” There has been no such finding. An initial determination, before Fr. Kauchek filed his defense, found the allegations “substantive.” A finding of “substantive” only means that the allegations were sufficient *to warrant an investigation*. The allegations have never been “verified” in an ecclesiastical forum or “proved” in a court of law.
- Fr. Kauchek was not “reassigned” to Sacred Heart after these allegations first surfaced because of the allegations. Fr. Kauchek *requested* that reassignment. The pastor and supervising priest at Sacred Heart would attest to Fr. Kauchek’s record there as being free from any allegations of sexual misconduct or any misconduct.
- Fr. Kauchek’s involvement in planning for Gianna House was not “without the knowledge or approval of the Archdiocese.” His involvement in the planning process for Gianna House *preceded* the allegations of 2009. The Archdiocese has always known about Fr. Kauchek’s affiliation with Gianna House, and he has been commended by the Archbishop for his efforts to start up Gianna House.
- Fr. Kauchek was notified in the summer of 2015 that his continued involvement in Gianna House was perceived as a violation of the temporary restrictions placed on him. As a result of that notification, Fr. Kauchek resigned from a board position at Gianna House on July 14, 2015, and the Archdiocese received notice of such resignation in a letter at that time. This was nine months before you wrote your articles.
- After his 2015 resignation from the board, Fr. Kauchek continued in a limited, informal role to assist with fund-raising for Gianna House, and assist with renovation plans for the facility.
- On May 17, 2016, Fr. Kauchek reaffirmed his 2015 resignation and issued a new resignation as to any role that he held at Gianna House.
- Gianna House is not a place that “takes in” teenagers and young women who are pregnant; it is planned that someday that may occur, but it has not yet been able to do so due to lack of funding. In the fall of 2015, Gianna House first became operational in a

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limited fashion, holding classes during the day for pregnant mothers. Other than Sister Diane Masson, no one currently resides at Gianna House.

- Fr. Kauchek has not “work[ed] with teens at a pregnancy center.” AT NO TIME WAS FR. KAUCHECK EVER INVOLVED IN COUNSELING OR WORKING WITH TEENAGE GIRLS AT GIANNA HOUSE AFTER IT OPENED IN THE FALL OF 2015. Gianna House did not counsel teenage girls before the Fall of 2015

In my opinion, your articles about Fr. Kauchek have the earmark of a source that provided you information in an attempt to damage Fr. Kauchek. Your articles also have the earmark of stories that were never verified, and based on the evidence we have, no attempt was made to determine whether there was another side to the story you were being told.

We would request that the *Free Press* publish a retraction of the inaccurate and false allegations printed in your articles. We request an opportunity to review the retraction before it is printed.

Very truly yours,

Frank D. Eaman

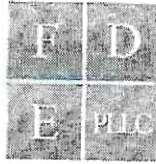
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FILED IN MY OFFICE
WAYNE COUNTY CLERK
1/30/2017 10:51:09 AM
CATHY M. GARRETT

Exhibit G

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Frank D. Eaman PLLC
Attorneys & Counselors

August 4, 2016

Macomb Daily
19176 Hall Road, 2nd Fl.
Clinton Township, MI 48038

Attn: Jameson Cook/Jeff Payne

Via email to: jamiecook@macombdaily.com; jpayne@21st-centurymedia.com

RE: Father Kenneth Kauchek

Dear Mr. Cook:

This letter is directed to you and editor Jeff Payne. You may wish to contact legal counsel before you respond to this letter.

I was one of the attorneys in 2009 who reviewed the allegations made against Fr. Kenneth Kauchek by a woman who claimed sexual misconduct by Fr. Kauchek in the 1970s. I now write to you on his behalf, with his consent.

As you can imagine, defending against allegations that are more than 30 years old is always difficult. However, in this instance, many of the allegations were, in my opinion, easily refuted through our investigation, and a complete defense to all the allegations was filed with the Archdiocese of Detroit. Fr. Kauchek has strongly contested these allegations and maintained that he is completely innocent of any misconduct.

Fr. Kauchek's spotless record as a priest also assisted us in providing our defense. We know of no information that would support that Fr. Kauchek was ever "removed" or "transferred" due to any allegations of sexual misconduct or any misconduct. Other than the allegation that surfaced in 2009, there have been no other allegations of misconduct of any kind that we are aware of. Even though there has been a tremendous amount of publicity concerning the 2009 allegations, we are aware of no other person who has ever come forward to make any additional allegations against Fr. Kauchek.

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Unfortunately, the Archdiocese has apparently chosen not to formally respond to Fr. Kauchek's defense, nor, as near as we can tell, interview the witnesses whose statements were provided to the Detroit Archdiocese to refute the allegations of sexual misconduct. The Archdiocese has never provided Fr. Kauchek or his attorneys with a response to his defense, and therefore for seven years Fr. Kauchek has been denied the opportunity to defend himself against the allegations made. As you are aware, there was no state prosecution (partly due to the age of the person who made the allegation and partly due to the fact that any applicable statute of limitations had run) and therefore no opportunity to present a defense in court. Fr. Kauchek has vigorously pursued his reinstatement to full priestly ministry through the canonical process. Due to canonical restrictions grounded in a concept known as "Pontifical Secrecy," I am not permitted to comment on Fr. Kauchek's canonical status. Likewise, I cannot share the information we presented to the Archdiocese to refute the allegations. I wish I could do that.

Nonetheless, it would have been appropriate if someone would have attempted to contact Fr. Kauchek before filing your articles in *The Macomb Daily* (April 16, 2016 – "Archdiocese seeks to remove priest from pregnant-teenager facility" and May 20, 2016 – "Priest resigns from post at Eastpointe teen pregnancy center"). Although your articles claim that there was an attempt to contact Fr. Kauchek and a message left at "his residence", our investigation shows he was never contacted by anyone from the *Macomb Daily*; in contrast, after your articles, another member of the news media was able to contact him.

Although Fr. Kauchek is prohibited from commenting on these matters, one of the attorneys who represented him would have responded to a request for information.

The articles published in the *Macomb Daily*, based on my investigation, were filled with false statements as to whether the allegations were ever proved, the knowledge of the Archdiocese, the work of Gianna House, and Fr. Kauchek's role at Gianna House. The articles also used "loaded" terminology which painted the whole situation in a false light.

I realize that for years sexual abuse by priests was covered up by various church officials from the Roman Catholic Church all over the world, and that many people suffered from the actions of the priests and the cover-up. I have represented clients who have been victimized by priests and the church and sympathize greatly with those victims. However, the history of sexual abuse by

priests and church cover-ups should not mean there is a presumption of guilt when an allegation is made. Your articles engaged heavily in that presumption.

Here is an analysis of the false statements in your articles, based on our investigation:

- Fr. Kauchek was not “removed for sex abuse”, “banned” or “banished” from public ministry. He was placed on administrative leave and temporarily restricted in his duties due to the allegation.
- The Archdiocese did not “determine[] he committed sexual misconduct.” There has been no such finding. An initial determination, before Fr. Kauchek filed his defense, found the allegation “substantive.” A finding of “substantive” only means that the allegation was sufficient *to warrant an investigation*. The allegation has never been “verified” in an ecclesiastical forum or “proved” in a court of law.
- Fr. Kauchek was not “removed from public ministry seven years ago due to prior sexual misconduct...”- again substantive does not mean proven or that the actual allegation ever occurred.
- Fr. Kauchek was not “removed” from Guardian Angels and “transferred” to Sacred Heart after this allegation first surfaced. Fr. Kauchek *requested* that reassignment. The pastor and supervising priest at Sacred Heart would attest to Fr. Kauchek’s record there as being free from any allegations of sexual misconduct or any misconduct.
- Fr. Kauchek’s involvement in planning for Gianna House was not “without the knowledge or approval of the Archdiocese.” His involvement in the planning process for Gianna House *preceded* the allegation of 2009. The Archdiocese has always known about Fr. Kauchek’s affiliation with Gianna House, and he has been commended by the Archbishop for his efforts to start up Gianna House.
- Fr. Kauchek’s resignation did not come “after members of the board of directors from Gianna House learned the Archdiocese of Detroit was attempting to remove him due to his previous ban.” Correctly stated, Fr. Kauchek was notified in the summer of 2015 that his continued involvement in Gianna House was perceived as a violation of the temporary restrictions placed on him. As a result of that notification, Fr. Kauchek resigned from a board position at Gianna House on July 14, 2015, and the Archdiocese received notice of such resignation in a letter at that time. This was nine months before you wrote your articles.
- After his 2015 resignation from the board, Fr. Kauchek continued in a limited, informal role to assist with fund-raising for Gianna House, and assist with renovation plans for the facility.

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- On May 17, 2016, Fr. Kauchek reaffirmed his 2015 resignation and issued a new resignation as to any role that he held at Gianna House.

Fr. Kauchek is not "being around teenage women who are in a vulnerable position." AT NO TIME WAS FR. KAUCHECK EVER INVOLVED IN COUNSELING OR WORKING WITH TEENAGE GIRLS AT GIANNA HOUSE AFTER IT OPENED IN THE FALL OF 2015. Gianna House did not counsel teenage girls before the Fall of 2015

In my opinion, your articles about Fr. Kauchek have the earmark of a source that provided you information in an attempt to damage Fr. Kauchek. Your articles also have the earmark of stories that were never verified, and based on the evidence we have, no attempt was made to determine whether there was another side to the story you were being told.

We would request that the *Macomb Daily* publish a retraction of the inaccurate and false allegations printed in your articles. We request an opportunity to review the retraction before it is printed.

We also request a response to this letter by August 31, 2016. I will be out of the office between August 9th and August 29th, so I will not be able to reply to an earlier response.

Very truly yours,

A handwritten signature in black ink, appearing to read "Frank D. Eaman", with a long horizontal flourish extending to the right.

Frank D. Eaman