

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

VERY REVEREND GEORGES F. de
LAIRE, J.C.L.,

Plaintiff,

v.

GARY MICHAEL VORIS, ANITA CAREY,
ST. MICHAEL'S MEDIA a/k/a CHURCH
MILITANT,

Defendants.

CIVIL ACTION NO. 1:21-cv-00131-JL

PLAINTIFF'S MOTION TO AMEND COMPLAINT

The Very Reverend Georges F. de Laire, J.C.L. ("Plaintiff" or "Father de Laire"), through undersigned counsel, hereby requests the leave of Court to amend the Complaint (Doc. 1) in this matter on the following grounds:

1. Plaintiff's proposed amendment of the Complaint is for the purpose of joining a new defendant ("New Defendant")¹ to the above-captioned action. No additional claims or theories of recovery are proposed to be amended to the Complaint.

2. Through his Motion, Plaintiff seeks to amend his Complaint to add as a defendant to this action the individual who has just recently been disclosed as not only the *source* of defamatory statements published by Defendant Church Militant, but also the unidentified *author* of the first of the defamatory publications dated January 17, 2019. As set forth in the accompanying Memorandum of Law filed concurrently herewith, through their late disclosure, Defendants have now conceded that (i) they failed to disclose the true identity of the author of the article to their readers, (ii) they have no idea what, if any, actual "sources" the author did or

¹ Defendants have, without justification, designated the identity of the individual as "Confidential" pursuant to the Court's Confidential Protective Order (Doc. 26). Although Plaintiff disputes the validity of this designation, the proposed First Amended Complaint is accordingly being filed herewith under seal.

did not have for the libelous statements over which Father de Laire is litigating, and (iii) they have no knowledge, personal or otherwise, of the truth or falsity of the libels at issue. With these shocking disclosures, Defendants have put the proposed new defendant front and center in this lawsuit.

3. Defendants withheld from Plaintiff the fact of and the identity of the New Defendant as the author of one of the articles at issue in the present action. Plaintiff only recently became aware of this material fact through discovery conducted to date, which information was not available to Plaintiff at the time it prepared and filed its original Complaint.

4. Plaintiff sought Defendants' counsel's concurrence to this Motion. Defendants do not assent.

5. Pursuant to LR 15.1, a copy of the proposed First Amended Complaint is attached to this Motion as **Exhibit A**.

6. This Motion is accompanied by Plaintiff's Memorandum of Law in Support of its Motion to Amend Complaint and the Affidavit of Suzanne M. Elovecky and Exhibits A-E thereto.

7. As set forth in detail in the accompanying Memorandum of Law, good cause exists to grant Plaintiff's request for leave to amend its Complaint.

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Grant Plaintiff's Motion to Amend Complaint;
- B. Grant any such other relief as the Court deems just and proper.

[SIGNATURES ON NEXT]

Respectfully submitted,

THE VERY REVEREND GEORGES F. DE LAIRE

By His Attorneys,

/s/ Joseph M. Cacace

Joseph M. Cacace, N.H. Bar No. 266082

Howard M. Cooper, *pro hac vice*

TODD & WELD LLP

One Federal Street, 27th Floor

Boston, MA 02110

(617) 720-2626

jcacace@toddweld.com

hcooper@toddweld.com

/s/ Suzanne M. Elovecky

Suzanne M. Elovecky, *pro hac vice*

PARTRIDGE SNOW & HAHN, LLP

30 Federal Street

Boston, MA 02110

(617) 292-7900

selovecky@psh.com

Dated: April 13, 2022

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of April, 2022 a copy of the foregoing document was sent by electronic mail addressed to the following counsel of record:

Kathleen H. Klaus
Maddin, Hauser, Roth & Heller, P.C.
28400 Northwestern Highway, 2nd Fl
Southfield, MI 48034-1839
kklaus@maddinhauser.com

Neil B. Nicholson
Nicholson Law Firm, PLLC
58 North State Street
P.O. Box 41371 48034
Concord, NH 03302-4137
neil@nicholson-lawfirm.com

/s/ Hannah Y. Amadei
Hannah Y. Amadei

**MOTION TO AMEND
EXHIBIT A**

PROPOSED FIRST AMENDED COMPLAINT

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

VERY REVEREND GEORGES F. de
LAIRE, J.C.L.,

Plaintiff

v.

GARY MICHAEL VORIS, ANITA CAREY,
ST. MICHAEL'S MEDIA a/k/a CHURCH
MILITANT, and [REDACTED]

Defendants.

C. A. No.: 1:21-cv-00131-JL

[PROPOSED] FIRST AMENDED COMPLAINT

i. Introduction

The Very Reverend Georges F. de Laire, J.C.L. ("Father de Laire"), a member of the clergy who has devoted his life to serving his community, brings this action for defamation to vindicate the wrongs perpetrated against him by the Defendants Gary Michael Voris ("Mr. Voris") and his media group, St. Michael's Media, including but not limited to its website, Church Militant ("Church Militant"), ~~and~~ a reporter, Anita Carey ("Ms. Carey"), and [REDACTED].

Through articles published on the website Church Militant, as well as videos produced by St. Michael's Media and published both on the Church Militant website and You Tube and other websites, ~~Mr. Voris and his media company~~ Defendants have in knowing and reckless disregard of the truth embarked on a campaign of defamation against Father de Laire, intended to besmirch Father de Laire's reputation and destroy his standing in the community of his congregation in

New Hampshire, and in the Catholic Church at large, in the United States and in Rome. The articles and videos at issue were published in support of a group known as the Slaves of the Immaculate Heart of Mary, or the Saint Benedict Center, Inc. (“the Saint Benedict Center”) – a group first formed in the mid-1900s after its founder was excommunicated from the Roman Catholic Church, in part, for his scathing anti-Semitic views. Today, the New Hampshire enclave continues in the same tradition, and has, like its predecessor, similarly been prohibited from identifying as being affiliated with the Catholic Church, not only in light of its intolerant views, but also because of a doctrinal interpretation disagreement with the Vatican.

As a member of the leadership in the Diocese of Manchester for the Catholic Church in New Hampshire, for seven (7) years Father de Laire has made every effort to work with the Saint Benedict Center for the benefit of its members, and to create opportunities for them to practice their faith despite (but within the confines of) the decision made by the Vatican. However, the leadership of the Saint Benedict Center manipulated Father de Laire’s efforts, and clung to his peacemaking, as evidence that their group had the support of the Diocese, which was not the case. As a result, the Diocese of Manchester had no choice but to issue a Decree prohibiting the Saint Benedict Center from identifying as Catholic in any manner.

In this context, Defendants, who are theologically, politically and philosophically aligned with the Saint Benedict Center, published a series of defamatory articles and videos on their website, churchmilitant.com, which were in turn published on several like-minded additional websites, defaming Father de Laire. Not content to simply critique the actions taken by the Diocese, Mr. Voris published an article [written by](#) [REDACTED], and subsequently a video, defaming Father de Laire personally. In an initial article, published in January of 2019, Mr. Voris published multiple knowingly and recklessly false statements [written by](#) [REDACTED]

concerning Father de Laire’s work performance, his fitness to serve as a member of the clergy, his ethics, and other personal matters. These statements were first published in January of 2019 with no attempt to first interview Father de Laire, with little or no investigation, and despite Defendants knowing that what they were publishing was not true.

The false and defamatory statements published by defendants included, without limitation, that Father de Laire is said – by his colleagues – to be emotionally unstable. Yet, Father de Laire’s colleagues have never spoken with reporters from Church Militant. The articles also contained false statements that Father de Laire paid others to do legal work which he was employed to complete, which is categorically false. Further statements, such as those that Father de Laire has “botched” cases that he handled for the diocese and has a reputation as a “troublemaker” in the halls of the Vatican in Rome, were also made and have no basis in fact. Further, the articles knowingly published false statements made by wholly biased sources – who Mr. Voris and the Church Militant reporting staff knew to be biased – without seeking out unbiased sources in addition to the known-to-be-biased sources. Finally, the articles included defamatory innuendo, including but not limited to an implication that Father de Laire improperly utilized church funds to purchase a home. Each of these statements and innuendo are defamatory per se.

As a result of the defamatory statements, Father de Laire has suffered not only significant damage to his personal and professional reputation, he has also suffered significant emotional distress, all as Mr. Voris and the other Defendants intended him to suffer.

ii. Parties

1. Plaintiff Father de Laire is a priest of the Catholic Church; he serves as the Judicial Vicar and the Vicar for Canonical Affairs for the Diocese of Manchester of the Catholic

Church in New Hampshire. He is also the Pastor of a Parish. Father de Laire resides in Manchester, New Hampshire.

2. Defendant Gary Michael Voris is a resident of Oakland County, Michigan, and is the President of St. Michael's Media a/k/a Church Militant. Mr. Voris also acts as a "reporter" for the website Church Militant. At all times material hereto, Mr. Voris acted within the scope of his employment at St. Michael's Media in authoring, reviewing, and approving the publication of the articles and videos at issue here.

3. Upon information and belief, Defendant Anita Carey is a resident of Wayne County, Michigan, and is a reporter employed by St. Michael's Media a/k/a Church Militant. Ms. Carey acted in the scope of her employment in authoring certain of the articles at issue here.

4. Defendant St. Michael's Media is a corporation organized under the laws of Michigan with its headquarters located in Oakland County, Michigan.

5. St. Michael's Media does business under the name "Church Militant," and posts articles, videos and podcasts on a website known as churchmilitant.com, which is accessible on the internet from anywhere in the United States of America and around the world. Mr. Voris has reported that these posts cumulatively attract approximately 1.5 million views per month.

~~5.6.~~ Upon information and belief, Defendant [REDACTED] is currently a resident of [REDACTED]
[REDACTED] is the author of one of the articles published to the Church Militant website. According to Defendant Voris, [REDACTED]
[REDACTED] Upon further information and belief, [REDACTED]
[REDACTED]

iii. Jurisdiction and Venue

~~6~~7. The subject matter jurisdiction of this Court is properly based upon complete diversity between the parties. The amount of controversy in this matter exceeds \$75,000, exclusive of costs and interest pursuant to 28 U.S.C. § 1331, § 1332. Personal jurisdiction is lawful and proper in New Hampshire where Defendants each transact business in New Hampshire generally and/or engaged in tortious conduct which caused injury in New Hampshire.

~~7~~8. The venue for this action properly lies in this district pursuant to 28 U.S.C. § 1391, because a substantial part of the events or omission giving rise to the defamation and intentional infliction of emotional distress was based on content allegedly gathered, in part, by Mr. Voris and Ms. Carey in New Hampshire, and the damages caused by said actions took place in New Hampshire.

iv. Factual Background

Father de Laire's Background and Role in the Church

~~8~~9. Father de Laire was born and raised in France and immigrated to the United States in 1983.

~~9~~10. Father de Laire attended Saint Lawrence University in Canton, New York, where he obtained a Bachelor's of Art in History in 1989, and a Master's Degree in Counseling Psychology and Human Development in 1992. He attended Saint John's Seminary in Brighton, Massachusetts, where he obtained a Master's in Divinity and completed a Master's in Biblical Theology, both in 1997. Father de Laire then attended the Pontifical Gregorian University in Rome, Italy, where he earned his Juris Canonici Licentia *magna cum laude* in 2012.

~~10.~~11. Father de Laire was ordained as a cleric of the Catholic Church in 1996; he has remained such for the last 24 years. For the entirety of his service to the Catholic Church, Father de Laire has served in the Roman Catholic Diocese of Manchester.

~~11.~~12. In 2013, Father de Laire was promoted to the role of Judicial Vicar and the Vicar for Canonical Affairs, positions he continues to hold today.

~~12.~~13. As Judicial Vicar, Father de Laire together with the Bishop of the Diocese of Manchester forms the Tribunal (i.e., judiciary) of the Diocese of Manchester. In that role, Father de Laire oversees the cases and trials that are brought to the Tribunal for adjudication. Most of such cases involve challenges to the canonical validity of marriages, although the Tribunal occasionally hears other matters, including the protection of the rights of the faithful and select penal matters.

~~13.~~14. As the Vicar for Canonical Affairs, Father de Laire directly assists the Bishop of Manchester in conducting the legal governance of the Diocese of Manchester in accordance with Catholic Church teachings, the 1983 Code of Canon Law, and subsequent universal and particular legislation. In this administrative role, Father de Laire is charged with the responsibility of promoting and protecting the obligations, rights and privileges of the faithful throughout the Diocese; providing assistance and consultation on all areas of Church law for the leadership of the Diocese, the clergy and laity.

~~14.~~15. In these roles, and particularly as the Vicar for Canonical Affairs, Father de Laire has been charged with the responsibility of acting as a liaison with a group known as the Slaves of the Immaculate Heart of Mary, a religious group that has incorporated itself as the Saint Benedict Center, Inc. (the “Saint Benedict Center”).

~~15.~~16. Consistent with his obligations as a member of the clergy, Father de Laire does not insert himself into the political issues in local, state or national politics.

~~16.~~17. While Father de Laire presides over a congregation in New Hampshire, the congregation is modest in size, with an estimated 2,400 parishioners. Father de Laire does not exert influence of any kind outside of his congregation in any public manner.

~~17.~~18. Father de Laire is not a frequent commentator on news programs or in publications about local, state or national events.

~~18.~~19. Father de Laire does not have a social media presence.

~~19.~~20. Father de Laire is not a public figure, generally or for any particular or limited purpose.

Church Militant

~~20.~~21. Church Militant is a website that claims its mission is to do “battle against sin, the devil and the demonic ‘rulers of the darkness of this world, against spiritual wickedness in high places’ (Ephesians 6:12).” See <https://www.churchmilitant.com/mission> (last February 4, 2021). As found on the website’s mission page, “We aim to convert non-Catholics to the faith founded personally by Jesus Christ, and strengthen the faith of existing Catholics. Church Militant aims to achieve this by bringing Jesus Christ to the internet through the use of digital media.” Id.

~~21.~~22. Mr. Voris, as the President and principal of Church Militant, is a frequent and primary contributor to the website.

~~22.~~23. Church Militant had previously operated as “Real Catholic TV,” but was forced to change its name when the Catholic Archdiocese of Detroit insisted that it do so, in light of the fact that it had no permission to use the Catholic name.

~~23.~~24. Church Militant is known for its inflammatory publications. In December of 2016, the New York Times profiled the website, and Mr. Voris. In that article, it was reported that churchmilitant.com has “dismissed climate change as a hoax” and claims that Hillary Clinton (whom it refers to as “Killary”) was “Satan’s mop for wiping up the last remaining resistance to him in America.” See <https://www.nytimes.com/2016/12/30/us/church-militant-theology-is-put-to-new-and-politicized-use.html> (last viewed on February 4, 2021).

~~24.~~25. The New York Times further reported that Mr. Voris “views Islam as ‘entirely different’ from Christianity and portrays Judaism in outdated terminology that experts in Catholic-Jewish relations consider anti-Semitic”. Id.

The Saint Benedict Center

~~25.~~26. The Saint Benedict Center is a group of men and women who work and live in the rural town of Richmond, New Hampshire. The group is religious in nature and identifies as “loyal to Father Leonard Feeney’s crusade”.

~~26.~~27. “Father” Leonard Feeney (“Feeney”) was a Massachusetts-based conservative Catholic. Feeney was initially ordained as a Jesuit priest in 1928. Beginning in the 1940s, however, Feeney became known for incendiary and hate-filled speeches, primarily anti-Semitic in nature.

~~27.~~28. As a result of his hate-speech and contradictory Catholic views, Feeney was expelled from the Jesuit order, and ultimately excommunicated from the Catholic Church.

~~28.~~29. Subsequently, Feeney, together with Catherine Clarke, formed the Slaves of the Immaculate Heart of Mary at the St. Benedict Center in Harvard Square in Cambridge, Massachusetts. While Feeney’s group continued to operate in Harvard, Massachusetts for some

time, that group ultimately fractured after Feeney's death, with one segment relocating to New Hampshire.

~~29.~~30. The current Saint Benedict Center in New Hampshire was founded in the mid-1980s. The Saint Benedict Center includes a "monastery", a "convent", a school and a place for worship.

~~30.~~31. The New Hampshire Saint Benedict Center champions Feeney's views of the 1940s.

~~31.~~32. In 2004, the leader of the self-proclaimed religious group did not oppose being labeled an anti-Semitic, stating, "If anti-Semitism means opposing the Jews on religious matters, opposing the Zionist state in Palestine[], or opposing the Jewish tendency to undermine public morals ... then we could rightly be considered such." Later in the same year, another member of the group was quoted in the Boston Globe blaming the Jews for the murder of Christ and denying the World War II Holocaust: "There's a lot of controversy among people who study the so-called Holocaust. There's a misperception that Hitler had a position to kill all the Jews. It's all a fraud. Six million people ... it didn't occur." See <https://www.splcenter.org/fighting-hate/intelligence-report/2007/radical-traditionalist-catholic-groups-sour-life-peaceful-new-england-town> (last visited February 4, 2021).

~~32.~~33. As a result of its teachings, the Southern Poverty Law Center had previously designated the Saint Benedict Center in New Hampshire a "hate group".

~~33.~~34. Upon information and belief, certain women who were initially curious about the faith associated with the Saint Benedict Center have since been detained by the leadership and are believed by their families to be held against their will.

<https://www.unionleader.com/news/religion/nh-based-only-catholics-go-to-heaven-group->

sanctioned-by/article_ac1831fa-113f-5f55-a625-2649bd79cd5b.html (last visited February 4, 2021).

The Doctrinal Dispute

~~34~~35. Doctrinally, the Saint Benedict Center interprets a particular Catholic principle, known as “*extra ecclesiam nulla salus*” (which means, “outside the Church there is no salvation”) in a manner that is incompatible with the official teachings of the Catholic Church.

~~35~~36. In 2016, the Congregation for the Doctrine of the Faith in Rome, the ultimate voice in Catholic doctrinal interpretation, declared the Saint Benedict Center’s interpretation of this doctrinal principle “unacceptable.” See October 20, 2016 letter from Monsignor Giacomo Morandi to Brother Andre Marie, a true and accurate copy of which is attached hereto as **Exhibit A**.

~~36~~37. In the October 20, 2016 letter to Brother André, that same Congregation stated, “this letter officially closes the discussion on this matter.” See Exhibit A, page 2. A copy of the letter was sent to Bishop Libasci, Bishop of the Diocese of Manchester and Father de Laire. Father de Laire saw the letter when it was received at the Diocese of Manchester.

The Diocese of Manchester’s Decree

~~37~~38. Following the final decision handed down by the Catholic Church leadership in Rome in 2016 (and since affirmed), Father de Laire continued to work with the Saint Benedict Center to pastorally accommodate the members of the religious group, by granting permission for a priest in good standing (meaning not a member of the Saint Benedict Center, and against whom there were no allegations of ministerial misconduct) to offer ministry at the Center.

~~38.~~39. Unfortunately, rather than seeing this as the good faith gesture that it was – allowing their faithful followers the opportunity to receive ministry and sacraments – the leadership of the Saint Benedict Center manipulated Father de Laire’s efforts to imply support and legitimacy by the Catholic Church.

~~39.~~40. Therefore, on January 7, 2019, the Diocese of Manchester issued certain precepts which were consistent with the previous declarations issued by Rome. See January 7, 2019 Decree of Precepts, a true and accurate copy of which is attached hereto as **Exhibit B** (the “Decree”). As the Vicar for Canonical Affairs, Father de Laire was the signatory to the Decree of Precepts. Id.

~~40.~~41. The Decree prohibits the Saint Benedict Center from, among other things, holding itself out as being affiliated with the Roman Catholic Church in any manner whatsoever, or purporting to hold Roman Catholic Church services on its property. See Exhibit B, pp. 1-2.

~~41.~~42. Representatives of the Saint Benedict Center challenged this Decree, and their recourse was denied in July 2020 by the Congregation for the Doctrine of the Faith. The decision affirms the validity of the Decree and upholds the precepts.

Church Militant’s Defamatory Media Campaign

~~42.~~43. Less than ten (10) days after the Decree was issued, Mr. Voris published the first of what would be several articles not only criticizing the Diocese’s decision to issue the Decree, but defaming Father de Laire, personally.

44. On January 17, 2019, the Church Militant website published an article authored by [REDACTED] titled “NH Vicar Changes Dogma Into Heresy.” A true and accurate copy of that article is attached hereto as **Exhibit C**.

~~43.45.~~ [REDACTED] is not listed as the author of the article, and the fact that [REDACTED] did write the article, which Church Militant approved and published, was obscured and hidden from Plaintiff for approximately one year during this litigation.

~~44.46.~~ Upon information and belief, both Mr. Voris and [REDACTED] ~~has~~ have a relationship with Brother Andre Marie, and had first-hand knowledge of the correspondence between the Saint Benedict Center and the Roman Catholic Church throughout said correspondence's history.

~~45.47.~~ The article conveyed a series of false and defamatory personal attacks against Father de Laire.

~~46.48.~~ First, [REDACTED] falsely reported that Father de Laire is "said by current work colleagues to be emotionally unstable in his role as chief canonical judge of the diocese and counselor to his bishop." See Exhibit C. This statement is not attributed to any source, and, upon information and belief, there was no source for this fabricated statement.

~~47.49.~~ Father de Laire is not emotionally unstable in his role, as evidenced by his recent reappointment as both the Judicial Vicar and the Vicar for Canonical Affairs in June 2018.

~~48.50.~~ [REDACTED] further falsely reported that "de Laire is said to be desperate to repair his image and save his chances at being promoted as bishop or an official of the Roman Curia." See Exhibit C.

~~49.51.~~ Once again, [REDACTED] did not provide a source for this supposed information, and, upon information and belief, [REDACTED] did not have a source for this fabricated statement, but instead wrote it for publication on the Church Militant website ~~published it~~ without any evidence in support.

~~50.~~52. [REDACTED] went on to falsely accuse Father de Laire of conducting his duties “with incompetence in canonical matters also apparently well-known and corroborated in the Roman Curia.” See Exhibit C.

~~51.~~53. As with all other of the statements in the article, [REDACTED] did not cite a source for this statement, and, upon information and belief, his allegation was fabricated and not corroborated by anyone in Rome, as Father de Laire has always completed all of his work with utmost competence, once again, as evidence by his reappointment to his roles as Judicial Vicar and Vicar for Canonical Affairs.

~~52.~~54. [REDACTED] then continued with the fabrication that “de Laire is nicknamed in those halls [of the Roman Curia] *un incasinaro*, ‘a troublemaker,’ owing to his notorious botching of canonical cases involving clergy and other matters.” See Exhibit C.

~~53.~~55. Once again, this statement is false and fabricated, and [REDACTED] Mr. Voris knew it to be false or recklessly disregarded its falsity. At no time in his career has Father de Laire “botched” any case that he has worked on as Judicial Vicar, or Vicar for Canonical Affairs.

~~54.~~56. In light of Father de Laire’s remarkable record, [REDACTED] statement that “multiple independent sources in the Roman Curia say he has repeatedly botched diocesan cases and embarrassed his bishop before the Roman congregations of the Curia” is also false. See Exhibit C.

~~55.~~57. [REDACTED] wrote, and Mr. Voris subsequently published the statement that “Church Militant has learned he is currently outsourcing work product that he as a canon lawyer is being paid well by the diocese to complete himself.” See Exhibit C. This is a false statement, as Father de Laire has never outsourced any of his work and has always completed all

of his work himself. This statement was knowingly false when made or was made with reckless disregard of its falsity.

~~56.58.~~ [REDACTED] went on to write ~~Voris went on to publish~~ that Father de Laire was “said by priests and laity who currently work with him in the diocese to be a vindictive and manipulative clericalist who pines to be named a bishop or an official of the Congregation for the Doctrine of the Faith.” subsequently published by Mr. Voris. See Exhibit C. However, not only is the substance of the statement false, but it is further false that [REDACTED] spoke with priests who currently work with Father de Laire prior to publishing the article. Upon information and belief, other than the clearly biased members of the Saint Benedict Center and those associated with it, [REDACTED] did not speak with laity working or having worked with Father de Laire within the reach of the Diocese of Manchester, New Hampshire prior to publishing the article.

~~57.59.~~ In fact, colleagues of Father de Laire report the opposite – that Father de Laire is not vindictive or manipulative, and he does not appear to have any aspirations to any role other than that which he currently holds.

~~58.60.~~ [REDACTED] further reported that “at least three complaints against de Laire have been filed with the Holy See ... [t]ogether they allege corruption, abuse of office, grave violations of the law, and incompetence as a canonist.” See Exhibit C.

~~59.61.~~ This statement was knowingly false when made or was made with reckless disregard of its falsity.

~~60.62.~~ In addition to publishing overtly false statements about Father de Laire, Mr. Voris also published clearly false and defamatory innuendo written by [REDACTED], stating “[a]dditional questions are raised ... by his acquisitions ... Church Militant has learned that de

Laire now frequently resides at an estate located near Manchester that he ... purchased, currently valued at \$1.5 million.” See Exhibit C. By suggesting that Father de Laire’s real estate purchase raised “additional questions,” [REDACTED] Voris [REDACTED] clearly suggested that Father de Laire’s purchase was somehow improper. It was not. This, too, is fabricated.

~~64.~~63. Throughout the article, [REDACTED] repeatedly characterized Father de Laire’s issuance of the Decree as an “attack” on the Saint Benedict Center, ignoring Father de Laire’s known years of work with the members of the Saint Benedict Center to find areas of agreement and solutions to the disagreements between the group, the Diocese and the Vatican.

64. Prior to writing and publishing the January 2019 article, neither Mr. Voris nor [REDACTED] [REDACTED] made ~~no~~any attempt to speak with Father de Laire.

65. Further, despite categorizing the article as “News: US News,” neither Mr. Voris nor Church Militant made any efforts to investigate the purported facts or to confirm the truth of the purported facts concerning Father de Laire written by [REDACTED] prior to the article’s publication. Indeed, Church Militant did no fact checking of the January 2019 article at all, taking [REDACTED] writings at “face value.”

~~62.~~66. [REDACTED], however, was not publicly credited with the article, which instead featured the byline “by Church Militant” even though [REDACTED] was neither an employee nor agent of Church Militant.

~~63.~~67. As a result of the January 2019 article, Father de Laire has suffered severe damage to his personal, professional and moral reputation. He has received numerous phone calls and emails from parishioners, churchmilitant.com readers, and members of the public who accepted [REDACTED] reporting as true. The emails and calls ranged from mere criticism to outright threats.

~~64.~~68. Subsequently, in April of 2019, Mr. Voris published a video concerning Father de Laire and the Decree. The video, titled “The Vortex: Attacking the Good Guys – Who are Fighting Back” was posted on churchmilitant.com and other video websites, including but not limited to You Tube. See, e.g., <https://www.churchmilitant.com/video/episode/vortex-attacking-the-good-guys> (last visited on February 4, 2021). A transcript of the video is also posted at the same location.

~~65.~~69. The video repeated several of the same statements included in the January article, as well as other defamatory statements, including but not limited to the following:

- a. A statement that daily mass was no longer permitted for the Saint Benedict Center members; this statement was false, as Father de Laire arranged for a priest to travel to a nearby parish to provide Latin Mass to the members of the Saint Benedict Members on a weekly basis.
- b. A report that it was Father de Laire, individually, who had been responsible for “attacks” against the Saint Benedict Center shortly after his promotion to Judicial Vicar “about two years ago.” However, Mr. Voris knew, or should have known (particularly had he conducted a reasonable investigation), that Father de Laire was simply the person responsible for communicating the decision of the Diocese. Mr. Voris also knew, or recklessly disregarded, that Father de Laire had been a committed liaison and advocate for the members of the Saint Benedict Center for several years, working tirelessly to find a resolution to the disagreements between its leadership and the Diocese and the Vatican. Mr. Voris also knew or recklessly disregarded that Father de Laire had been appointed Judicial Vicar (and, more to the point, Vicar for Canonical

Affairs) much more than two years before the April 15, 2019 video, but rather in 2013, and again in 2018.

- c. In addition to repeating and amplifying the prior defamatory statements, as well as making new ones, the videos posted on churchmilitant.com and elsewhere were utilized as fundraising tools, soliciting donations for the Saint Benedict Center for advocacy.

~~66.~~70. On June 25, 2019, yet another article was posted on churchmilitant.com, this one authored by Church Militant reporter Anita Carey. In this article Ms. Carey wrote not about the Saint Benedict Center, but about the Diocese's decision to demolish a church building in Laconia, New Hampshire.

~~67.~~71. Ms. Carey concluded her article with a recitation of the defamatory statements that were previously written by [REDACTED] and published by Mr. Voris, including the allegations that Father de Laire is incompetent, that he has had "at least three complaints" submitted against him, that he has outsourced his work, and that priests that work with him have reported him to be "manipulative and vindictive" – all of which are false and defamatory.

~~68.~~72. As a result of Church Militant, Mr. Voris, [REDACTED], and Ms. Carey's defamatory statements, Father de Laire has suffered significant and irreparable damage to his personal, professional and moral reputation, as well as emotional distress, embarrassment and humiliation.

COUNT ONE - DEFAMATION

~~69.~~73. Father de Laire realleges and incorporates herein by reference each of the prior paragraphs.

~~70.~~74. St. Michael's Media a/k/a Church Militant (or churchmilitant.com), Mr. Voris, [REDACTED] and Ms. Carey ("Defendants") have each published false and defamatory statements of and concerning Father de Laire with a knowing or reckless disregard of their falsity.

~~71.~~75. Defendants' false statements are defamatory.

~~72.~~76. Defendants' false statements constitute libel *per se* in that they injured Father de Laire in his professional capacity as a priest and a canonical jurist.

~~73.~~77. Defendants' false statements constitute defamation of a private citizen and were published negligently. To the extent Father de Laire is determined to be a limited purpose public figure, and he should not be, Defendants published their false and defamatory statements of and concerning him with actual malice, that is, with a knowing and/or reckless disregard of their falsity.

~~74.~~78. Defendants intended their false statements to be widely published and disseminated on the internet through churchmilitant.com, You Tube, and several other websites. As they intended, Defendants' statements were published and disseminated throughout the United States and likely the world.

~~75.~~79. As a result of Defendants' campaign to spread malicious lies concerning Father de Laire, falsely claiming that he is incompetent in his work, that he is emotionally unstable, that he has "attacked" the Saint Benedict Center and its members, that he has "outsourced" his work, that he is ridiculed by his colleagues in Rome, and many other false statements, Father de Laire has suffered substantial damages in the form of personal, professional and moral reputational harm, emotional harm, embarrassment, humiliation, and pain and suffering in an amount to be proven at trial.

COUNT TWO—INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

~~76.—Father de Laire realleges and incorporates herein by reference each of the prior paragraphs.~~

~~77.—Defendants have engaged in extreme and outrageous conduct through their campaign of lies, disparagement, defamation, harassment, intimidation, and maliciousness directed at Father de Laire that is beyond the bounds of decency and not tolerated in civilized society.~~

~~78.—By engaging in this conduct, Defendants intended to cause, or disregarded a substantial probability of causing, severe emotional distress to Father de Laire, and did in fact cause severe emotional distress to Father de Laire.~~

~~79.—Defendants' conduct caused Father de Laire's injury and the damages he has suffered.~~

~~80.—Father de Laire has suffered and continues to suffer from severe emotional distress including anxiety, stress, mental anguish and the physical effects therefrom, medical conditions, and other ailments, as a result of the harassment, disparagement and other tortious conduct of Defendants.~~

JURY DEMAND

**THE VERY REVEREND GEORGES F. DE LAIRE DEMANDS A TRIAL BY JURY
FOR ALL CLAIMS SO TRIABLE.**

WHEREFORE, Father de Laire respectfully requests that this Court:

- a. enter judgment in Father de Laire's favor on all Counts of the Complaint;
- b. award Father de Laire damages in an amount to be determined at trial, including punitive damages permitted by law;

- c. award Father de Laire interest and costs on all damages assessed against Defendants;
and
d. grant all such other and further relief to Father de Laire as the Court deems just and proper.

Respectfully submitted,

THE VERY REVEREND GEORGES F. de LAIRE, J.C.L.

By his attorneys,

/s/ Joseph M. Cacace

Howard M. Cooper (BBO # 543842) (*pro hac vice* ~~forthcoming~~)

hcooper@toddweld.com

Joseph Cacace (NH Bar # 266082; BBO # 672298)

TODD & WELD LLP

One Federal Street, 27th Floor

Boston, MA 02110

(617) 720-2626

- and -

/s/ Suzanne M. Elovecky

Suzanne M. Elovecky (BBO # 670047) (*pro hac vice* ~~forthcoming~~)

selovecky@psh.com

PARTRIDGE SNOW & HAHN LLP

30 Federal Street, 7th Floor

Boston, MA 02110

(617) 292-7900

selovecky@psh.com

Dated: April 11, 2022 ~~April 6, 2022~~ ~~February 5, 2021~~

**MOTION TO AMEND
EXHIBIT B**

**EXHIBITS TO PROPOSED
FIRST AMENDED COMPLAINT**



CONGREGAZIONE
PER LA DOTTRINA
DELLA FEDE

00120 Città del Vaticano,
Palazzo del S. Uffizio

October 20, 2016

PROT. N. [REDACTED]

Dear Brother Andre Marie,

Thank you for your letter of May 26, 2016, with which you respond to the April 15, 2016 letter of this Congregation. With the letter, you submit for the review of this Dicastery a series of observations regarding the principle "*Extra Ecclesiam Nulla Salus*." Furthermore, you request to meet in person with officials from this Dicastery in order to explain your position more clearly.

In point eight of your observations you state that the articles from the Catechism of the Catholic Church and *Dominus Iesus*, which are constitutive of Catholic teaching on this subject, "have been given different readings that are contrary to one another." You also indicate that it is permissible to hold the position that these articles "contradict what was previously taught." In conclusion, you suggest that these articles do not need to be accepted, under the principle "*Obscura Per Clara Interpretanda Sunt*" and the hermeneutic of continuity. This position that you retain, even after the reception of our April 15 letter, is unacceptable and your request to meet with the officials of this Congregation cannot be granted.

As the Congregation stated in our April 15 letter to you, which the Congregation also shared with Bishop Libasci, the principle "*Extra Ecclesiam Nulla Salus*" must be interpreted according to the official doctrine of the Church, as it is summarized with clarity in the Catechism of the Catholic Church (#846-#848) and, more in detail, in the Declaration *Dominus Iesus* (#20-#22). The Catechism of the Catholic Church emphasizes that all salvation comes from Christ through the Church, which is the Body of Christ, the Sacrament of Salvation (cf. CCC #846). The paragraph that follows, however, is equally binding, as it considers those who, through no fault of their own, do not know Christ and his Church and states that those too have the possibility of obtaining eternal salvation (cf. CCC #847). This being stated, the Church certainly has a perennial obligation and sacred right to evangelize all men (cf. CCC #848).

./.


Brother Andre Marie, M.I.C.M.
Saint Benedict Center
Post Office Box 627
Richmond, NH 03470
U.S.A.

n the Declaration *Dominus Iesus*, issued by this Congregation in the year 2000, it is reaffirmed that one must hold that the Church is necessary for salvation (cf. #20); that this doctrine must not be set against the universal salvific will of God (cf. #20); that for non-Christians, salvation in Christ is accessible by virtue of a grace, which, coming from Christ and communicated by the Holy Spirit, has a relationship with the Church, and is bestowed by God in ways known to God himself (cf. #20-#21); and that dialogue with members of other religions cannot substitute the mission of the Church, called to bring salvation to all (cf. #22).

Please be informed that the Congregation will send a copy of this letter to Bishop Libasci. Furthermore, this letter officially closes the discussion on this matter. The Congregation would like to invite you to pray for the assistance of the Holy Spirit and to seek competent theological counsel, so as to arrive at an understanding of the developed teaching of the Church, and how her teaching is not contradictory.

With cordial regards, I am

Sincerely yours in Christ,



Monsignor Giacomo Morandi
Under-Secretary



DIOCESE OF MANCHESTER
Episcopal Vicar for Canonical Affairs

LET IT BE KNOWN

For the following reasons:

- That the decisions of the Congregation for the Doctrine of the Faith of April 15, 2016 (Prot. N. 1732/66-55029,) and of October 20, 2016 (Prot. N. 1732/66-57466,) have not been observed,
- That those so corrected by the Congregation for the Doctrine of the Faith have persisted in their obstinacy (Cf. *CIC* 1983 canons, 750, 751),
- That scandal in the Church continues (*CCC* 1997, nos. 2284-2287),

Brother André Marie VILLARRUBIA, representative of the Slaves of the Immaculate Heart of Mary, the Saint Benedict Center, Inc. and the Immaculate Heart of Mary School, as a result of a process initiated when you wrote directly to His Eminence Gerhard Cardinal MÜLLER, then Prefect of the Congregation for the Doctrine of the Faith, and dated 21 March 2016, at the direction of that same Congregation, you, the Slaves of the Immaculate Heart of Mary (in their three levels and self-described as orders,) and all those associated with the Saint Benedict Center, Saint Benedict Center, Inc., and the Immaculate Heart of Mary School, located in Richmond, New Hampshire, are placed under the following precepts as of 7 January 2019:

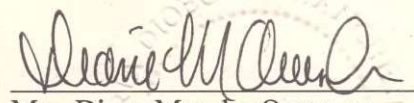
- Prohibition from referring to itself (or themselves,) or present itself (or themselves,) as an association of the faithful in the Roman Catholic Church, whether “*de facto*” or otherwise. (Cf. *CIC* 1983, canons 298-311),
- Prohibition from using the name “Catholic” in any way or manner that implies a relationship of authenticity or legitimacy with the Roman Catholic Church. This prohibition applies to the Saint Benedict Center, the Slaves of the Immaculate Heart of Mary, and the Immaculate Heart of Mary School, along with any of their written publications, internet postings, social media postings or blogs and audio recordings and/or broadcastings (Cf. *CIC* 1983 canons: 209; 216; 223; 804; 805; 823-827; 829),
- Prohibition from selling any written publication, audio recording and/or broadcasting, internet posting, including websites, blogs or any electronic social media platform, which address Catholic Church teachings, without prior approbation from the local Ordinary (Cf. *CIC* 1983, Canons: 823 §1; 824 §1; 825; 826 §3; 827; 829; 831 §1 and 838 §3),
- Prohibition from claiming to represent the Catholic Church in any fashion,
- Prohibition from having any sacramental celebrations at the Saint Benedict Center property, including the current space used for the offering of Mass. Only the celebration of the Anointing of the Sick for a person in danger of physical death by an approved priest will be allowed,
- Prohibition from reserving the Sacred Eucharist at any location of the Saint Benedict Center or any location associated with it (Cf. *CIC* 1983, canon 934 §1, 2°),

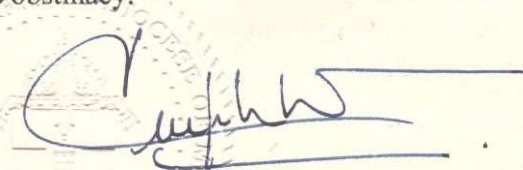
- Prohibition from raising monies, and any other forms of funds, in the name of any Catholic entity (CIC 1983, canon 1265),
- Prohibition from teaching, presenting or interpreting Roman Catholic Church teachings by the Saint Benedict Center, the Slaves of the Immaculate Heart of Mary and their associates (CIC 1983, canons 774 §1; 780; *Catechesi Tradendae*, 1979, §19; *General Directory for Catechesis*, 1997, §284; *Ad Petri Cathedram*, 1959, §8-§11),
- Obligation to submit to the teachings of the authentic Magisterium of the Roman Catholic Church as interpreted by the Roman Catholic Church, especially as regards to the principle "*Extra Ecclesiam Nulla Salus*" (CIC 1983, canon 209),
- Obligation to amend the Articles of Agreement of the Saint Benedict Center, Inc., as submitted to the New Hampshire Secretary of State on August 24, 2001, to reflect the prohibition from presenting itself as "Catholic" association or organization, and to submit the amendments to the Secretary of State for the State of New Hampshire,
- Obligation to amend and communicate the same as regards the Immaculate Heart of Mary School,
- Obligation to do the same as regards the Internal Revenue Service, in compliance with the terms establishing Tax Exempt Status of a 501 c 3 organization, for both the Saint Benedict Center and the Immaculate Heart of Mary School,
- Obligation to publish these precepts on the websites www.catholicism.org, and www.ihmsnh.org,
- Prohibition from having a priest celebrate Mass, private or public, at the Saint Benedict Center property,
- No priest will validly hear Confession and impart Absolution at the Saint Benedict Center property, with the sole exception of the case of a penitent in imminent danger of physical death,

Given the official written statement of the Congregation for the Doctrine of the Faith dated April 15, 2016, October 20, 2016 and October 21, 2016, the documents signed by the Slaves of the Immaculate Heart of Mary on April 15, 2009 and on July 20, 2009, are null and void. The Athanasian Creed was never approved by the Congregation for the Doctrine of the Faith for one making a formal Profession of Faith according to CIC 1983 canon 833. Therefore, the affirmations of faith using the Athanasian Creed signed by the Slaves of the Immaculate Heart of Mary are invalid.

The Slaves of the Immaculate Heart of Mary, the Saint Benedict Center, and those affiliated and associated with them are given until midnight 30 June 2019 to observe, in every manner, the above stated precepts, at which time, after consultation with the Congregation for the Doctrine of the Faith, these precepts may be reviewed.

Any perceived or real disobedience will be interpreted as obstinacy.


Mrs. Diane Murphy QUINLAN
Chancellor
Diocese of Manchester


Very Reverend Georges de LAIRE, J.C.L.
Episcopal Vicar for Canonical Affairs
Diocese of Manchester



(<https://www.facebook.com/ChurchMilitantcom/>) 213K



(https://twitter.com/church_militant) 44.5K



(<https://www.youtube.com/user/ChurchMilitantTV>)

200K



(<https://www.instagram.com/churchmilitantcom/>) 44.3K

CHURCH MILITANT p r e m i u m
(/video/allshows)

SIGN IN (/USER/LOGIN)

(<https://www.churchmilitant.com>)

***Evening News* premieres Monday, Sept. 8
at 6:30 p.m. ET. Only here at Church
Militant.**

NH VICAR CHANGES DOGMA INTO HERESY

NEWS: US NEWS (/SEARCH/CATEGORY/246/US-NEWS)



Print Friendly

(<http://www.printfriendly.com>)

by Church Militant

(<https://www.churchmilitant.com/news/author/newschurchmilitant.com>) •

ChurchMilitant.com • January 17, 2019 202 Comments

Fr. Georges de Laire cracks down on Saint Benedict Center



sign up for premium access

**and become the best
catholic you can be**

(/gopremium)

*You are not signed in as a Premium user; we rely on Premium users to support our news
reporting. Sign in (/user/login) or Sign up today! (/gopremium)*

Donate

(/donate)

In a disturbing turn of events, a chancery official of the diocese of Manchester, New Hampshire has changed a solemnly defined dogma of the Faith into a heresy.

Georges de Laire

Father Georges de Laire, appointed by Bp. Peter Libasci as judicial vicar and vicar for canonical affairs, timed his actions to coincide with his bishop departing for Chicago to do penance for abusive priests. On Jan. 7, he struck.

In an undated text, the official imposed a series of 15 "precepts" upon the members of the Saint Benedict Center (<https://catholicism.org/>), a community of devout lay women and men devoted to spreading the Church's official teaching on the need for all souls to join the Church in order to be saved. Without any evidence, the vicar asserts in his letter that his "precepts" are being imposed "at the direction" of the Vatican's Congregation for the Doctrine of the Faith.



The 15 precepts range from a prohibition to identifying themselves as "Catholic" to even "presenting" any doctrines of the Roman Catholic Church.

In November 1302, in what the historian Brian Tierney calls one of "the most famous of all the documents on church and state" titled *Unam Sanctam* ("One Holy"), Pope Boniface VIII, invoking the plenitude of his apostolic power, defined the ancient doctrine *Extra Ecclesiam Nulla Salus* — "outside the Church there is no salvation." This teaching was raised by him to the level of a solemnly defined dogma of divine and Catholic faith (*De Fide Divina et Catholica Solemniter Definita*).

Free clip from **CHURCH MILITANT** Premium
(<https://www.churchmilitant.com/gopremium>)

Sorry

This video does not exist

Donate

(/donate)

WATCH MORE LIKE THIS (https://www.churchmilitant.com/video/series/aogx/section?video_section=season-one)

The Second Vatican Council and the current Catechism of the Catholic Church, in article 846, confirm that this most ancient of core teachings of the Church remains valid:

Basing itself on Scripture and Tradition, the Council teaches that the Church, a pilgrim now on earth, is necessary for salvation: the one Christ is the mediator and the way of salvation; he is present to us in his body which is the Church. He himself explicitly asserted the necessity of faith and Baptism, and thereby affirmed at the same time the necessity of the Church which men enter through Baptism as through a door. (Apostolic Constitution *Lumen Gentium*, 14)

The lay faithful of the Saint Benedict Center deserve commendation for their hard work in spreading one of the most important doctrines of the Gospel of the Lord Jesus Christ. Instead, they find themselves persecuted by the vicar of Bishop Libasci.



Manchester Bp. Peter Libasci

What did the vicar of Manchester do?

Apart from officially notifying them in writing and publicly, *res inaudita* ("a thing unheard of") that "affirmations of faith using the Athanasian Creed ... are invalid", and that the Professions of Faith employing the Athanasian Creed that were signed by the members of their community in 2009 are "null and void," the vicar warned that by remaining

steadfast in their adherence to the dogma *Extra Ecclesiam Nulla Salus*, they have "persisted in their obstinacy," explicitly referencing canon 751 of the Code of Canon Law.

This canon states: "Heresy is the obstinate denial or obstinate doubt after the reception of baptism of some truth which is to be believed by divine and Catholic faith."

Donate

(/donate)

In layman's terms, the vicar of Manchester has publicly accused them of being obstinate heretics by publicly spreading their belief in the official teaching of the Church that outside the Church there is no salvation. In the vicar's mind, the truth being denied by the members of the Saint Benedict Center is the heresy that is exactly opposed to the Church's dogma *Extra Ecclesiam Nulla Salus*: "outside the Church there is salvation." The vicar has changed dogma into heresy.

De Laire is said by current work colleagues to be emotionally unstable in his role as chief canonical judge of the diocese and counselor to his bishop. Church Militant has learned that there is much more than meets the eye to his fresh attack upon a group of devout lay Catholics. De Laire is said to be desperate to repair his image and save his chances at being promoted as bishop or an official of the Roman Curia.

Church Militant has learned that in recent years, at least three complaints against de Laire have been filed with the Holy See and made known to Libasci. Taken together they allege corruption, abuse of office, grave violations of the law, and incompetence as a canonist, even warning Vatican officials that in no case should de Laire be named bishop. And these matters were entirely unrelated to the Saint Benedict Center.

“Taken together they allege corruption, abuse of office, grave violations of the law, and incompetence as a canonist.”



With incompetence in canonical matters also apparently well-known and corroborated in the Roman Curia, de Laire is nicknamed in those halls *un incasinaro*, "a troublemaker," owing to his notorious botching of canonical cases involving clergy and other matters. Multiple independent sources in the Roman Curia say he has repeatedly botched diocesan cases and embarrassed his bishop before the Roman congregations of the Curia.

De Laire's incompetence has reached such a point that Church Militant has learned he is currently outsourcing work product that he as a canon lawyer is being paid well by the diocese to complete himself to the canonical community at large, at increasingly great expense to the diocese.

On a professional level, he is said by priests and laity who currently work with him in the diocese to be a vindictive and manipulative clericalist who pines to be named a bishop or an official of the Congregation for the Doctrine of the Faith. Hence his attack on the Saint Benedict

[Donate](#)[\(/donate\)](#)

Center, a "useful situation" designed to redirect attention away from complaints regarding his performance and instead to his "skill" as an expert in doctrinal matters, notwithstanding his incompetence in things canonical.

Additional questions are raised, however, not just by the recent decisions of the vicar affecting Catholic faithful under his power, but also by his acquisitions. While Pope Francis has checked into a hotel instead of the Apostolic Palace for lodging, Church Militant has learned that de Laire now frequently resides at an estate located near Manchester that he recently purchased, currently valued at \$1.5 million: an exclusive 4,000-square-foot, four-bedroom residence with 600 feet of waterfront, waterfalls and a koi pond.



(<https://www.churchmilitant.com/expansion-campaign-2018>)

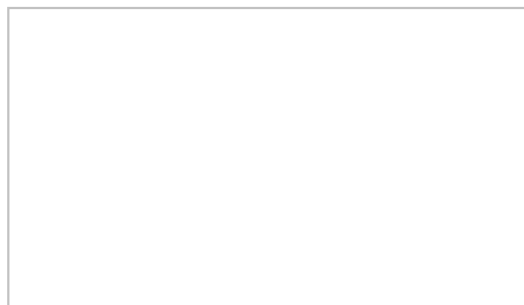
Have a news tip? Submit news to our tip line (/TipLine).



(/donate)

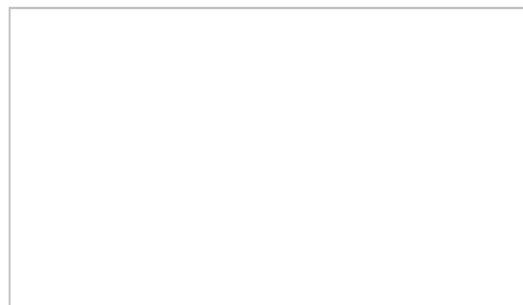
*We rely on **you** to support our news reporting. Please donate (/donate) today.*

RELATED STORIES



Catholic College Cancels Occult Event After Backlash

(<https://www.churchmilitant.com/news/article/catholic-college-hosts-advent-psychic-event>) By Anita Carey
(<https://www.churchmilitant.com/news/author/anita-carey>) • 21 Comments

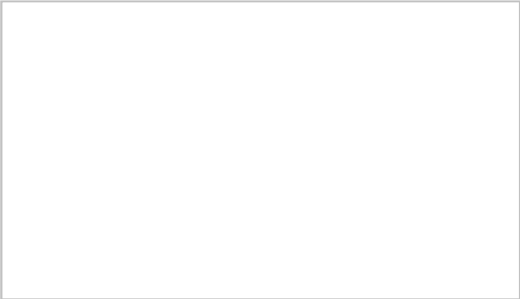


Fr. Feeney's Strange Doctrine

(<https://www.churchmilitant.com/news/article/fr-feeneys-strange-doctrine>) By Jim Russell
(<https://www.churchmilitant.com/news/author/jrdkn02aol.com>) • 130 Comments



(/donate)



Pope Emeritus Benedict XVI: The Catholic Church Is Absolutely Necessary for Salvation

(<https://www.churchmilitant.com/news/article/pope-emeritus-benedict-xvi-the-catholic-church-is-absolutely-necessary-for>) By Bradley Eli, M.Div., Ma.Th.
(<https://www.churchmilitant.com/news/author/bradleyelichurchmilitant.com>) • 188 Comments

RECOMMENDED SHOWS



(<https://www.churchmilitant.com/video/episode/9-st.-dominic-1170-1221>)
Pillars of the Church
(<https://www.churchmilitant.com/video/episode/9-st.-dominic-1170-1221>)
Holy Orders • min
9 : St. Dominic (1170-1221)
(<https://www.churchmilitant.com/video/episode/9-st.-dominic-1170-1221>)



(<https://www.churchmilitant.com/video/episode/otfr-s01e06-Purgatory>)
The One True Faith: Revisited
(<https://www.churchmilitant.com/video/episode/otfr-s01e06-Purgatory>)
Season One • min
6: Purgatory
(<https://www.churchmilitant.com/video/episode/otfr-s01e06-Purgatory>)



(/donate)

ONLY ON
p r e m i u m

(<https://www.churchmilitant.com/video/episode/13-tyranny-of-relativism>)

Right Reason

(<https://www.churchmilitant.com/video/episode/13-tyranny-of-relativism>)

Season Two • min

13 : Tyranny of Relativism

(<https://www.churchmilitant.com/video/episode/13-tyranny-of-relativism>)

By commenting on ChurchMilitant.com you acknowledge you have read and agreed to our comment posting guidelines (<https://www.churchmilitant.com/main/generic/faq-comment-posting-guidelines>)



(/actionarm)

Donate

(/donate)

GET THE TRUTH

never miss a news update
and deepen your faith

Join Church Militant

Join Today

(<https://mailchi.mp/churchmilitant.com/jointoday>)

BECOME PREMIUM TODAY!

Choose a subscription period:

- ☒ **Monthly:** \$10 a month
- ☐ **Quarterly:** \$30 every 3 months
- ☐ **Yearly:** \$120 a year

To pay in advance without a subscription, click here (</user/advsignup>)

If you have a gift code you would like to redeem, click here (</redeem>)

Donate

(</donate>)

Create your account:

Email Address

Password (at least 8 characters)

Re-Enter Password

Terms of Agreement & Cancellation Policy

When you place your order, your Church Militant Premium membership will be activated. Cancel at any time to avoid future billing. By clicking the "Continue" button, you agree to the ChurchMilitant.com Terms of Use (/premium-subscription-terms-conditions) and ChurchMilitant.com Privacy Policy (/privacy-policy). You also agree that your subscription will automatically renew monthly, quarterly or annually based upon your subscription option selection above at the current full price on the date of each renewal, until you cancel.

☐ I agree to the terms & conditions.

[Donate](#)[\(/donate\)](#)

UPDATED SCHEDULE

CLICK HERE



**AMERICA'S
FASTEST-GROWING
CATHOLIC NEWS OUTLET**

(<http://churchmilitant.com/updated-programming-schedule>)

Donate

(/donate)

A promotional poster for the 2021 Dallas Retreat on Land. The background is a solid yellow color. At the top center is a blue line-art illustration of the Dallas Tower, with several blue lines radiating outwards in an arc above it. Below the tower, the text "2021 DALLAS" is written in a blue, sans-serif font. Underneath that, the words "RETREAT ON LAND" are written in a large, bold, blue, sans-serif font. In the center of the poster is a photograph of a crucifix. The crucifix is set against a yellow background with a repeating pattern of small, circular, embossed designs. The crucifix itself is dark wood, and the figure of Jesus is a realistic sculpture. A dark blue horizontal banner is overlaid across the bottom of the crucifix image, containing the text "CLICK FOR DETAILS" in white, bold, sans-serif capital letters.

2021 DALLAS

RETREAT ON LAND

CLICK FOR DETAILS

(<https://www.churchmilitant.com/retreatonland>)

Donate

(/donate)

SHOW YOUR RESISTANCE



GET YOUR SHIRT NOW

(<https://churchmilitant.typeform.com/to/T0NXykZX>)

SEARCH THE SITE

THE LATEST

[VIEW ALL \(HTTPS://WWW.CHURCHMILITANT.COM/SEARCH/LATEST\)](https://www.churchmilitant.com/search/latest)

 Vatican Issues Interfaith-Dialogue Stamps

[Donate](#)

(/donate)

Vatican Issues Interfaith-Dialogue Stamps

(<https://www.churchmilitant.com/news/article/vatican-issues-interfaith-dialogue-stamps>)

 Growing Godlessness


Growing Godlessness

(<https://www.churchmilitant.com/news/article/growing-godlessness>)

 Honduras Right-to-Life Amendment

Honduras Right-to-Life Amendment

(<https://www.churchmilitant.com/news/article/honduras-right-to-life-amendment>)

 Francis Renews Blitz on 'Feces-Loving' Media

Francis Renews Blitz on 'Feces-Loving' Media

(<https://www.churchmilitant.com/news/article/vatican-wipes-popes-words-on-feces-loving-media>)

 Leftist Faith Leaders Target Pro-Life Brazilian President

Leftist Faith Leaders Target Pro-Life Brazilian President

(<https://www.churchmilitant.com/news/article/leftist-faith-leaders-target-pro-life-brazilian-president>)

 Faith Among Latinos Decreasing

Faith Among Latinos Decreasing

(<https://www.churchmilitant.com/news/article/faith-among-latinos-decreasing>)

LATEST SHOWS

theVortex



(<https://www.churchmilitant.com/video/episode/vortex-the-marxist-inspired-evil>)

THE MARXIST-INSPIRED EVIL

([HTTPS://WWW.CHURCHMILITANT.COM/VIDEO/EPISODE/VORTEX-THE-MARXIST-INSPIRED-EVIL](https://www.churchmilitant.com/video/episode/vortex-the-marxist-inspired-evil))

It's all about sex.

February 5, 2021

Donate

(/donate)

HEADLINES



(<https://www.churchmilitant.com/video/episode/news-2021-02-05>)

FEBRUARY 5, 2021 (HTTPS://WWW.CHURCHMILITANT.COM/VIDEO/EPISODE/NEWS-2021-02-05)

Get briefed on today's top stories with Christine Niles.

theDownload



(<https://www.churchmilitant.com/video/episode/download-growing-godlessness>)

GROWING GODLESSNESS

(HTTPS://WWW.CHURCHMILITANT.COM/VIDEO/EPISODE/DOWNLOAD-GROWING-GODLESSNESS)

Society abandoning God.

February 4, 2021

MIC'D UP

Donate

(/donate)



(<https://www.churchmilitant.com/video/episode/micd-the-one-true-faith>)

THE ONE TRUE FAITH ([HTTPS://WWW.CHURCHMILITANT.COM/VIDEO/EPISODE/MICD-THE-ONE-TRUE-FAITH](https://www.churchmilitant.com/video/episode/micd-the-one-true-faith))

Worth defending.

January 31, 2021

FEATURED

Donate

(/donate)



(<https://www.realestateforlife.org/>)

ABOUT

Mission (/mission)

Michael Voris Bio (<https://www.churchmilitant.com/news/author/michaelvorischurchmilitant.com>)

Speaking Engagements (<https://www.churchmilitant.com/speaking-engagements>)

FAQ (<http://www.churchmilitant.com/main/generic/faq>)

CM Insider Archives (/cm-insider-archive)

Donate

(/donate)

[We're Hiring \(/jobs\)](#)

[Contact \(/contact\)](#)

[Help & Support \(/help\)](#)

[Financial Reports \(/financial\)](#)

[DMCA Notice \(https://www.churchmilitant.com/dmca-notice\)](https://www.churchmilitant.com/dmca-notice)

[Legal \(/legal\)](#)

STORIES

[Latest News \(/search/latest\)](#)

[Commentary \(http://www.churchmilitant.com/search/category/245/commentary\)](http://www.churchmilitant.com/search/category/245/commentary)

[News Tip Line \(/TipLine\)](#)

SHOWS

[The Vortex \(/video/latest/the-vortex\)](#)

[Headlines \(/video/latest/headlines\)](#)

[The Download \(/video/archive/download-series\)](#)

[The One True Faith \(http://www.churchmilitant.com/video/series/the-one-true-faith-revisited/\)](http://www.churchmilitant.com/video/series/the-one-true-faith-revisited/)

[Michael Voris' Talks \(http://www.churchmilitant.com/video/series/michael-voris-talks/\)](http://www.churchmilitant.com/video/series/michael-voris-talks/)

[View All Programs \(/video/premium\)](#)

SHOP

[The One True Faith \(https://www.churchmilitant.shop/?category=DVDOTF\)](https://www.churchmilitant.shop/?category=DVDOTF)

[Books \(https://www.churchmilitant.shop/?category=BOOK\)](https://www.churchmilitant.shop/?category=BOOK)

[Statues \(https://www.churchmilitant.shop/?category=STATUES\)](https://www.churchmilitant.shop/?category=STATUES)

[Save 10% on your Store order! \(https://www.churchmilitant.com/main/generic/premium-store-discount\)](https://www.churchmilitant.com/main/generic/premium-store-discount)

[Using A Discount Code \(https://www.churchmilitant.com/using-a-discount-code\)](https://www.churchmilitant.com/using-a-discount-code)

[Wholesale Orders \(https://www.churchmilitant.com/wholesale-purchases\)](https://www.churchmilitant.com/wholesale-purchases)

SUBSCRIBE

[Premium Account \(/user/subscribe\)](#)

[Email Newsletter \(http://eepurl.com/gymvd1\)](http://eepurl.com/gymvd1)

[RSS and Podcast Feeds \(/rssfeeds\)](#)

[\(/ajax\)](#)

[Donate](#)

[\(/donate\)](#)

(<https://buildonrock.com/>)

Donate

(/donate)

District of New Hampshire

VERY REVEREND GEORGES F. de LAIRE, J.C.L.

Plaintiff(s)

V.

GARY MICHAEL VORIS, ANITA CAREY, ST. MICHAEL'S MEDIA a/k/a CHURCH MILITANT, and

Defendant(s)

Civil Action No. 1:21-cv-00131-JL

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Joseph M. Cacace
Howard M. Cooper
Todd & Weld LLP
One Federal Street, 27th Floor
Boston, MA 02110

Suzanne M. Elovecky
Partridge Snow & Hahn LLP
30 Federal Street
Boston, MA 02110

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 1:21-cv-00131-JL

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

UNITED STATES DISTRICT COURT

for the

District of New Hampshire

VERY REVEREND GEORGES F. de LAIRE, J.C.L.*Plaintiff*

v.

GARY MICHAEL VORIS, et al.*Defendant*

Civil Action No. 1:21-cv-00131-JL

WAIVER OF THE SERVICE OF SUMMONS

To: Attorneys Cacace, Cooper, and Elovecky:*(Name of the plaintiff's attorney or unrepresented plaintiff)*

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from _____, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: _____

*Signature of the attorney or unrepresented party**Printed name of party waiving service of summons**Printed name**Address**E-mail address**Telephone number*

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

Print

Save As...

Reset

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

VERY REVEREND GEORGES F. de
LAIRE, J.C.L.,

Plaintiff,

v.

GARY MICHAEL VORIS, ANITA CAREY,
ST. MICHAEL'S MEDIA a/k/a CHURCH
MILITANT,

Defendants.

CIVIL ACTION NO. 1:21-cv-00131-JL

**PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF
MOTION TO AMEND COMPLAINT**

The Very Reverend Georges F. de Laire, J.C.L. ("Plaintiff" or "Father de Laire"), through undersigned counsel, respectfully submits this Memorandum of Law in Support of the Motion to Amend Complaint (the "Motion").

Through his Motion, Plaintiff seeks to amend his Complaint to add as a defendant to this action the individual who has just recently been disclosed as not only the *source* of defamatory statements published by Defendant Church Militant, but also the unidentified *author* of the first of the defamatory publications dated January 17, 2019.¹ As set forth herein, through their late disclosure, Defendants have now conceded that (i) they failed to disclose the true identity of the author of the article to their readers, (ii) they have no idea what, if any, actual "sources" the author did or did not have for the libelous statements over which Father de Laire is litigating, and (iii) they have no knowledge, personal or otherwise, of the truth or falsity of the

¹ As discussed below, the individual's identity is presently confidential under the Protective Order in this case. Plaintiff has objected to that designation, and Defendants have not agreed to withdraw the designation to date. Pursuant to the protective order, Defendants have thirty days from the meet and confer between counsel on this issue to file a motion to preserve the confidential designation, and that time has not yet passed.

libels at issue. With these shocking disclosures, Defendants have put the proposed new defendant front and center in this lawsuit.

Defendants did not disclose that this confidential “source” was actually the author of the January 17, 2019 article until a meet and confer held on February 7, 2022, less than one month before the discovery period closed in this matter. This transpired after several months of Defendants’ relying on the “newsgatherer privilege” over Plaintiff’s objections, including through a motion to compel. Unbeknownst to Plaintiff at the time, this assertion of the “newsgathering privilege” had been a tactic deployed by Defendants to prevent Plaintiff from discovering the true identity of the author. Defendants even purposefully misled Plaintiff from learning the truth by admitting in their Answer that the author of the article was Defendant Voris.

In addition to the simple identity of the author of the January 17, 2019 article, Plaintiff only became aware of the full extent of this individual’s role in the underlying events and the substance of the proposed amendment at the deposition of Defendant Gary Michael Voris on March 2, 2022, which information was not available to Plaintiff at the time the Complaint was prepared and filed. Indeed, Defendants even admitted that the author’s statements were taken at “face value” and Defendants did not fact check or independently review any of the defamatory statements written by this individual.

Defendants had the opportunity to disclose this information to Plaintiff months ago—theoretically, at the outset of this litigation. Instead, Defendants thwarted Plaintiff’s efforts at discovering the truth by shielding material facts behind an improper assertion of the newsgathering privilege and by unjustifiably withholding this information from Plaintiff and the Court.

Plaintiff accordingly respectfully requests leave of Court to amend the Complaint to add this defendant for the reasons set forth below.

A. RELEVANT FACTUAL BACKGROUND

The parties’ dispute arises out of certain articles, posts and videos published on Defendant St. Michael’s Media a/k/a Church Militant’s (“Church Militant”) website about

Plaintiff Father de Laire. See generally, Compl., Doc. 1. Embedded in the parties' dispute has been the identity of the sources of purported facts cited in the Defendants' defamatory content, and Plaintiff's ability to conduct discovery into the content of the materials, and the investigation conducted by Church Militant. One of the articles at-issue, titled "NH Vicar Changes Dogma Into Heresy," published on January 17, 2019 (the "January 17 Article"), is attributed only to "Church Militant," and does not specifically identify any other individual as the author of the article. See Compl., Ex. C, Doc. 1-3.

1. Defendants misled Plaintiff to believe Mr. Voris authored the January 17 Article

In their Answer, Defendants made an unqualified admission to the following allegation of Paragraph 43 of the Complaint: "On January 17, 2019, the Church Militant website published an article authored by Mr. Voris titled "NH Vicar Changes Dogma Into Heresy." See Answer, Doc. 14 at ¶ 43. In reliance on Defendants' unqualified admission, Plaintiff conducted itself in this litigation as if Mr. Voris or "Church Militant" was the author of the January 17 Article.

On June 28, 2021, Plaintiff served interrogatories and requests for production of documents on Defendants, requesting, among other things, information regarding the source(s) of the January 17 Article and the statements contained therein. In response to these inquiries, however, Defendants refused to provide substantive responses, objecting instead on the basis of the newsgathering privilege and the First Amendment. Meet-and-confer efforts failed to resolve the parties' discovery dispute, where Defendants continued to stand on their meritless objections, forcing Plaintiff to seek the Court's intervention. See Doc. 60, Pl.'s Mtn to Compel. Upon Plaintiff's Motion, the Court ordered Defendants to supplement their responses in light of the *qualified* newsgathering privilege as relevant in this case. See Doc. 83, Order on Pl.'s Mtn to Compel.

It was, thereafter, revealed – on the eve of the close of the discovery period – that someone else entirely authored the January 17 Article, or said simply, the author of said article

was neither Mr. Voris nor “Church Militant.” Affidavit of Suzanne M. Elovecky (“Elovecky Aff.”) at ¶ 8. On December 23, 2021, in response to the Court’s November 22, 2021 Order (Doc. 83) compelling supplemental responses to Plaintiff’s interrogatories, Defendant St. Michael’s Media stated for the first time—and directly contradicting their own unqualified admission in Defendants’ Answer—that it relied on a “confidential source who **authored** the article” (emphasis added). *Id.* Adding further delay, and despite Defendants’ obligation to produce this information, Defendants did not provide a name of this so-called “confidential source who authored the article” in these supplemental interrogatory responses, choosing instead to continue to abuse confidentiality designations despite the absence of any grounds for invoking the “newsgatherer privilege” in this context. The author of the January 17 Article is hereinafter referred to as the “Confidential Author.”²

2. Defendants finally disclose the true identity of the author of the January 17 Article, a fact that could have - and should have - been disclosed months ago

The parties’ counsel met-and-conferred on February 7, 2022 to discuss Defendants’ supplemental discovery responses, among other matters related to the parties’ ongoing discovery efforts. *Id.* at ¶ 9. During this conference, Defendants’ counsel verbally disclosed the name of the aforementioned “Confidential Author” to Plaintiff’s counsel under the strictest “AEO Confidentiality” designation. *Id.*

On February 9, 2022, in an email following the parties’ meet-and-confer, Defendants’ counsel confirmed the identity of the Confidential Author in writing and also downgraded the confidentiality designation of the identity of the Confidential Author from “AEO” to “Confidential.” *Id.* at ¶ 11.

² The actual name of the Confidential Author is disclosed in the Exhibits to the Elovecky Affidavit in support of Plaintiff’s Motion, which are being filed under seal herewith. Plaintiff would have identified the Confidential Author by name in its Motion and this Memorandum, and all supporting papers filed publicly, but for Defendants’ confidentiality designation. Plaintiff’s position is that the name of the author of the false statements is neither confidential, nor shielded by any privilege, as any such applicable privilege was waived when the identity of the author was disclosed to Plaintiff.

Upon the disclosure of the Confidential Author, Plaintiff endeavored to confirm Defendants' counsel's representation during the Deposition of Gary Michael Voris, which occurred on March 2, 2022. Id. at ¶ 12. Mr. Voris testified both in his personal capacity as well as the corporate representative under Fed. R. Civ. P. 30(b)(6) for Defendant St. Michael's Media.

When questioned about whether the Confidential Author was the author of the January 17 Article, Defendant Voris answered affirmatively. Id. Upon further query regarding the specific statements of the January 17 Article, Defendant Voris replied, on numerous occasions, that the question would be a question for the Confidential Author, who "wrote [the January 17, 2019 article] on behalf of Church Militant." Id. Throughout his testimony, Defendant Voris confirmed that the Confidential Author wrote the January 17 Article, which was subsequently published on Defendants' website by Defendants. Id. However, in the same testimony, Defendant Voris confirmed that the Confidential Author was not, and has never been, an employee or agent of Defendant St. Michael's Media a/k/a Church Militant. Id.

Defendants alone have known, or should have known, that their admission about the authorship of the article was false. Further, Defendants withheld this material fact from Plaintiff for months under the pretense of the "newsgatherer privilege," which the Court rightly found to have been improperly invoked by Defendants. See, Order on Pl.'s Mtn to Compel, Doc. 83. However, absent any order of the Court concerning the newsgatherer privilege, Defendants simply voluntarily offered the information more than five months after refusing to answer any discovery concerning the identity of the "source" of the article.

Even more confounding is the fact that Defendants disclosed the name of this individual in their September 10, 2021 Second Supplemental Initial Disclosures under the category of "individual[s] likely to have discoverable information," but failed to state at this time that this named individual is the author of the January 17 Article, despite having knowledge of same. Id. at ¶ 4. It of course came as a shock to Plaintiff when the identity of the Confidential Author was revealed, since Defendants had even previously disclosed the name before, but failed to fully disclose the Confidential Author's role. For the avoidance of doubt, at the time of

Defendants' Second Supplemental Initial Disclosure, Plaintiff did not know, had no reason to suspect, and had no way of knowing or discovering, that this individual was in fact the author of the January 17 Article until Defendants provided this information months later on February 7, 2022. Id. at ¶¶ 9-10.

3. Plaintiff's unsuccessful efforts to locate the Confidential Author

Notwithstanding the foregoing, after Defendants' September 10, 2021 disclosure, and still prior to Defendants' identification of this individual as the Confidential Author, Plaintiff made numerous attempts to serve a subpoena to produce documents on this individual, but Plaintiff was unsuccessful in locating them. Id. at ¶ 5. Plaintiff continued to pursue the location of this individual, and has made consistent efforts over the past several months, including by hiring a private investigator, but has been unable to find the Confidential Author. Moreover, the whereabouts of the Confidential Author are now purportedly unknown to Defendants as well, but Defendant Voris testified that he was in contact with the Confidential Author as recently as one month prior to his deposition. Id. at ¶¶ 6-7. Plaintiff's efforts to locate the Confidential Author are ongoing. Id. at ¶ 5.

In light of the foregoing facts, Plaintiff respectfully requests the Court grant Plaintiff's request for leave to file a First Amended Complaint to join the Confidential Author in this action.

B. ARGUMENT

The Federal Rules provide that "[t]he court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). Rule 15(a) reflects a liberal amendment policy. Brace v. Rite Aid Corp., No. 10-cv-290-LM, 2011 WL 320565, at *2 (D.N.H. Jan. 31, 2011). In the context of adding new defendants, "[a] motion seeking to add new defendants is, in general, evaluated using the 'same standard of liberality' that applies in evaluating whether a motion to amend should be granted." Staples v. NH State Prison, Warden, No. 14-cv-473-LM, 2015 WL 5097787, at *3 (D.N.H. Aug. 27, 2015) (citation omitted). Reasons for denying leave to amend include undue delay in filing the motion, bad faith or dilatory motive, repeated failure to cure

deficiencies, undue prejudice to the opposing party, and futility of amendment. Id. (quoting United States ex rel. Gagne v. City of Worcester, 565 F.3d 40, 48 (1st Cir. 2009), citing Foman v. Davis, 371 U.S. 178, 182 (1962)).

None of the established reasons for denying the Motion are present in this case and are examined below.

1. Amending the Complaint to add a new defendant is not futile.

A proposed amended complaint is not futile so long as it sets forth a general scenario which, if proven, would entitle the plaintiff to relief against the defendant on some cognizable theory. See Costa Precision Mfg. Corp. v. Farris, No. 06-cv-332-SM, 2007 WL 1558577, at *1 (D.N.H. May 29, 2007) (citation omitted) (“Where, as here, the motion to amend is brought before discovery is complete the court considers whether a proposed amendment is futile by applying the standard applicable to motions to dismiss.”) Here, the amendment adds a new defendant in the action, but does not change Plaintiff’s theory of recovery (*i.e.*, defamation), and because a “general scenario” exists which would entitle Plaintiff to relief against the newly-named defendant (*i.e.*, the Confidential Author), the amendment is not futile. See Brace, 2011 WL 320565, at *3 (granting plaintiffs’ motion to amend the complaint to add a new defendant and noting that plaintiffs were not adding new theories of recovery against defendants who were named in the original complaint, seeking “merely to add another defendant.”)

(i) Plaintiff’s proposed First Amended Complaint properly pleads a claim for defamation against the Confidential Author.

The Court previously found that the allegations of Plaintiff’s defamation claim to be sufficiently pled.³ See Doc. 24, Order on Defs.’ Mtn to Dismiss. Thus, the same allegations as directed to the Confidential Author, if proven, would also entitle Plaintiff to relief against the

³ The proposed First Amended Complaint sets forth the same set of facts, events, and occurrences giving rise to the defamation claim alleged in the original Complaint, but amends the pleading to name the individual responsible for writing the false statements as the Confidential Author. Indeed, Defendants previously challenged the sufficiency of the original Complaint in a Rule 12(b)(6) Motion to Dismiss. See Doc. 18. As a result, this Court dismissed Plaintiff’s intentional interference claim and the limited defamation claim based on the statement that Father de Laire prohibited mass. The remainder of Plaintiff’s defamation claim, including as based on the false statements made in the January 17 Article, survived. See Doc. 24, Order on Defs.’ Mtn to Dismiss.

Confidential Author. To the extent the sufficiency of the defamation claim in the proposed First Amended Complaint is challenged, Plaintiff submits that each element of the claim is satisfied, as set forth below.

To state a claim for defamation under New Hampshire law, a plaintiff must allege facts to show that the defendants did not exercise reasonable care when they published a false and defamatory statement about the defendant to a third party. Martin v. Mooney, 448 F. Supp. 3d 72, 84 (D.N.H. 2020). See also, Lilly Software Assocs., Inc. v. Blue Ridge Designs, Inc., No. CIV. 00-93-JD, 2001 WL 531205, at *2 (D.N.H. Apr. 20, 2001) (providing that a plaintiff need only allege that (1) the defendant made false statements about the plaintiff; (2) the false statements were made to third parties; and (3) those false statements caused injury to plaintiff's reputation).

As set forth in the proposed First Amended Complaint, the first element is satisfied: the Confidential Author made false statements about Plaintiff Father de Laire without any exercise of reasonable care. See Exhibit A to the Motion, Proposed First Amended Compl., ¶¶ 44-64. The second element is also satisfied as the written statements were then supplied to an internet publication (*i.e.*, Church Militant) with the knowledge and expectation that they would be published and circulated to a wide audience. Id. at ¶ 44. Lastly, Plaintiff has properly pled injury to his reputation as a result of the false statements by the Confidential Author, as was confirmed by the Court in its decision on the motion to dismiss. Id. at ¶ 67.

In view of the foregoing, the proposed First Amended Complaint is not futile.

2. Plaintiff's Motion is timely; any "delay" in bringing the Motion is a direct result of Defendants' intentional withholding of material facts.

Any so-called "delay" in amending the Complaint to join the Confidential Author as a new party is through no fault of Plaintiff. The fact that anyone other than Defendants wrote the defamatory statements was not revealed to Plaintiff on December 23, 2021, and only disclosed then as an unnamed individual. The actual identity of the Confidential Author of the January 17 Article was not disclosed until February 7, 2022, and then confirmed in Defendant's

sworn testimony given on March 2, 2022. Elovecky Aff. at ¶¶ 9, 12. Prior to Defendants' disclosure and confirmation, Plaintiff had no reason to suspect that anyone other than Defendants was liable to Plaintiff for defamation, nor was this information available to Plaintiff at the time it prepared and filed its original Complaint. Moreover, Plaintiff had relied in good faith on the admission in Defendant's Answer, which identified Mr. Voris as the author of the January 17 Article. Accordingly, Plaintiff's Motion is timely under the circumstances.

3. There is no "bad faith" or "dilatory motive" in Plaintiff's request seeking the Court's leave to amend the Complaint to conform to evidence.

Further, there is no bad faith or dilatory motive in connection with Plaintiff's request for leave to amend. Since the discovery of the authorship of the article, Plaintiff has diligently sought to verify this newly-disclosed fact and is timely requesting the Court's leave to amend the Complaint to conform to the evidence. On the other hand, *Defendants'* own actions demonstrate both bad faith and dilatory motive where, despite having knowledge that Mr. Voris did not author the January 17 Article, admitting in their Answer that Mr. Voris was the author, and throughout the course of the parties' dispute, continuing to hold him out as the author, Defendants contemporaneously withheld the material fact that yet another individual altogether had written the article, only to disclose this information one month from the close of discovery and prior to Mr. Voris's deposition under the penalties of perjury.⁴

4. There is no prejudice to Defendants where Plaintiff's request is timely; granting the relief sought is within the Court's discretion.

Nor are Defendants prejudiced by the joining of this new defendant, given that the only conceivable prejudice to Defendants is the timing of the request in relation to the deadline for the close of discovery, which is directly a result of Defendants' own withholding and delay in disclosing the Confidential Author. Defendants also will not be prejudiced by the filing of

⁴ Discovery was scheduled to close on March 7, 2022. On March 1, 2022, the parties submitted a Joint Motion for Limited Extension of Discovery Period to extend the deadline to conduct depositions of certain fact witnesses to April 29, 2022 and the deadline to object to experts to May 27, 2022. Doc. 99. The parties' March 1, 2022 motion was granted on March 31, 2022.

Plaintiff's First Amended Complaint because the parties' deadline to file summary judgment motions is still several months away (*i.e.*, July 6, 2022), and trial is currently scheduled to commence on September 7, 2022. See December 2, 2021 Order. There is, in this case, both the time and the opportunity to modify the current case schedule and develop the issues for trial if the Confidential Author is joined.

On the other hand, if the Confidential Author is not joined in the instant action, the risk of prejudice to Plaintiff is high where Plaintiff's only remedy would be to initiate a separate action against the Confidential Author. Plaintiff, then, has no choice other than to litigate a nearly identical set of facts and causes of action but in two separate cases, and on different case schedules. To that end, allowing Plaintiff's motion is further in the interest of judicial economy and preserving the Court's valuable resources.

Given the absence of reason to deny leave to amend the Complaint, the Court should grant Plaintiff's request. Moreover, "the district court enjoys significant latitude in deciding whether to grant leave to amend." Gagne, 565 F.3d 40, 48 (1st Cir.2009) (quoting ACA Fin. Guar. Corp. v. Advest, Inc., 512 F.3d 46, 55 (1st Cir.2008)); United States ex rel. Ge v. Takeda Pharm. Co., 737 F.3d 116, 127 (1st Cir. 2013) (providing that "Rule 15(a) gives courts broad discretion in deciding whether to allow or deny leave to amend.").

Plaintiff submits that the original deadline to amend pleadings expired on August 2, 2021. See Docs. 15, 16. Under the foregoing facts, however, not least of which is Defendants' withholding and subsequent delay in their identification of the Confidential Author, good cause exists to modify the deadline to amend pleadings. See Fed. R. Civ. P. 16(b)(4) (stating that "a schedule may be modified only for good cause and with the judge's consent").

C. CONCLUSION

For months now, Defendants have misled the Plaintiff and the Court as to the identity of the author of the false statements published in the January 17 Article. Plaintiff now seeks to add the Confidential Author as a named defendant in this action given the revelation that it was the Confidential Author who was responsible for writing the false statements, causing

them to be published to third parties, and is therefore, also directly liable to Plaintiff for defamation, along with the currently named Defendants.

WHEREFORE, in view of the foregoing, Plaintiff respectfully requests this Court **GRANT** Plaintiff's Motion for Leave to Amend the Pleadings and File the First Amended Complaint.

Dated: April 13, 2022

Respectfully submitted,

THE VERY REVEREND GEORGES F. DE LAIRE

By His Attorneys,

/s/ Joseph M. Cacace

Joseph M. Cacace, N.H. Bar No. 266082

Howard M. Cooper, *pro hac vice*

TODD & WELD LLP

One Federal Street, 27th Floor

Boston, MA 02110

(617) 720-2626

jcacace@toddweld.com

hcooper@toddweld.com

/s/ Suzanne M. Elovecky

Suzanne M. Elovecky, *pro hac vice*

PARTRIDGE SNOW & HAHN, LLP

30 Federal Street

Boston, MA 02110

(617) 292-7900

selovecky@psh.com

L.R. 7.1(c) CERTIFICATION

I hereby certify that prior to filing the instant Motion to Amend, the parties met and conferred in good faith by telephone concerning the relief sought in this Motion and Defendants' assent thereto. The parties were unable to come to an agreement, and the Defendants did not assent to this Motion.

/s/Suzanne M. Elovecky
Suzanne M. Elovecky

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of April, 2022 a copy of the foregoing document was sent by electronic mail addressed to the following counsel of record:

Kathleen H. Klaus
Maddin, Hauser, Roth & Heller, P.C.
28400 Northwestern Highway, 2nd Fl
Southfield, MI 48034-1839
kklaus@maddinhauser.com

Neil B. Nicholson
Nicholson Law Firm, PLLC
58 North State Street
P.O. Box 41371 48034
Concord, NH 03302-4137
neil@nicholson-lawfirm.com

/s/Hannah Y Amadei
Hannah Y. Amadei

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

VERY REVEREND GEORGES F. de
LAIRE, J.C.L.,

Plaintiff,

v.

GARY MICHAEL VORIS, ANITA CAREY,
ST. MICHAEL'S MEDIA a/k/a CHURCH
MILITANT,

Defendants.

CIVIL ACTION NO. 1:21-cv-00131-JL

AFFIDAVIT OF SUZANNE M. ELOVECKY
IN SUPPORT OF PLAINTIFF'S MOTION TO AMEND

I, Suzanne M. Elovecky, being of legal age and having been duly sworn, depose and say as follows:

1. I am a partner at the law firm Partridge Snow and Hahn LLP in Boston, Massachusetts. I am co-counsel with Messrs. Joseph M. Cacace and Howard M. Cooper for Plaintiff, the Very Reverend Georges F. de Laire, J.C.L. ("Father de Laire" or "Plaintiff") in the above-captioned matter.

2. I am duly admitted to practice in the Commonwealth of Massachusetts and am admitted *pro hac vice* before this Court.

3. Plaintiff relied on the unqualified admission contained in the Defendants Gary Michael Voris, Anita Carey, and St. Michael's Media a/k/a Church Militant (together, "Defendants") Answer (Doc. 14) that Mr. Voris was the author of the article published on January 17, 2021 on the Church Militant website. Defendants did not amend, revoke or otherwise disclaim this admission until December 23, 2021, when Defendant St. Michael's Media served their Supplemental Answers to Plaintiff's First Set of Interrogatories, which is set forth in further detail *infra* Paragraph 8, with information that directly contradicted their Answer.

4. On September 10, 2021, Defendants served their Second Supplemental Rule 26 Initial Disclosures, under an Attorneys' Eyes Only confidentiality designation, disclosing the name of a non-party individual as a person likely to have discoverable information. This Second Supplemental Disclosure did not identify this newly disclosed person as the author of any content published on the Church Militant website. Attached as **Exhibit A** is a true and correct copy of Defendants' Second Supplemental Rule 26 Initial Disclosures, which is designated Attorneys' Eyes Only.

5. Plaintiff made several attempts to serve a subpoena to produce documents on this individual disclosed in Defendants' Second Supplemental Initial Disclosures, but are unable to locate the individual to serve the subpoena, or anyone eligible to accept service on their behalf. Plaintiff has so far been unable to find the current location of this individual. Plaintiff's efforts, which include the efforts of a private investigator hired by Plaintiff, are ongoing.

6. Defendants' counsel claims that they, too, are unable to locate or contact this individual.

7. Attached as **Exhibit B** is a true and correct copy of excerpts of the Deposition Transcript of Gary Michael Voris, 113:15-19, which was taken on March 2, 2022. Mr. Voris testified that he last communicated with this individual about one month ago. See Exhibit C, 113:15-19. Defendants' counsel agreed to provide the contact information, but has not yet provided it. See id. at 199: 19-22.

8. On December 23, 2021, Defendant St. Michael's Media served its supplemental responses to Plaintiff's Interrogatory Nos. 1, 9, 10, 11, 12, 13, and 16, wherein Defendants supplemental answers stated that "a confidential source" was the author of the January 17, 2019 article and the various statements contained therein. Attached as **Exhibit C** is a true and correct copy of Defendant St. Michael's Media's Supplemental Answers to de Laire's First Set of Interrogatories.

9. On February 7, 2022, parties' counsel met-and-conferred by phone to discuss Defendants' supplemental discovery responses and the ongoing discovery, generally. During

this phone call, Defendants' counsel disclosed the name of the "confidential source" who authored the January 17, 2019 article under the strictest "AEO Confidentiality" designation.

10. Upon this revelation, Plaintiff learned that this "confidential source" was also the same individual that Defendants had previously named in their Second Supplemental Initial Disclosures as a person with information concerning their defenses (see Exhibit A). Nothing in that Initial Disclosure informed Plaintiff that the Confidential Source was, in fact, the author of the article.

11. Attached as **Exhibit D** is a true and correct copy of the email exchange between the parties' counsel dated February 9, 2022, confirming the facts discussed at the February 7, 2022 telephonic meet-and-confer.

12. Attached as **Exhibit E** is a true and correct copy of excerpts from the Deposition Transcript of Gary Michael Voris, with relevant selections highlighted at 48:19-22; 79:17-19; 80:8-10; 80:15-17; 91:19-92:6; 155:6-9; 158:14-24; 186:22-24-187:1-4; 187:10-14; 188:14-15; 189:3-7; 195: 5-8; 195:14-16; 197: 1-23.

SIGNED under the penalties of perjury this 13th day of April, 2022.

/s/Suzanne M. Elovecky
SUZANNE M. ELOVECKY

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of April, 2022 a copy of the foregoing document was sent by electronic mail addressed to the following counsel of record:

Kathleen H. Klaus
Maddin, Hauser, Roth & Heller, P.C.
28400 Northwestern Highway, 2nd Fl
Southfield, MI 48034-1839
kklaus@maddinhauser.com

Neil B. Nicholson
Nicholson Law Firm, PLLC
58 North State Street
P.O. Box 41371 48034
Concord, NH 03302-4137
neil@nicholson-lawfirm.com

/s/Hannah Y Amadei

Hannah Y. Amadei

EXHIBIT A

To Elovecky Affidavit

Filed Under Pending Motion to Seal

EXHIBIT B

To Elovecky Affidavit

Filed Under Pending Motion to Seal

EXHIBIT C
ELOVECKY AFFIDAVIT

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

VERY REVEREND GEORGES F. DE LAIRE, J.C.L.,

Plaintiff,

v.

Case No. 1:21-CV-00131-JD

GARY MICHAEL VORIS; ANITA CAREY; ST.
MICHAEL'S MEDIA a/k/a CHURCH MILITANT,

Defendants.

**ST. MICHAEL'S MEDIA A/K/A CHURCH MILITANT SUPPLEMENTAL ANSWERS
DE LAIRE'S FIRST SET OF INTERROGATORIES**

Defendant, St. Michael's Media a/k/a Church Militant, by and through its counsel, submits the following as his **supplemental** answers to de Laire's First Set of Interrogatories dated June 28, 2021:

1. Please describe in detail the investigation conducted by Church Militant or its employees, journalists, writers, or contributors prior to publication of the article entitled "NH Vicar Changes Dogma Into Heresy," published on January 17, 2019. Identify in your response each source of the publication, including name and contact information and any and all information each such source provided.

ANSWER: Church Militant objects to this request because it is overbroad and unduly burdensome. Church Militant further objects because the information is protected by New Hampshire's newsgathering privilege and the First Amendment. Subject to these objections, Church Militant states that it relied on a confidential source who authored the article.

2. Please describe the investigation conducted by Church Militant or its employees, journalists, writers, or contributors prior to the publication of the video series entitled “The Vortex: Attacking the Good Guys,” including the text accompanying the videos, published on April 15, 2019. Identify in your response each source for the publication, including name and contact information and any and all information each such source provided.

ANSWER: Church Militant objects to this request because it is overbroad and unduly burdensome. Church Militant further objects because the information is protected by New Hampshire’s newsgathering privilege and the First Amendment. Subject to these objections, Church Militant states that it reviewed the Catechism of the Catholic Church and the undated “Let it Be Known” pronouncement written by Fr. De Laire, interviewed Br. Andrew Marie and CJ Doyle and interviewed received information from a confidential source.

3. Please describe the investigation conducted by Church Militant or its employees, journalists, writers, or contributors prior to publication of the article entitled “NH Diocese violates Parishioners’ Rights To Demolish Church,” published on June 25, 2019. Identify in your response each source for the publication, including name and contact information and any and all information each such source provided.

ANSWER: Church Militant objects to this request because it is overbroad and unduly burdensome. Church Militant further objects because the information is protected by New Hampshire’s newsgathering privilege and the First Amendment. Subject to these objections, Church Militant states that no new investigation was performed in connection with the references to Fr. de Laire in the June 25, 2019 article.

4. List all articles and videos, including title, author, and date of publication, published, posted, or promoted on the Church Militant Website which mention or discuss Father de Laire.

ANSWER: Pursuant to Rule 33(d), Church Militant refers Plaintiff to its website.

5. State the basis for your denial of Paragraph 15 of the Complaint.

ANSWER: Church Militant objects to this request because it is overbroad and unduly burdensome. Subject to these objections, Church Militant notes that de Laire is a priest and an official of the Diocese of Manchester and therefore is a “public figure” as related to controversies concerning Catholic Church. De Laire also gives interviews to secular media about controversies concerning the Catholic Church. Church Militant’s investigation continues.

By way of further response, Church Militant states the Catechism of the Catholic Church, as stated by the United States Conference of Catholic Bishops, notes one of the purposes of the Catechism is to convey “the essential and fundamental content of the Catholic faith and morals in a complete and summary way,” and that “it is a positive, objective and declarative exposition of Catholic doctrine... intended to assist those who have the duty to catechize, namely promoters and teachers of catechesis.” By virtue of the sacrament of Holy Orders that Fr. de Laire enjoys and exercises, he “is truly made like to the high priest and possesses the authority to act in the power and place of the person of Christ himself (*virtue ac persona ipsius Christi*).” 1549, 1563 Through ordination he has received a sacrament that has left an indelible mark upon his soul. 1583, 1583 It is a sacrament of service to the Church and her members for “the good of men and the communion of the Church. “The sacrament of Holy Orders communicates a ‘sacred

power' which is none other than that of Christ," the Catechism states. "The exercise of this authority must therefore be measured against the model of Christ, who by love made himself the least and the servant of all." 1551 Despite the graces and the presence of Christ in the priest, his "human traces that are not always signs of fidelity to the Gospel and consequently can harm the apostolic fruitfulness of the Church." 1550 This is due to the fact that the priesthood also represents the whole Church. "It is because the ministerial priesthood represents Christ that it can represent the Church." 1553. Through their ordination "bishops have been constituted true and authentic teachers of the faith and have been made pontiffs and pastors," 1558 ministerial priests, through their ordination, are handed over, in a subordinate degree, "the function of the bishops' ministry." 1562 . The Catechism clarifies, "In each local assembly of the faithful [the priests] represent, in a certain sense, the bishop, with whom they are associated in all trust and generosity; in part they take upon themselves his duties and solicitude and in their daily toils discharge them." 1567

Because the ministerial priesthood differs from the laity and confers a sacred power for the service of the faithful, priests and bishops of the Catholic Church are looked upon as leaders, e.g., public figures, in the Catholic religion and their words and actions carry greater weight than members of the body of the Church. In the Code of Canon Law, we as laity, have a duty to be obedient to our pastors. Canon 212 states:

Can. 212 §1. Conscious of their own responsibility, the Christian faithful are bound to follow with Christian obedience those things which the sacred pastors, inasmuch as they represent Christ, declare as teachers of the faith or establish as rulers of the Church.

Can. 212 §2. The Christian faithful are free to make known to the pastors of the Church their needs, especially spiritual ones, and their desires. Can. 212 §3. According to the knowledge, competence, and prestige which they possess, they have the right and even at times the duty to manifest to the sacred pastors their opinion on matters which pertain to the good of the Church and to make their opinion known to the rest of the Christian faithful, without prejudice to the integrity of faith and morals, with reverence toward their pastors, and attentive to common advantage and the dignity of persons. **By way of further response, Church Militant states that de Laire was a source for the media for information about the Church.**

6. State the basis for your denial of Paragraph 16 of the Complaint.

ANSWER: See Answer to Interrogatory No. 5.

7. State the basis for your denial of Paragraph 19 of the Complaint.

ANSWER: See Answer to Interrogatory No. 5.

8. Describe in detail all facts which support your position that Father de Laire is a public figure for the purposes of evaluating a claim of defamation.

ANSWER: See Answer to Interrogatory No. 5. **Church Militant has obtained additional confidential information in discovery that confirms de Laire is a public figure, including his role as a confidential source for the media on matters relating to The Saint Benedict Center.**

9. Describe in detail all statements made by any work colleague of Father de Laire of which you are aware in which the speaker described Father de Laire as “emotionally unstable in his role as chief canonical judge of the diocese, as set forth in the article “NH Vicar Changes Dogma Into Heresy,” attached as Exhibit C to the Complaint. Identify in your response each source for the statement, including name and contact information.

ANSWER: Church Militant objects to this request because it is overbroad and unduly burdensome. Church Militant further objects because the information is protected by New Hampshire’s newsgathering privilege and the First Amendment. Subject to these objections, Church Militant states that it relied on a confidential source who authored the article.

10. State the basis for the assertion that Father de Laire is “desperate to repair his image and save his chances of being promoted as bishop or an official of the Roman Curia,” as set forth in the article “NH Vicar Changes Dogma Into Heresy,” attached as Exhibit to the Complaint. Identify in your response each source for the statement, including name and contact information.

ANSWER: Church Militant objects to this request because it is overbroad and unduly burdensome. Church Militant further objects because the information is protected by New Hampshire’s newsgathering privilege and the First Amendment. Subject to these objections, Church Militant states that it relied on a confidential source who authored the article.

11. State the basis for the assertion that Father de Laire is “well-known and corroborated in the Roman Curia” to be “*un incasinaro*, ‘a troublemaker,’ owing to his notorious botching of canonical cases,” as set forth in the article “NH Vicar Changes Dogma Into Heresy,” attached as Exhibit to the Complaint. Identify in your response each source for the statement, including name and contact information.

ANSWER: Church Militant objects to this request because it is overbroad and unduly burdensome. Church Militant further objects because the information is protected by New Hampshire's newsgathering privilege and the First Amendment. **Subject to these objections, Church Militant states that it relied on a confidential source who authored the article.**

12. State the basis for the assertion that Father de Laire has been named a "troublemaker" in the halls of the Roman Curia due to his botching of canonical matters, as set forth in the article "NH Vicar Changes Dogma Into Heresy," attached as Exhibit to the Complaint. Identify in your response each source for the statement, including name and contact information.

ANSWER: Church Militant objects to this request because it is overbroad and unduly burdensome. Church Militant further objects because the information is protected by New Hampshire's newsgathering privilege and the First Amendment. **Subject to these objections, Church Militant states that it relied on a confidential source who authored the article.**

13. State the basis for the assertion that Father de Laire is "is said by priests and laity who currently work with him in the diocese to be a vindictive and manipulative clericlist," as set forth in the article "NH Vicar Changes Dogma Into Heresy," attached as Exhibit to the Complaint. Identify in your response each source for the statement, including name and contact information.

ANSWER: Church Militant objects to this request because it is overbroad and unduly burdensome. Church Militant further objects because the information is protected by New Hampshire's newsgathering privilege and the First Amendment. **Subject to these objections, Church Militant states that it relied on a confidential source who authored the article. In discovery, Church Militant has obtained information that confirms this**

assertion, including documents from Fr. John Earl, the Saint Benedict Center and the Diocese of Manchester.

14. Describe any and all oral communications among Church Militant staff, journalists, or contributors, which discuss Father de Laire, specifying:

- a. The date of each communication;
- b. The name and title of each person involved in the communication; and
- c. The substance of all communications.

ANSWER: Church Militant objects to this request because it is overbroad and unduly burdensome. Church Militant further objects because the information is protected by New Hampshire's newsgathering privilege, the First Amendment and the attorney client privilege.

15. Describe any and all oral communications which occurred prior to February 5, 2021 among Defendants which discuss Father de Laire, specifying:

- d. The date of each communication;
- e. The name and title of each person involved in the communication; and
- f. The substance of all communications.

ANSWER: Church Militant objects to this request because it is overbroad and unduly burdensome. Church Militant further objects because the information is protected by New Hampshire's newsgathering privilege, the First Amendment and the attorney client privilege.

16. Identify any and all employees of the Church Militant Website, or of St. Michael's Media, who were involved in the planning, research, drafting, editing, or proofreading of all articles, videos, and other internet postings published by Defendants concerning Father de Laire, and state each such employee's involvement and contribution to any such articles, videos, or other publications or postings. Include in your answer the full name, email address, and contact address for each identified employee.

ANSWER: Church Militant objects to this request because it is overbroad and unduly burdensome and seeks information that is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence. Church Militant further objects because the information is protected by New Hampshire's newsgathering privilege, the First Amendment and the attorney client privilege. **Subject to these objections, Church Militant states that the January 19, 2019 article was written by a confidential source and edited by Senior Producer Christine Niles. The April 15, 2019 video was of interviews conducted by Michael Voris.**

17. Identify each and every document reviewed or relied upon in responding to these Interrogatories.

ANSWER: Church Militant objects to this request because it is overbroad and unduly burdensome. Subject to these objections, Church Militant states that it reviewed documents identified in these interrogatories in addition to articles available on the internet.

18. Identify every person providing information used in responding to these Interrogatories and describe in detail the information provided by each person.

ANSWER: Gary Michael Voris provided information used in response to these interrogatories concerning Church Militant's non-privileged documents.

19. Please explain all your efforts to identify and compile documents produced in response to any request for production of documents served by the Plaintiff.

ANSWER: Church Militant reviewed documents it collected after this suit was filed. **By way of further response, Church Militant states that it checked its emails for responsive**

documents and did not locate any that were not attorney-client communications created after it first received notice of a potential suit from de Laire's attorneys.

I declare under penalty of perjury that the forgoing answers are true and correct, to the best of my knowledge, information and belief.



St. Michael's Media

Respectfully submitted,

MADDIN, HAUSER, ROTH & HELLER, P.C.

/s/ Kathleen H. Klaus
Kathleen H. Klaus (MI Bar #67207)
Pro Hac Vice
Attorney for Michigan Defendants
28400 Northwestern Hwy, 2nd Floor
Southfield, MI 48034
(248) 359-7520
kklaus@maddinhauser.com

Dated: December 21, 2021

NICHOLSON LAW FIRM, PLLC

/s/ Neil B. Nicholson
Neil B. Nicholson (NH Bar #18341)
Attorney for Michigan Defendants
58 North State Street
P.O. Box 4137
Concord, NH 03302
(603) 856-8441
neil@nicholson-lawfirm.com

EXHIBIT D

To Elovecky Affidavit

Filed Under Pending Motion to Seal

EXHIBIT E

To Elovecky Affidavit

Filed Under Pending Motion to Seal