
CATHERINE M. DOYLE and
KARL ROHLICH,

Plaintiffs,

vs.

Case No. 93-CV-017906
(Intentional Tort: 30106)

YOUTH FOR AMERICA-NATIONAL,
YOUTH FOR AMERICA-MILWAUKEE,
VCY AMERICA, INC.,
MATTHEW TREWHELLA,
KELLY DYKEMA, TIMOTHY L. RUCHTI,
KURT L. SONNENBURG, BRYAN LONGWORTH,
VIC ELIASON,

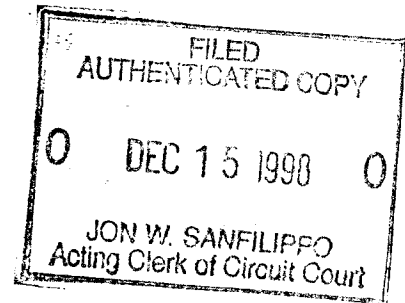
Defendants,

ST. PAUL FIRE & MARINE INSURANCE COMPANY,

Defendant and Intervenor, and

EMPLOYERS INSURANCE OF WAUSAU,
a mutual company,

Intervenor.



FOURTH AMENDED COMPLAINT

The plaintiffs, by counsel, allege as follows:

PARTIES

1. Plaintiffs Catherine M. Doyle and Karl Rohlich reside at 2446 North 47th Street, Milwaukee, Wisconsin 53210, and are attorneys licensed to practice in the State of Wisconsin.
2. YOUTH for America-National is an unincorporated association which was established by Bryan Longworth ("Longworth").

3. YOUTH for America-Milwaukee was at all times material an unincorporated association which was established by YOUTH for America National.

4. Matthew Trehella ("Trehella") is an adult citizen of the State of Wisconsin, whose last known address is 5217 West Mill Road, Milwaukee, Wisconsin 53218. Trehella and Joseph Foreman ("Foreman") are founders of an unincorporated association called Missionaries to the Preborn ("Missionaries").

5. VCY America, Inc. ("VCY") is a corporation organized and existing under the laws of Wisconsin, which engages, in part, in radio and television broadcasting in Wisconsin and other states, conducts seminars and courses, and sells books, magazines, and cassette and videotapes. VCY has its principal office located at 3434 West Kilbourn Avenue, Milwaukee, Wisconsin 53208. The National Civil Liberties Legal Foundation ("NCLLF"), which provided legal, financial, and tax advice, and which held courses instructing lay people in legal, tax, and financial matters, was at all material times based at VCY. VCY has referred to NCLLF as a ministry, and NCLLF is an association of VCY and other groups and individuals who have assisted its activities.

6. Kelly Dykema ("Dykema") is an adult citizen of the State of Wisconsin, residing at N72 W13644 Good Hope Road, Menomonee Falls, Wisconsin 53051.

7. Timothy L. Ruchti ("Ruchti") was at all material times an adult citizen of the State of Wisconsin.

8. Kurt L. Sonnenburg ("Sonnenburg") is an adult citizen of the State of Wisconsin, residing at 2821 North University Drive, Apt. 205, Waukesha, Wisconsin 53188.

9. Longworth resided in Milwaukee, Wisconsin at all material times and now resides at 446 S.E. Lamon Lane, Port St. Lucie, Florida 34983.

10. Vic Eliason ("Eliason") is an adult citizen of the State of Wisconsin. He is an officer, director, owner, and employee of VCY and the Vice President of NCLLF. In his capacity as director of VCY, Eliason voted to establish NCLLF.

11. St. Paul Fire and Marine Insurance Company ("St. Paul") is an insurance company licensed to issue insurance in the State of Wisconsin and has issued insurance policies which may cover VCY, Eliason, and VCY's other employees for certain claims asserted in this case.

FACTUAL BACKGROUND AND THE FALSE BROADCASTS

12. Beginning in early April 1993, the Missionaries, including Trehwella and Foreman, embarked on a course of personal attacks over VCY against Ms. Doyle. The personal attacks were in furtherance of an agreement or understanding between Eliason, other VCY employees, and the Missionaries to discredit Ms. Doyle's brother, Wisconsin Attorney General James Doyle, because he enforced laws with which they disagreed.

13. VCY and Eliason were aware at all material times that the Missionaries were using VCY to make personal attacks on Ms. Doyle, in order to discredit Attorney General James Doyle, but permitted them to continue to do so.

14. On April 8, 1993, Foreman made the following false statements over VCY radio about Ms. Doyle:

- a. That she was a "liar and known distorter of the truth"; and
- b. That she caused Attorney General James Doyle to "take out hefty injunctions simply because of the content of our belief."

15. Trehwella was a guest on the April 8, 1993 show that Foreman hosted, and he called Ms. Doyle a "dog" and an "enemy of Christ."

16. On May 15, 1993, Katie, Morgan, Eric, and Ward Engelke falsely complained to a police officer that Ms. Doyle had confronted Katie Engelke while she was praying outside of the Wisconsin Women's Health Care Center, cursed at her, and kicked her in the face.

17. Trehella was present at the Wisconsin Women's Health Care Center on May 15, 1993, and stated to Ms. Doyle that he was going to ruin Wisconsin Attorney General James Doyle's reputation and career by seeing that a press release immediately was issued about the false allegations that Ms. Doyle kicked Katie Engelke. Trehella proceeded to do so with Longworth's assistance.

18. The press release, a true and correct copy of which is attached as Exhibit A, was written by Longworth and publicly disseminated by YOUTH for America - Milwaukee, YOUTH for America - National, and VCY. Exhibit A was read over VCY radio as news on May 17, 1993 by a VCY employee, and broadcast by VCY around the country by satellite.

19. In May 1993, a VCY employee telecopied Exhibit A to Timothy Farness, a VCY listener in Necedah, Wisconsin, who then republished Exhibit A.

20. On May 17, 1993, VCY broadcast over at least two news shows which were transmitted nationwide by satellite the false story that Ms. Doyle had kicked Katie Engelke in the face. A true and correct copy of certain of VCY's statements is attached as Exhibit B. Also on May 17, 1993, Ingrid Guzman, a VCY employee, falsely stated over a VCY radio show broadcast that Ms. Doyle had kicked a seven year old child in the head.

21. On May 17, 1993, Trehella made the following false statements over VCY radio about Ms. Doyle:

a. That she had "engaged in an argument with a 7 year old girl who knelt in prayer outside a Milwaukee abortion clinic";

b. That she "asserted that this girl is a puppet of her parents. That she really isn't old enough to know what goes on inside the abortion clinic";

c. That she "cursed at the 7 year old and kicked her in the face" and that "bystanders said the kick was so loud that it could be heard several feet away";

d. That the "little girl's face was swollen and four citizens witnessed the assault"; and

e. That Trewhella had personally seen the child and that she "had a very large, half of her face on one side was just red."

22. On May 24, 1993, Trewhella again stated over WVCY radio that Ms. Doyle had kicked a 7 year old in the face.

23. On June 2, 1993, Foreman made the following false statements about Ms. Doyle over WVCY radio:

a. That three or four months earlier, she had gotten involved in clinic protection activities and that "you can almost mark the increase in pro-abortion violence at the clinics with her arrival";

b. That videotaped evidence established that, after she became involved in clinic protection activities, "the violence on the part of clinic defenders] and their aggressiveness just began to increase markedly and she has been a constant source of not keeping things calm but of doing everything she can to bait pro-life people" such as saying "very aggressive and baiting things"; and

c. That she had kicked Katie Engelke in the face.

24. On June 2, 1993, Ward Engelke falsely stated over VCY radio that Ms. Doyle had approached Katie Engelke while she was praying outside a clinic, "said a few things that are unrepeatable over the air," and had kicked Katie Engelke in the face.

25. On June 3, 1993, Foreman falsely stated over VCY radio that Ms. Doyle was "the pro-abortion director of violence at the abortion clinic" and had kicked a child.

26. On June 4, 1993, Trewhella falsely stated over VCY radio that Ms. Doyle had kicked a seven year old in the face.

27. By June 4, 1993, the special prosecutor appointed to review the Engelkes' allegations against Ms. Doyle had determined that there was neither credible evidence to suggest nor probable cause to believe that Ms. Doyle kicked Katie Engelke.

28. By June 7, 1993, the defendants all were aware that the special prosecutor had determined that there was no probable cause to believe that Ms. Doyle kicked Katie Engelke. Nonetheless, the defendants continued falsely to publicly state that Ms. Doyle did so, even after they were aware that the Ms. Doyle was, as a result, being harassed and was receiving death threats.

29. On June 16, 1993, Foreman falsely stated over VCY radio that Ms. Doyle had been seen insulting and kicking a child by five witnesses, but that she was not charged with a crime because the District Attorney had a conflict of interest and the special prosecutor had bowed to political pressure.

30. On June 19, 1993, Gordon Morris, the VCY news director, and Longworth stated over VCY radio that Ms. Doyle was at a clinic and "so we're making sure that she doesn't kick any little girls today," and that there had been previous news coverage of the "kicking incident."

31. By approximately July 1, 1993, Eliason was on notice that Ms. Doyle was receiving death threats as a result of VCY broadcasting the false story that she had kicked a child. Nonetheless, Eliason continued to spread the story, including on July 16, 1993, when Eliason broadcast that "a little 7 year old girl allegedly was kicked" by a member of the "pro-choice community". Eliason then falsely stated that the "pro-choice person" was not prosecuted because the witnesses were juveniles, but that he had videotape showing the little girl's "swollen face in living color." It was apparent from numerous previous broadcasts over VCY identifying Ms. Doyle as having kicked a child that Eliason was referring to Ms. Doyle. Ms. Doyle first learned of this broadcast in July 1997, since VCY withheld information concerning it from discovery.

32. In July 1993, Foreman falsely stated at a rally sponsored by VCY that Ms. Doyle had kicked someone in front of 5 witnesses. A tape of those statements was broadcast at least twice over VCY television, including during November, 1993.

33. On September 1, 1993, Dykema and a Missionary falsely stated over VCY radio that Ms. Doyle had kicked Katie Engelke in the face and that Dykema, Ruchti, and Sonnenburg were "investigating the incident."

34. On January 6, 1994, Eliason falsely stated over VCY radio that he personally had seen Katie Engelke's injuries and had videotape of such injuries, and that Ms. Doyle had sued VCY in an effort to silence or intimidate the station because of its pro-life platform. This last statement was made despite Eliason's express knowledge that Ms. Doyle had only sued VCY after it reneged on an agreement to broadcast the results of the special prosecutor's investigation.

35. On information and belief, VCY and Eliason broadcast on additional occasions the false story that Ms. Doyle kicked a child in the face, but have failed to produce tapes of those broadcasts in discovery.

VCY'S NON-BROADCAST DEFAMATIONS AND INVASIONS OF PRIVACY

36. VCY has, since it first began to defame Ms. Doyle, sold tapes of broadcasts containing the false statements alleged in this Complaint. The tapes were sold as part of the ordinary business of VCY.

THE PHONY PHOTOGRAPH AND VIDEOTAPE

37. On May 17, 1993, Eliason took a photograph of Katie Engelke which purported to show that she was injured when, in fact, she was not injured at all. VCY and Eliason provided Engelke with the photograph, and with videotape purporting to show that the Ms. Doyle was a violent person, in an effort to have criminal charges brought against her. Eliason and VCY

102. In 1993, Eliason, Trewhella, and Foreman knowingly combined or agreed with each other and with other persons to try to injure Ms. Doyle in her reputation and profession, to cause her emotional distress, to damage plaintiffs' property rights, and to discredit Ms. Doyle's brother, the Attorney General of Wisconsin. Defendants acted or participated knowingly to advance or further the unlawful plan or plans, and have damaged Ms. Doyle by taking the actions alleged in paragraphs 12-23, 25-26 and 28-31. In 1995, Zimmerman, Kanz, Kaeding, and Magritz knowingly combined and agreed with each other to try to intimidate Ms. Doyle into dropping this lawsuit. Zimmerman and Kanz acted knowingly to advance this plan and have taken the actions alleged in paragraphs 53-55, 57-58, 61, 63-64, 67, and 71-79.

103. Eliason, Trewhella, Foreman, White, Kanz, and Zimmerman have combined and agreed, with each other and with other persons, to undertake acts alleged in this amended complaint for the purposes of willfully or maliciously injuring Ms. Doyle in her reputation and profession, and of preventing or hindering her from pursuing lawful acts, and have damaged Ms. Doyle.

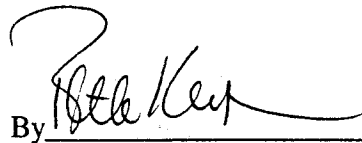
COUNT III: CIVIL CONSPIRACY

104. Plaintiffs reallege as if more fully set forth herein the allegations in paragraphs 1 through 103.

105. In 1993, Eliason, Trewhella, and Foreman knowingly combined or agreed with each other and with other persons to try to injure Ms. Doyle in her reputation and profession, to cause her emotional distress, to damage plaintiffs' property rights, and to discredit Ms. Doyle's brother, the Attorney General of Wisconsin. Defendants acted or participated knowingly to advance or further the unlawful plan or plans, and have damaged Ms. Doyle by taking the actions alleged in paragraphs 12-23, 25-26, and 28-31. In 1995, Zimmerman, Kanz, Kaeding, and Magritz knowingly combined and agreed with each other to try to intimidate Ms. Doyle into dropping this lawsuit.

Dated this 15 day of December, 1998.

von Briesen, Purtell & Roper, s.c.
Attorneys for Plaintiff
Catherine M. Doyle and
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By 

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