

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

<b>KEVIN B. McCARTHY, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>vs.</b>	)	<b>CAUSE NO. 1:08-cv-994-WTL-DML</b>
	)	
<b>PATRICIA ANN FULLER, a/k/a SISTER</b>	)	
<b>JOSEPH THERESE, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**AMENDED JUDGMENT**

The Court and the parties having dismissed various claims before and during trial, the Court having granted judgment on the pleadings and partial summary judgment in favor of the Counterclaim Defendants on other claims, the Court having granted judgment as a matter of law against Fuller on certain of her counterclaims during and after trial, and the jury having rendered its verdict, **JUDGMENT IS HEREBY ENTERED AS FOLLOWS:**

1. Plaintiff Kevin McCarthy is awarded compensatory damages in the amount of \$100,000.00 and punitive damages in the amount of \$50,000.00 from Defendant Paul Hartman. Hartman shall pay the punitive damages award to the clerk of this court, who will then distribute it as required by Indiana Code 34-51-3-6(c).
2. Plaintiff Albert Langsenkamp is awarded compensatory damages in the amount of \$50,000.00 and punitive damages in the amount of \$150,000.00 from Defendant Paul Hartman. Hartman shall pay the punitive damages award to the clerk of this court, who will then distribute it as required by Indiana Code 34-51-3-6(c).
3. Plaintiff BVM Foundation, Inc., shall recover nothing against either Defendant.
4. Plaintiffs McCarthy and Langsenkamp shall recover nothing against Defendant Patricia

Ann Fuller.

5. Counterclaimants Fuller and Hartman shall recover nothing against any of the Counterclaim Defendants.

### **Injunctive Relief**

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Defendants Fuller and Hartman (collectively “Defendants”) are hereby permanently enjoined from publishing the following statements, as well as any similar statements that contain the same sorts of allegations or inferences, in any manner or forum:

- Defendants’ statements that McCarthy suggested that Jim Whitta’s name be forged on a quit claim deed;
- Defendants’ statements that Plaintiffs bribed various members of the Clergy (including Catholic Priests, Bishops, Archbishops, Cardinals and Popes);
- Defendants’ statements that McCarthy physically threatened Fuller or otherwise committed any wrongful act against Fuller;
- Defendants’ statements that Plaintiffs are con-men, crooks, forgers, thieves, racketeers, or otherwise stole or converted property from Fuller or engaged in any conspiracy against Fuller with any Catholic clergy, lawyer (canon or civil) or investigator, or any Catholic lay person promoting the devotion;
- Defendants’ statements that Plaintiffs stole any statue (including the Latrobe statue), crucifix, plaque, medallions, pins, gold coinage, website (including the ourladyofamerica.com and ourladyofamerica.org websites) and/or proceeds from Fuller’s Key Bank Stock;
- Defendants’ statements that Langsenkamp was involved in a car chase in which

he chased Fuller around Fostoria;

- Defendants' statements that Plaintiffs used the name "Ron Norton" in an inflammatory e-mail exchange that was first published by Hartman at his website, ourladyofamerica.blogspot.com; and
- Defendants' statements that McCarthy, without the knowledge or consent of Fuller, caused a will to be drafted for Fuller in which she left the Devotion to McCarthy.

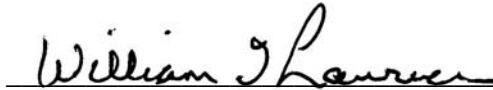
**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant Hartman is hereby ordered to take down the website operated by Hartman at ourladyofamerica.blogspot.com; and that Defendant Hartman is ordered to remove any of the foregoing statements (as well as any similar statements or postings that contain the same sorts of allegations or inferences) from any other websites and/or blogs operated by him.

#### **Declaratory Relief**

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that: (1) the 1960 booklet (Trial Exhibit 1006a), the 1971 booklet (Trial Exhibits 1007a and 215) and the image of Our Lady of America found on the 1960 and 1971 booklets and the leaflet (Trial Exhibit 1003) are in the public domain (the "Preexisting Materials"); (2) Plaintiffs' use and distribution of Plaintiffs' Devotional Materials, including the BVM statue (pictured in Trial Exhibit 1346), use of the ourladyofamerica.org website, distribution of Plaintiffs' message booklets (Trial Exhibit 1095), prayer cards (Trial Exhibit 305), and medallions (Trial Exhibit 147) and any future devotional materials based on the Preexisting Materials, and Plaintiffs' promotional activities do not infringe any copyrights of Fuller; (3) the use of the phrase "OUR LADY OF AMERICA" does not infringe any trademark rights of Fuller or otherwise violate her rights because the use of

that phrase to refer to the Virgin Mary and a devotion to Her is descriptive or otherwise fair use;  
and (4) Plaintiffs' numerous specific promotional activities related to the devotion do not  
infringe any trademark rights of Fuller.

SO ORDERED: 9/18/14

A handwritten signature in cursive script that reads "William T. Lawrence". The signature is written in black ink and is positioned above a horizontal line.

Hon. William T. Lawrence, Judge  
United States District Court  
Southern District of Indiana

**Copy by United States Mail to:**

**LARRY YOUNG  
P.O. Box 996  
Lake Zurich, IL 60047**

Copies to all counsel of record via electronic notification