

STATE OF INDIANA  
IN THE COUNTY OF ST. JOSEPH  
2023 TERM

TAMARA KAY  
Plaintiff

VS

THE IRISH ROVER INC.  
Defendant

CAUSE NO. 71D04-2305-CT-000264

**COUNT I**  
**COMPLAINT FOR DEFAMATION**

Comes now the Plaintiff, Tamara Kay, by counsel, Michael J. Sacopulos, and for her  
Complaint against the Defendant alleges and says:

1. She is a tenured faculty member with the rank of full professor in the Keough School of Global Affairs and the Sociology Department at the University of Notre Dame.
2. The Defendant is a domestic corporation incorporated in the State of Indiana with its principal office having the address of PO Box 46, Notre Dame, IN 46556.
3. The Defendant is a student publication dedicated to serving the University of Notre Dame and articulating conservative principles. It consists of staff who are students at the University of Notre Dame and who write articles and produce content as well as faculty advisors who are all professors and/or employees of the University.
4. In furtherance of its operation as a student publication it maintains a web site and other social media, including Twitter and Facebook, and publishes articles which are distributed to its subscribers and others who access its website and social media. Its website is linked to the University of Notre Dame website and offers subscriptions for

special content in addition to allowing access to its content and/or articles by anyone who visits its website.

5. On or about October 12, 2022, an article was authored by student staff member, reporter, and Editor-in-Chief, W. Joseph Reuil, with the title “Keough School Professor Offers Abortion Access to Students.” This article was posted on the Irish Rover website and its social media, including Twitter and Facebook. The professor in question is the Plaintiff, Dr. Tamara Kay.
6. On March 22, 2023, another article by Irish Rover staff/reporter and Politics Editor, Luke Thompson, titled “Tamara Kay Explains Herself to Notre Dame Democrats” was posted on the Defendant website and on its social media, including Twitter and Facebook. Her picture, which is the property of the University of Notre Dame, was used without her permission.
7. At all material times herein, W. Joseph Reuil and Luke Thompson were agents and/or ostensible agents operating on behalf of and in furtherance of the activity and policy of the Defendant, The Irish Rover.
8. The articles referenced in rhetorical paragraphs 5 and 6 above contained false and defamatory information. It is stated in the March 22 article that Dr. Kay was “posting offers to procure abortion pills on her office door.”
9. In fact, the sign on her office door stated, “This is a safe space to get help and information on all healthcare issues and access—confidentially and with care and compassion.”
10. Furthermore, the March 22, 2023, article contains numerous other inaccuracies and false statements. It was written and stated in the article that, “Another student asked

how Kay—as someone who supports abortion—ended up at Notre Dame, a Catholic university that “recognizes and upholds the sanctity of human life from conception to natural death,” as stated by President Jenkins in Notre Dame’s Institutional Statement Supporting the Choice for Life.” This question, in fact, was never asked and a recording of the comments conclusively establishes that this exchange never occurred. She was also falsely stated to have said that “if you have that academic freedom, you should use it.” She never said that. Additionally, the article stated that “She acknowledges that not all the students in the crowd could be as forward in their pro-abortion activities as she is: I can’t impose that on you...but I’m doing me, and you should do you.” She never said that.

11. The above cited articles and statements falsely attributed to her are defamatory per se and establish a willful intent to portray Dr. Kay in a negative and disparaging manner consistent with a motive of bad faith and a reckless disregard for truth and falsity.
12. As a result of the defamatory and false statements made about Dr. Kay by the Defendant, she has been harassed, threatened, and experienced damage to her residential property. She also has suffered mentally and emotionally and experienced and continues to experience mental anguish and fear for her safety.
13. A letter was sent to the Defendant pointing out the existence of these false and defamatory statements and requesting a retraction. No response has been given by the Defendant and the articles are still available on the Defendant’s website.
14. The Plaintiff has complied with all conditions precedent to bring this action for Defamation.

WHEREFORE, the Plaintiff prays for a judgment against the Defendant in an amount that will fully compensate her for her damages and loss and all other proper relief on the premises.

## COUNT II

### PUNITIVE DAMAGES

Comes now the Plaintiff by counsel and for her Complaint for Punitive Damages pursuant to Indiana Code 35-51-3-1, alleges and says as follows:

15. She realleges rhetorical paragraphs 1 through 14 as if herein set out in full.
16. The actions, conduct and behavior of the Defendant herein support a claim for Punitive Damages pursuant to Indiana Code 34-51-3-1 because the Defendant has, and continues to intentionally act, with malice, wanton and willful misconduct and a reckless disregard for the truth all with the intent to damage and negatively impact the Plaintiff.
17. An award of punitive damages is warranted to serve the public interest and to deter such conduct in the future.

Respectfully Submitted,

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## REQUEST FOR JURY TRIAL

Comes now Plaintiff, Tamara Kay, and request a trial by jury pursuant to T.R. 38 of the Indiana Rules of Procedure as to all facts and issues.

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