IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, LAW DIVISION

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| TRICIA CHANDLER, an individual | ) | |
| Plaintiff, | ) | 2024 L 003039 |
| | ) | Hon. Stephanie Saltouros |
| v. | ) | Calendar Z |
| | ) | |
| VILLAGE CHURCH OF ILLINOIS, et al., | ) | |
| | ) | |
| Defendants. | ) | |

**MEMORANDUM OPINION AND ORDER**

Defendants Village Church of Illinois d/b/a Village Church of Bartlett, an Illinois not-for-profit corporation ("Village Church"), and Rev. Michael Fuelling filed a Motion for Partial Summary Judgment pursuant to 735 ILCS 5/2-1005 as to Plaintiff's defamation claims. Defendants Village Church of Illinois d/b/a Village Church of Bartlett, an Illinois not-for-profit corporation, Rev. Michael Fuelling, William Burkett, and Kirk Ray Verhasselt filed a Motion for Partial Summary Judgment pursuant to 735 ILCS 5/2-1005 as to Plaintiff's church membership claims.

**FACTS**

Plaintiff alleges that Defendants disseminated defamatory statements about her and intentionally caused her emotional distress.

In her Complaint, Plaintiff alleges: Count I – Defamation *per se* by Defendant Michael Fuelling, Count II – Defamation *per quod* by Defendant Michael Fuelling, Count III – Intentional Infliction of Emotional Distress by Defendant Michael Fuelling, Count IV – Intentional Infliction of Emotional Distress by Defendant Breanne Fuelling, Count V – Intentional Infliction of Emotional Distress by Defendant Liam Burkett, Count VI – Intentional Infliction of Emotional Distress by Defendant Kirk Ray Verhasselt, Count VII – Defamation *per se* by Village Church of Illinois, Count VIII – Defamation *per quod* by Village Church of Illinois, and Count IX – Intentional Infliction of Emotional Distress by Village Church of Illinois.

**BRIEFS**

Defendants Village Church, Fueling, Burkett, and Verhasselt argued that the First Amendment ecclesiastical abstention doctrine bars Plaintiff's claims based on membership decisions of Defendant Village Church and its leadership.

Plaintiff responded that the Frist Amendment does not shield tortious conduct merely because it occurs within a religious context. The ecclesiastical abstention does not bar adjudication of secular torts even if committed by religious leaders. Illinois Supreme Court recognizes a neutral-principals approach where appropriate, and Plaintiff's claims are factually distinct from church discipline, where courts have declined jurisdiction.

In their reply, Defendants reiterated the arguments presented in their motion.

In a separate motion, Defendant Village Church and Fuelling argued that Defendant Fuelling's statement that Plaintiff engaged in an "emotional affair" did not amount to slander *per se* as an accusation of "adultery." The statement was a non-actionable statement of opinion.

Plaintiff responded that the statement was an actionable statement of fact that amounted to a charge of adultery.

In their reply, Defendants reiterated the arguments presented in their motion.

## RELEVANT LAW AND ANALYSIS

Summary judgment is appropriate where the pleadings, depositions, and admissions on file, together with any affidavits, show that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law. 735 ILCS 5/2-1005(c). In determining whether a genuine issue of material fact exists, a court must construe the pleadings, depositions, admissions, and affidavits strictly against the moving party and liberally in favor of the nonmoving party. *Williams v. Tissier*, 2019 IL App (5th) 180046, ¶ 25. A triable issue exists when the material facts are disputed or when reasonable persons might draw different inferences from the undisputed facts. *Id.*

On defendant's motion for summary judgment, a plaintiff is not required to establish his case as he would at trial, but he must present some factual basis that would arguably entitle him to a judgment. *West v. Deere & Co.*, 145 Ill.2d 177 (1991). With a summary judgment motion, the trial court does not decide a question of fact but, rather, determines whether one exists. *AYH Holdings, Inc. v. Avreco, Inc.*, 357 Ill. App. 3d 17, 31 (2005). Thus, a court cannot make credibility determinations or weigh evidence in deciding a summary judgment motion. *Id.*

The right to summary judgment must be clear and free from doubt. *Tongate v. Wyeth Laboratories*, 220 Ill. App. 3d 952, 967(1st Dist. 1991).

### Ecclesiastical Abstention Doctrine

Courts can resolve a dispute that arises within a church setting if the dispute does not require determination of any doctrinal issues. *Duncan v. Peterson*, 359 Ill. App. 3d 1034, 1044 (2nd Dist. 2005). The primary objectives of the First Amendment are to assure that the government would not interfere with freedom of worship, that the government would not adopt a state religion, and that the government would not in any way recognize one religion over another. *Id.* It is not the intent of the First Amendment that civil and property rights should be unenforceable in civil courts simply because the parties involved are the church and members, officers, or the ministry of the church. *Id.*

The First Amendment religion provisions contain two concepts, freedom to believe and freedom to act. *Id.* at 1045. The first is absolute but, in the nature of things, the second cannot be. *Id.* Conduct remains subject to regulation for the protection of society. *Id.* Under the banner of the First Amendment provisions, a clergyman may not with impunity defame a person, intentionally inflict serious emotional harm on a parishioner, or commit other torts. *Id.*

Illinois courts may use neutral principles of negligence law in reviewing alleged tortious conduct by churches and their employees. *Id.*

*Duncan* is instructive here. In *Duncan*, plaintiff pastor, a former minister at defendant church, received a letter from the chairman and defendant pastor, with copies to members of plaintiff church, stating that the licensing and ordination bestowed upon him by defendant church was revoked. Plaintiffs alleged invasion of the pastor's privacy from false and misleading letters, and that defendant pastor conspired with plaintiff pastor's wife to damage plaintiff pastor's reputation. The appeals court determined that deciding whether defendants' letter placed plaintiff pastor in a false light, by appearing to revoke his ability to be a pastor, did not require an extensive inquiry into religious law and polity in violation of First Amendment principles.

Defendants' attempt to distinguish *Duncan* is unpersuasive, Plaintiff does not base her claims for defamation and intentional infliction of emotional distress on church membership decisions, church governance, or discipline decisions as Defendants argued or any other matters of religious doctrine or governance, rather, Plaintiff claims of defamation and intentional infliction of emotional distress stem from Defendants' accusations that she was having an "emotional affair." As in *Duncan*, the ecclesiastical abstention doctrine does not apply.

**Defamation**

To state a claim for defamation, the plaintiff must allege that the defendant made a false statement about the plaintiff, the defendant made an unprivileged publication of that statement to a third party, and plaintiff was damaged. *Rivera v. Allstate Insurance Co.*, 2021 IL App (1st) 200735, ¶ 26. Allegedly defamatory statements are actionable either *per se* or *per quod*. *Id.* A statement is defamatory *per se*, if the statements that form the basis of the action falsely charge the plaintiff with misconduct or incapacity in words so obviously and naturally harmful that they are actionable without proof of special damages. *Id.* The Illinois Supreme Court recognizes five types of statements that are defamatory per se: (1) words that impute a person has committed a crime; (2) words that impute a person is infected with a loathsome communicable disease; (3) words that impute a person is unable to perform or lacks integrity in performing her or his employment duties; (4) words that impute a person lacks ability or otherwise prejudices that person in her or his profession; and (5) words that impute a person has engaged in adultery or fornication. *Id.* When a statement falls within one of these categories, a plaintiff does not need to allege or prove actual damages to their reputation because the actionable per se categories are thought to be so obviously and materially harmful to the plaintiff that injury to their reputation may be presumed. *Id.*

Defendants' argument that the statement that Plaintiff had an "emotional affair" does not constitute defamation *per se*, centers on the premise that "emotional affair" cannot be interpreted as "adultery" because characterizing an affair as "emotional" equals to characterizing it as "non-sexual." Defendants do not support this proposition with any authority. The online version of the

Merriam-Webster Dictionary defines the word "emotional" as prone or dominated by emotions. The words listed as its synonyms include: passionate, intense, and fervent. Neither the definition of the word "emotional" nor its synonyms clearly represent "non-sexual." The word "affair" is defined as "a romantic or passionate attachment typically of limited duration." The word that would describe an affair as non-sexual is the word "platonic." The words "emotional" and "platonic" are not (according to the Merriam-Webster Dictionary) synonyms.

The mere fact that the word "emotional" may be considered ambiguous does not automatically render the word "affair" ambiguous.

Therefore, the Court finds the phrase "emotional affair" defamatory *per se*.

Next, Defendants argued that the statement is not actionable because it falls under the innocent construction exception.

Even if an alleged statement falls into one of the categories of words that are defamatory *per se*, it will not be actionable *per se,* if it is reasonably capable of an innocent construction. *Green v. Rogers*, 234 Ill. 2d 478, 499 (2009). Under the "innocent-construction rule," a court must consider the statement in context and give the words of the statement, and any implications arising from them, their natural and obvious meaning. *Id.* Indeed, the context of a statement is critical in determining its meaning, as a given statement may convey entirely different meanings when presented in different contexts. *Id.* If the statement may reasonably be innocently interpreted, it cannot be actionable *per se*. *Id.* at 500. Stated differently, a statement "reasonably" capable of a nondefamatory interpretation, given its verbal or literary context, should be so interpreted. *Id.* There is no balancing of reasonable constructions. *Id.*

Defendants argued that since Defendant Fuelling's statement regarding Plaintiff's "emotional affair" excludes a charge that Plaintiff was having a physical sexual affair, its natural and obvious meaning is non-defamatory under the innocent construction rule. However, as discussed above, the term "emotional affair" does not exclude "sexual affair" and therefore, this argument likewise fails.

Defendants' last argument is that the statement that Plaintiff engaged in an "emotional affair" was a non-actionable opinion.

In defamation actions, statements that are capable of being proven true or false are actionable, whereas opinions are not. *Seitz-Partridge v. Loyola University of Chicago*, 2013 IL App (1st) 113409, ¶ 29. While in one sense all opinions imply facts, the question of whether a statement of opinion is actionable as defamation is one of degree; the vaguer and more generalized the opinion, the more likely the opinion is non-actionable as a matter of law. *Id.* The test for determining whether an allegedly defamatory statement of opinion is actionable is whether the statement contains an objectively verifiable assertion. *Id.* Whether a statement is an opinion or a factual assertion is a question of law. *Id.*

For the same reasons discussed above, the Court finds that an accusation of an "affair" amounts to an accusation of "adultery," is an objectively verifiable assertion, and, therefore, is not a non-actionable opinion. The addition of the adjective "emotional" is not outcome-determinative here.

For the foregoing reasons, IT IS HEREBY ORDERED:

1. Defendants Village Church of Illinois d/b/a Village Church of Bartlett, an Illinois not-for-profit corporation, Rev. Michael Fuelling, William Burkett, and Kirk Ray Verhasselt's Motion for Partial Summary Judgment pursuant to 735 ILCS 5/2-1005 as to Plaintiff's church membership claims is DENIED. 4280 5280
2. Defendants Village Church of Illinois d/b/a Village Church of Bartlett, an Illinois not-for-profit corporation, and Rev. Michael Fuelling's Motion for Partial Summary Judgment pursuant to 735 ILCS 5/2-1005 as to Plaintiff's defamation claims is DENIED.
3. This matter is set for Case Management on 10/15/25 at 10:30 AM 4619

ENTERED: Stephanie D. Saltouros

Hon. Stephanie D. Saltouros