

NORTH CAROLINA INDUSTRIAL COMMISSION
I.C. File No.

TERENCE STEINER)	
Plaintiff)	
)	
v.)	
)	
UNIVERSITY OF NORTH CAROLINA)	
SCHOOL OF THE ARTS (<i>FKA</i> North)	
Carolina School of the Arts) and THE)	
UNIVERSITY OF NORTH CAROLINA)	
Defendants)	

COMPLAINT

FILED
SEP 29 2021
NCIC Clerk

NOW COMES the Plaintiff, complaining of Defendants and alleges and says as follows:

INTRODUCTION

1. This case arises from the sexual abuse and exploitation that Plaintiff Terence Steiner suffered as a minor while a student entrusted to the purported oversight, care and supervision of the faculty, staff and administration at the University of North Carolina School of the Arts. For many, many years, the administrators at the University of North Carolina School of the Arts knew or should have known of the dangerous culture permitting and condoning the sexual abuse and exploitation of students attending the school. Despite this knowledge, the administrators at the University of North Carolina School of the Arts turned a willful blind eye to the egregious conduct suffered by so many of the school's students, specifically including the Plaintiff. Despite their clear knowledge of this horrific abuse and exploitation of minor students, the Defendants failed to take any reasonable steps to protect Plaintiff and other students similarly situated from the danger of being sexually abused and exploited by members of the faculty, staff and/or administration at the school.

PARTIES AND JURISDICTION

2. Plaintiff Terence Steiner (hereinafter “Terence” and/or “Plaintiff”) is a citizen and resident of Cabell County, West Virginia. His mailing address is in care of Lanier Law Group, 6518 Airport Center Drive, Greensboro, NC 27409.

3. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff was a minor student at the University of North Carolina School of the Arts and relied upon and was dependent upon the faculty, staff and administrators of the school to provide for his care, safety and supervision. The negligent conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts located at 1533 South Main Street, Winston-Salem, North Carolina 27127 and occurred during the years 1983 – 1988.

4. Defendant University of North Carolina School of the Arts (formerly known as the North Carolina School of the Arts) (hereinafter referred to as “UNCSA” and/or “the school” or collectively with Defendant University of North Carolina as “Defendants”) is a state institution and/or agency and is a constituent institution of the University of North Carolina system, with its principal place of business located in Winston-Salem, Forsyth County, North Carolina.

5. The North Carolina Industrial Commission (NCIC) has personal jurisdiction over Defendant UNCSA in that at all times relevant hereto Defendant UNCSA conducted its business and activities in the state of North Carolina as an agency of the state.

6. The NCIC has subject matter jurisdiction over Plaintiff’s claims in that the claims arose under the substantive law of North Carolina.

7. Defendant University of North Carolina (hereinafter “UNC” and/or collectively with Defendant UNCSA as “Defendants”) is a state institution and/or agency with its principal

place of business in Chapel Hill, Orange County, North Carolina. The UNC System is comprised of seventeen (17) institutions located throughout the state of North Carolina. The UNC System mission statement provides: The University of North Carolina is a public, multi-campus university dedicated to the service of North Carolina and its people. It encompasses the 17 diverse constituent institutions and other educational, research, and public service organizations. Each shares in the overall mission of the University. That mission is to discover, create, transmit, and apply knowledge to address the needs of individuals and society. This mission is accomplished through instruction, which communicates the knowledge and values and imparts the skills necessary for individuals to lead responsible, productive, and personally satisfying lives; through research, scholarship, and creative activities, which advance knowledge and enhance the educational process; and through public service, which contributes to the solution of societal problems and enriches the quality of life in the State. In the fulfillment of this mission, the University shall seek an efficient use of available resources to ensure the highest quality in its service to the citizens of the State.

8. The NCIC has personal jurisdiction over Defendant UNC in that at all times relevant hereto Defendant UNC conducted its business and activities in the state of North Carolina as an agency of the state.

9. The NCIC has subject matter jurisdiction over Plaintiff's claims in that the Defendants are state agencies and/or institutions and the claims arose under the substantive law of North Carolina.

10. The employees and/or agents of Defendant UNCSCA who were negligent in their actions and/or failures to act to protect the minor students entrusted to their protection and care as alleged herein, said negligence being a proximate cause of the Plaintiff's injuries as alleged

herein, include but are not limited to: Robert C. Suderburg (deceased), Lawrence Hart (deceased), Jane Elizabeth Milley, Philip Nelson (deceased), Robert Lindgren (deceased), Larry Alan Smith, William Tribby, Peggy Dodson, Susan McCullough, Diane Markham, William Pruitt (deceased), Alan Rust, Robert Hickok (deceased), Duncan Noble (deceased), Richard Kuch (deceased), Richard Gain and other administrators including Vice Chancellors, Associate Vice Chancellors, Deans and Associate Deans to be determined through discovery in this matter.

FACTUAL BACKGROUND

11. Defendant UNCSA was founded in 1963 and opened its doors to students in 1965 as the nation's first public arts conservatory.

12. From its inception, Defendant UNCSA offered middle school, high school and college age students specialized training in the performing and visual arts. When it first began operating, Defendant UNCSA's middle and high school was the country's only state-supported boarding school for the arts.

13. From its beginning, Defendant UNCSA actively recruited boys and girls as young as 12 years old to come live at Defendant UNCSA to study ballet, modern dance and other disciplines.

14. In addition to its duty and obligation to provide its young students with education and training in their chosen artistic disciplines, Defendant UNCSA had a duty and obligation to provide these young boys and girls with a safe and secure environment in which they could learn and grow.

15. Despite the clear obligation to the boys and girls who chose to attend the school, some faculty, staff and the administrators of Defendant UNCSA instead allowed there to develop

a culture of sexual abuse and exploitation of the young students in its care. Upon information and belief, this dangerous culture of accepted sexual abuse and exploitation continued for two decades or more and negatively impacted potentially hundreds of students, including Plaintiff.

16. As one prominent former UNCSEA student has been quoted as saying: the school was “a cesspool of sexual abuse that took place behind walls and closed doors, with little chance of help for young people as there was nowhere to go for help . . . it was like shooting fish in a barrel for predators.”

17. Throughout the 1970s and 1980s (and likely beyond), some faculty and the administrators at Defendant UNCSEA -- despite their clear knowledge and understanding of the sexual exploitation and abuse of minor students that was occurring -- unconscionably allowed this egregious and outrageous conduct to continue without taking any steps to intervene. Examples of the sexual exploitation and abuse that the school’s administrators condoned, and on some occasions participated in, are both troubling and horrifying.

18. In the 1970s and 1980s, the dance department at Defendant UNCSEA was home of two of the most openly notorious faculty members – Richard Kuch (deceased) and Richard Gain.

19. Kuch and Gain made no secret of their efforts to groom boys as young as 12 and 13 years old with the full and open intent of engaging in sexual activity with these adolescent students.

20. Kuch and Gain, under the guise of dance instruction, constantly and repeatedly groped, fondled or otherwise touched in a sexual manner many of the students in their care. Further, they constantly subjected these young students to grossly inappropriate sexual comments, often telling the middle school age boys and girls that they would never fully develop as artists until they started having sex.

21. Kuch and Gain's exploitation of minor students was so widely known that among UNCOSA students, faculty and administrators they were called "Crotch" and "Groin."

22. Kuch and Gain lived together on a rural property in the community of East Bend, outside of Winston-Salem. Kuch and Gain would refer to their property as "The Farm," but among UNCOSA students, some faculty and administrators, the Kuch and Gain property was known to be the location where Kuch and Gain would lure minor students for sexual exploitation. As such, UNCOSA students, some faculty and administrators referred to the Kuch and Gain property as "The Fuck Farm."

23. The sexual abuse and exploitation inflicted upon minor students at the school by Kuch and Gain was not only known by students, faculty, staff and administrators at the school, but sadly was known among many of the members of the dance community nationwide.

24. One former faculty member went to then-Vice Chancellor Bill Pruitt and told Pruitt that UNCOSA was having trouble recruiting young male dancers to their program because of the reputations and conduct of modern dance instructors Richard Kuch and Richard Gain. Vice Chancellor Pruitt was specifically told that dance instructors around the country, in an attempt to protect their young students, refused to recommend UNCOSA to their gifted young male dancers because it was widely known that Kuch and Gain would try to groom those young boys for sexual abuse and exploitation. This former faculty member told Bill Pruitt that he could no longer teach male ballet technique or other dance curriculum for boys/men because he could not recruit young male students. Some members of the dance community around the country referred to Kuch and Gain as those two "sickos." Pruitt did nothing to address this widely known sexual abuse and exploitation.

25. The culture of condoning sexual abuse was not limited to the dance department. For example, at one point in time the then-Dean of the Drama Department had a practice called, "Freshman Friday," where all the male freshman students had to go into his office where he fondled them, causing an erection, to see how hard they would get. This Dean contended that it was understood that you could not be a successful drama student if you could not get sufficiently hard.

26. At one point in time, in the film school there was a group of graduate students who called themselves the "vagina hunters." They sought out 13-year-old female students in order to take their virginity. Upon information and belief the then Dean of Students was made aware of this information and ignored and/or condoned it.

27. Sexual relationships between faculty members and high school age students were widely known by UNCSEA administrators who condoned such sexual exploitation. If a male faculty member had sex with a minor student that resulted in the young girl getting pregnant the only help the school might offer would be to provide the young girl with information about getting an abortion.

28. At all relevant times Defendant UNCSEA, through its agents, employees and/or representatives knew or should have known of the repeated and ongoing sexual abuse and exploitation of its students and despite this knowledge failed to act or otherwise intervene to protect its students from these sexual predators who populated the faculty and/or administration.

29. At all relevant times it was reasonably foreseeable to Defendant UNCSEA, through its agents, employees and /or representatives that this repeated and ongoing sexual abuse and exploitation of students purportedly under its care and supervision would likely result in injury to the victims of this abuse and exploitation, including injury to the Plaintiff and others.

30. Defendant UNCSEA, through its agents, employees and/or representatives, consciously and recklessly disregarded their knowledge of the repeated and ongoing sexual abuse and exploitation of its students and the dangerous culture regarding such conduct that existed at the institution.

31. Defendant UNCSEA, through its agents, employees and/or representatives, knew or should have known that its negligent, reckless, and outrageous conduct and ignoring, condoning and or perpetuating the culture of sexual abuse and exploitation of its students would inflict severe emotional and psychological distress, as well as personal physical injury, on those students who were abused or exploited, including Plaintiff, who did in fact suffer severe emotional and psychological distress and personal physical injury as a result of this wrongful conduct.

FACTS SPECIFIC TO PLAINTIFF TERENCE STEINER

32. Terence Steiner (hereinafter "Terence") began attending the summer program at UNCSEA in 1983 when he was just 12 years old. It was the thrill of his young life to have the opportunity to learn from icons of the dance world.

33. Modern dance instructors, Richard Kuch and Richard Gain, were in their 50s when they first met Terence. It was widely known that Kuch and Gain were in a relationship and that they lived together on a property near campus known as "The Farm." Both Gain and Kuch showed immediate interest in 12-year-old Terence. Terence innocently believed that their fixation was because of his superior dance skills. He felt honored and resolved to work hard and make both Gain and Kuch proud.

34. By the end of the 1983 summer program, Kuch made it clear to Terence that he would help ensure Terence's acceptance into the high school program. When Terence returned

home at the end of the summer program, Kuch sent postcards and called Terence on the phone. Gain similarly contacted Terence even over the summer. Terence and his parents were grateful that Kuch was willing to support Terence's dream to attend UNCSEA and could not believe their good fortune. Consistent with Kuch's promises, Terence was admitted into UNCSEA high school program without having to audition.

35. When Terence moved onto campus at 12 years old, he was one of the youngest students ever admitted as a freshman to the dance program. He recalls that one of the first modern dance classes he took, the students were required to wear very revealing bathing suits. Terence thought this was strange but felt he had to comply, as did the other students.

36. It was during this vulnerable time that Richard Gain's interest in Terence became overtly sexual. Gain cast Terence to perform a dance with him, then after rehearsal insisted that Terence go out with him to the movies or to his home. Terence remembers being in the car, a dark movie theater, or at the "Farm" with Gain when he became sexually aggressive. He touched Terence's hips, thighs, and crotch area. Terence tried in vain to deflect the terror he was feeling by trying to ignore these sexual advances. Gain told him that his body was beautiful while he explored every inch of it with his hands.

37. Terence recalls that Gain insisted on driving him to an event called Beux Arts. Gain had been drinking. At one point he pulled the car over to the side of road on Waughtown Street and forced his tongue down Terence's throat. Terence was sickened by this attack but did not know what to do.

38. After this attack, Terence returned home for the summer. Terence returned to campus several weeks later in advance of going on a school sponsored trip to London for additional training. Gain was also going on the trip, and somehow Terence was to stay on The

Farm with Gain while Kuch was away. During Terence's stay, Gain frequently walked around naked, his penis semi-erect, in front of Terence and went skinny dipping. When it was time to feed The Farm's animals, Gain took Terence with him. As they were feeding the sheep Gain looked at Terence and told him that "the sheep give the best blow jobs."

39. On the school trip to London, Gain continued his sexual pursuit of Terence.

40. During rehearsals for Gitaneria, Gain sent everyone home except for Terence and two other boys in the show. He forced them to do hip slides over and over again until Terence's hips were literally bleeding. Gain grabbed Terence by the hair and told him to "dance like a man, not a little boy!" It was terrifying. In addition, Gain inappropriately touched Terence and his classmates during the technique class. Gain pushed his clasped hands between Terence's legs until his hands touched his crotch, claiming this would help him jump higher or stand taller. He also slapped Terence's buttocks countless times. Terence was made to believe that this conduct was normal because he saw it happening to his classmates.

41. Terence graduated from UNCSA at 17 and attempted to begin his career as a professional dancer. But the pain of what he had endured at UNCSA was too much. In 1988, Terence began using drugs to help him forget the sexual abuse he endured at UNCSA and soon became addicted to cocaine and ecstasy. In 1989, Terence was hospitalized at Beth Israel Medical Center after an adverse drug reaction. He was diagnosed with generalized anxiety disorder, clinical depression, panic attacks and PTSD with agoraphobia. When Terence was released from the hospital, he was unable to leave his apartment other than when he needed food or had a doctor's appointment, rendering him unable to dance.

42. In order to survive, Terence decided to leave the United States and make a fresh start in Europe. Although his dance career flourished for a short time, he again became severely

depressed and returned to the United States in 1991 to restart his dance career. However, Terence could not function without psychiatric medication. He also relapsed and again began abusing alcohol and drugs. Terence has suffered from severe insomnia, night terrors, panic attacks and heightened anxiety, which forced him to stop driving in 2004.

43. In 2006, Terence began experiencing suicidal ideations and was hospitalized in a psychiatric facility. In 2010, Terence attempted suicide by overdosing on Tegretol. After his stomach was pumped to save his life, Terence spent one month inpatient at Queens County Hospital receiving psychiatric treatment. Sadly, he attempted suicide a second time in 2013, when he jumped from a third-floor window fracturing his lumbar and breaking his left calcaneus. He then spent one month in St. Mary's Hospital in Huntington, West Virginia dealing with his depression. Tragically, the trauma of UNCSEA has resulted in Terence being hospitalized a dozen times for mental health issues.

44. The sexual abuse that Terence was subjected to at UNCSEA ruined his life at every level. The severe depression that he has lived with since the late 1980s has negatively impacted his ability to work or have a healthy intimate relationship because he viewed himself as "damaged goods."

45. At the present time Terence continues to struggle with the mental health issues brought on by the sexual abuse he was subjected to as a minor while in the care of UNCSEA. He is presently under the care of a psychiatrist and continues to suffer from overwhelming anxiety and chronic panic attacks. He has continuing night terrors and he vomits most mornings because of his PTSD. He currently takes Busbar for anxiety, Paxil for depression, Remeron for insomnia and Clonidine for PTSD.

FIRST CLAIM FOR RELIEF:
NEGLIGENT RETENTION AND SUPERVISION
AGAINST DEFENDANTS UNCSA and UNC

46. Plaintiff refers to and hereby realleges and incorporates by reference all previous paragraphs of this Complaint.

47. Defendant UNCSA had a duty to take reasonable steps to protect Plaintiff from foreseeable harm when he was in their care, custody, control and under their supervision as a student attending UNCSA.

48. When hiring and/or retaining and/or utilizing employees, agents and/or representatives, Defendant UNCSA owed Plaintiff a duty to act as an ordinary, prudent and reasonable employer, supervisor and/or principal of the faculty, staff and administrators with whom Plaintiff and other students would be interacting with and relying upon for a safe and protected environment in which he and other students could learn and grow.

49. The Defendant UNCSA had a duty and an obligation to take reasonable steps to prevent any and all members of its faculty and staff and any of its administrators from using the tasks, premises, job title, job responsibilities and/or the instrumentalities of his/her position to target, groom, and sexually abuse students in their care and entrusted to them, including Plaintiff.

50. Defendant UNCSA had a duty to have in place policies and procedures that would prohibit adult faculty, staff and administrators from engaging in any form of sexual contact with any student at the school, specifically including Plaintiff. Defendant UNCSA had a further duty and obligation to see that those policies and procedures were implemented, followed and enforced.

51. Defendant UNCSA had a duty to have in place policies and procedures that would

prohibit adult faculty, staff and administrators from engaging in any type, kind and/or form of sexual abuse or exploitation of at the school, specifically including Plaintiff. Defendant UNCOSA had a further duty and obligation to see that those policies and procedures were implemented, followed and enforced.

52. Defendant UNCOSA negligently and recklessly breached each of the foregoing duties by failing to exercise reasonable care and by failing to take any action of any kind to prevent its faculty, staff and administrators from engaging in sexual contact with and/or sexually abusing and/or exploiting the students entrusted to their care and supervision, including Plaintiff.

53. Defendant UNCOSA, acting and/or failing to act by and through its administrators, negligently and recklessly breached each of the foregoing duties by participating in, condoning and/or encouraging an institutional culture that permitted sexual abuse and exploitation of the students entrusted to its care and supervision, including the Plaintiff.

54. In breaching these duties Defendant UNCOSA failed to create a safe and secure environment for Plaintiff and other students entrusted to its supervision and in their care, custody, and control, and instead created a dangerous culture and environment that ignored, condoned and/or encouraged sexual abuse and exploitation of its students. In breaching these duties, Defendant UNCOSA created a real and foreseeable risk that Plaintiff and other students would be sexually abused and/or exploited.

55. As a direct and proximate result of the above-described negligence of Defendant UNCOSA, Plaintiff has suffered and continues to suffer physical, mental and emotional injuries and has incurred and continues to incur medical and other expenses and the Plaintiff has incurred a loss of wages and income and suffered a loss of earning capacity causing him to continue to incur lost earnings in the future and the inability to earn wages at his full potential all damages

in an amount to be determined by a jury, but in any event, in an amount in excess of twenty-five thousand dollars (\$25,000.00).

56. The acts and/or omissions of Defendant UNCSEA as alleged herein are imputed to Defendant UNC through the doctrine of agency and/or *respondeat superior*.

SECOND CLAIM FOR RELIEF:
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
AGAINST DEFENDANTS UNCSEA and UNC

57. Plaintiff refers to and hereby realleges and incorporates by reference all previous paragraphs of this Complaint.

58. As alleged above, Defendant UNCSEA's actions and/or failures to act related to Plaintiff were negligent.

59. These negligent acts or failures to act did, in fact, cause Plaintiff severe emotional distress.

60. Defendant UNCSEA knew or should have known, and it was reasonably foreseeable that, Defendant UNCSEA's conduct would cause the Plaintiff severe emotional distress.

61. Defendant UNCSEA knew or should have known and it was reasonably foreseeable that the failure of the employees, administrators and/or agents of Defendant UNCSEA to properly supervise and to intervene and stop the sexual abuse and exploitation of its students, including Plaintiff, when it was or should have been clear that such harmful conduct was occurring would cause the Plaintiff severe emotional distress.

62. As a result of Defendant UNCSEA's negligent conduct, Plaintiff has sought professional medical treatment.

63. As a proximate and foreseeable result of the negligence of Defendant UNCSEA as alleged herein, Plaintiff endured pain, suffering, mental anguish, and suffered from severe emotional distress and will continue to endure pain, suffering, mental anguish, and suffer from severe emotional distress in the future.

64. As a direct and proximate result of the above-described negligence of Defendant UNCSEA, Plaintiff has suffered and continues to suffer physical, mental and emotional injuries and has incurred and continues to incur medical and other expenses and the Plaintiff has incurred a loss of wages and income and suffered a loss of earning capacity causing him to continue to incur lost earnings in the future and the inability to earn wages at his full potential all damages in an amount in excess of twenty-five thousand dollars (\$25,000.00).

65. The acts and/or omissions of Defendant UNCSEA as alleged herein are imputed to Defendant UNC through the doctrine of agency and/or *respondeat superior*.

WHEREFORE, Plaintiff respectfully prays the Court as follows:

1. That Plaintiff have and recover of Defendants an amount in excess of twenty-five thousand dollars (\$25,000.00);
2. That Plaintiff be awarded attorney's fees, pre-judgment interest and costs as allowed by law; and
3. For all such other and further relief as the Court may deem just and proper.

This the 29th day of September, 2021.

LANIER LAW GROUP, P.A.

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Appearing Pro Hac Vice – Motions Pending

Attorneys for Plaintiff

VERIFICATION

I, Terence Steiner, have reviewed the allegations made in this Complaint, and to those allegations of which I have personal knowledge, I believe them to be true. As to those allegations of which I do not have personal knowledge, I rely on information and I believe them to be true.

T. Steiner Date: 9/27/21
Terence Steiner
Claimant
Email: terenceyort32t@gmail.com

Sworn to and subscribed before me,
this the 27th day of September, 2021.

[Signature]
Notary Public

DAVID OWENS
Printed Name

My Commission expires: 10/19/2022

