

NORTH CAROLINA  
FORSYTH COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
21 CVS 5899

CHRISTOPHER ALLOWAYS-RAMSEY, )  
MARY SLOAN GILLIAM, ELIZABETH )  
JOHNSON, HEIDI RAYHER, TERENCE )  
STEINER, ELIZABETH WILSON, )  
CHRISTOPHER SODERLUND, RYAN )  
BILLIA, JENNIFER BROWN, MELISSA )  
CUMMINGS, MEGAN DANT, )  
SHANNON DOOLEY, FADEL )  
FRIEDLANDER-FULKERSON, )  
REBECCA FULLER, TALBOT HALL, )  
ERIC HANDSMAN, AMANDA IRWIN, )  
JINNY PEARCE, MARGARET PRICE, )  
KERRY QUAKENBUSH, LUCIUS )  
ROMEO-FROMM, KATIE RYAN, BLAIR )  
TINDALL, AMY TROST, LISAMARIE )  
VANA, CLIFFORD WATKINS, BROOKS )  
WHITE, VANDY MARTIN, PAGE )  
BORGER, LOUISE DEBRECZENY, )  
FRANK HOLLIDAY, SUSAN )  
SKRZYCKI, CRAIG MCMILLAN, )  
LOUISE LEWIS LARSEN, JANE DOE 01, )  
JANE DOE 02, JANE DOE 03, JOHN )  
DOE 01, JOHN DOE 02, VERONIKA )  
SLABYJ, ALICIA RODRIGUEZ, )  
JULIANNA SOSA, AMANDA CARRICK, )  
KERRY WALSH, JESSICA GARNER, )  
MARY "ALYSSA" LANG, KATHRYN )  
BROWNELL, JANE DOE 04, JANE DOE )  
05, MARA PRENTICE, JANE DOE 06, )  
JOHN DOE 03, ROSLEA RINEHART )  
SALEEBY, CONSTANCE L. HILLARD )  
WERLE, MEREDITH "ALEX" )  
CARRINGTON and STEVEN FRANK )  
each individually )  
Plaintiffs )

FILED  
2021 DEC 29 PM 2:54  
FORSTNER, J. S. S. C.  
BY *[Signature]*

AMENDED  
COMPLAINT



ROBINSON, individually and in his )  
official capacity, ROBERT BESEDA, )  
individually and in his official capacity, )  
RONALD BORROR, individually and in )  
his official capacity, LESLEY HUNT, )  
individually and in her official capacity, )  
MELINDA LAWRENCE WIESLER, )  
individually and in her official capacity, )  
MARK PIROLO, individually and in his )  
official capacity and the UNIVERSITY )  
OF NORTH CAROLINA SCHOOL OF )  
THE ARTS (*FKA* North Carolina School )  
of the Arts) )  
Defendants )

Pursuant to N.C.R.C.P. 15(a) and prior to service of any responsive pleadings, Plaintiffs, each individually, all of whom were victims of sexual abuse and exploitation while students at the University of North Carolina School of the Arts, complaining of Defendants and upon knowledge and/or upon information file the following Amended Complaint and allege and say as follows:

**INTRODUCTION**

1. Plaintiffs bring this action each individually as former students at the University of North Carolina School of the Arts (UNCSA) who were victims of sexual abuse and/or exploitation as students who were entrusted to the purported oversight, care and supervision of the faculty, staff and administration at UNCSA. For many years, the Defendant Administrators and faculty at UNCSA knew or should have known of the dangerous culture that permeated the institution and that permitted and condoned the sexual abuse and exploitation of students attending the school. Despite this knowledge, the Defendant Administrators and faculty at UNCSA turned a willful blind eye to the egregious conduct suffered by so many of the school's

students, specifically including each Plaintiff in this action. Despite what the Defendant former administrators and faculty clearly knew or should have known about this horrific abuse, betrayal and exploitation of minor and other students, the Defendant former administrators failed to take any reasonable steps to protect Plaintiffs and others 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 Heidi Rayher (hereinafter “Heidi” and/or “Plaintiff Heidi” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of California.

3. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Heidi 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

4. Plaintiff Mary Sloan Gilliam (hereinafter “Mary” and/or “Plaintiff Mary” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of South Carolina.

5. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Mary 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North

Carolina.

6. Plaintiff Terence Steiner (hereinafter “Terence” and/or “Plaintiff Terence” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of West Virginia.

7. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Terence 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 and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

8. Plaintiff Elizabeth Johnson (hereinafter “Elizabeth J.” and/or “Plaintiff Elizabeth J.” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of Florida.

9. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Elizabeth J. 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

10. Plaintiff Elizabeth Wilson (hereinafter “Elizabeth W.” and/or “Plaintiff Elizabeth W.” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of North Carolina.

11. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff

Elizabeth W. 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

12. Plaintiff Christopher Alloways-Ramsey (hereinafter “Chris” and/or “Plaintiff Chris” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of Utah.

13. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Chris 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 and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

14. Plaintiff Christopher Soderlund (hereinafter “Christopher” and/or “Plaintiff Christopher” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of Idaho.

15. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Christopher 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 and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

16. Plaintiff Ryan Billa (hereinafter “Ryan” and/or “Plaintiff Ryan” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of New York.

17. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Ryan 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 and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

18. Plaintiff Jennifer Brown (hereinafter “Jennifer” and/or “Plaintiff Jennifer” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of Ohio.

19. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Jennifer 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

20. Plaintiff Melissa Cummings (hereinafter “Melissa” and/or “Plaintiff Melissa” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of North Carolina.

21. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Melissa 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

22. Plaintiff Megan Dant (hereinafter “Megan” and/or “Plaintiff Megan” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of Nebraska.

23. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Megan 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

24. Plaintiff Shannon Dooley (hereinafter “Shannon” and/or “Plaintiff Shannon” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of Oklahoma.

25. At times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Shannon 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

26. Plaintiff Vandy Martin (hereinafter “Vandy” and/or “Plaintiff Vandy” and/or

collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of Hawaii.

27. At times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Vandy was a 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

28. Plaintiff Fadel Friedlander-Fulkerson (hereinafter “Fadel” and/or “Plaintiff Fadel” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of New York.

29. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Fadel 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

30. Plaintiff Rebecca Fuller (hereinafter “Rebecca” and/or “Plaintiff Rebecca” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of Virginia.

31. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Rebecca 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

her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

32. Plaintiff Talbot Hall (hereinafter “Talbot” and/or “Plaintiff Talbot” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a resident of South Carolina.

33. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Talbot 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

34. Plaintiff Eric Handsman (hereinafter “Eric” and/or “Plaintiff Eric” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of North Carolina.

35. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Eric 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 and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

36. Plaintiff Amanda Irwin (hereinafter “Amanda” and/or “Plaintiff Amanda” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident

of Florida.

37. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Amanda 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

38. Plaintiff Jinny Pearce (hereinafter “Jinny” and/or “Plaintiff Jinny” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of California.

39. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Jinny 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

40. Plaintiff Margaret “Marnie” Price (hereinafter “Marnie” and/or “Plaintiff Marnie” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of North Carolina.

41. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Marnie 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or

near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

42. Plaintiff Kerry Quakenbush (hereinafter “Kerry” and/or “Plaintiff Kerry” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of California.

43. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Kerry 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 and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

44. Plaintiff Lucius Romeo-Fromm (hereinafter “Lucius” and/or “Plaintiff Lucius” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of Belgium and the United States of America.

45. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Lucius 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 and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

46. Plaintiff Katie Ryan (hereinafter “Katie” and/or “Plaintiff Katie” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of Colorado.

47. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Katie 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

48. Plaintiff Blair Tindall (hereinafter “Blair” and/or “Plaintiff Blair” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of California.

49. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Blair 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

50. Plaintiff Amy Trost (hereinafter “Amy” and/or “Plaintiff Amy” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of New Mexico.

51. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Amy 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North

Carolina.

52. Plaintiff Lisamarie Vana (hereinafter “Lisamarie” and/or “Plaintiff Lisamarie” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of Texas.

53. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Lisamarie 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

54. Plaintiff Clif Watkins (hereinafter “Clif” and/or “Plaintiff Clif” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of the state of Washington.

55. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Clif 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 and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

56. Plaintiff Brooks White (hereinafter “Brooks” and/or “Plaintiff Brooks” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of Kentucky.

57. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff

Brooks 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 and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

58. Plaintiff Page Borger (hereinafter “Page” and/or “Plaintiff Page” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of Ohio.

59. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Page 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

60. Plaintiff Veronika Slabyj (hereinafter “Veronika” and/or “Plaintiff Veronika” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of Texas.

61. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Veronika 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

62. Plaintiff Louise Debreczeny (hereinafter “Louise” and/or “Plaintiff Louise” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of the state of Washington.

63. At times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Louise was a 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

64. Plaintiff Frank Holliday (hereinafter “Frank” and/or “Plaintiff Frank” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of New York.

65. At times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Frank 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 and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

66. Plaintiff John Doe 02 (hereinafter “John 02” and/or “Plaintiff John 02” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of North Carolina.

67. At times relevant to the sexual abuse and exploitation alleged herein, Plaintiff John 02 was a 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 and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

68. John 02 brings this claim under a pseudonym out of concern for using his legal name in this action. Defendants' counsel will be made aware of Plaintiff's identity through the discovery process or at some other mutually agreeable time.

69. Plaintiff Jane Doe 01 (hereinafter "Jane 01" and/or "Plaintiff Jane 01" and/or collectively with the other named Plaintiffs in this action as "Plaintiffs") is a citizen and resident of Pennsylvania.

70. At times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Jane 01 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

71. Jane 01 brings this claim under a pseudonym out of concern for using her legal name in this action. Defendants' counsel will be made aware of Plaintiff's identity through the discovery process or at some other mutually agreeable time.

72. Plaintiff Jane Doe 02 (hereinafter "Jane 02" and/or "Plaintiff Jane 02" and/or collectively with the other named Plaintiffs in this action as "Plaintiffs") is a citizen and resident of Arizona.

73. At times relevant to the sexual abuse and exploitation alleged herein, Plaintiff

Jane 02 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

74. Jane 02 brings this claim under a pseudonym out of concern for using her legal name in this action. Defendants' counsel will be made aware of Plaintiff's identity through the discovery process or at some other mutually agreeable time.

75. Plaintiff Jane Doe 03 (hereinafter "Jane 03" and/or "Plaintiff Jane 03" and/or collectively with the other named Plaintiffs in this action as "Plaintiffs") is a citizen and resident of North Carolina.

76. At times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Jane 03 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

77. Jane 03 brings this claim under a pseudonym out of concern for using her legal name in this action. Defendants' counsel will be made aware of Plaintiff's identity through the discovery process or at some other mutually agreeable time.

78. Plaintiff Craig McMillan (hereinafter "Craig" and/or "Plaintiff Craig" and/or collectively with the other named Plaintiffs in this action as "Plaintiffs") is a citizen and resident of Florida.

79. At times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Craig was a 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 and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

80. Plaintiff John Doe 01 (hereinafter “John 01” and/or “Plaintiff John 01” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of Pennsylvania.

81. At times relevant to the sexual abuse and exploitation alleged herein, Plaintiff John 01 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 and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

82. John 01 brings this claim under a pseudonym out of concern for using his legal name in this action. Defendants’ counsel will be made aware of Plaintiff’s identity through the discovery process or at some other mutually agreeable time.

83. Plaintiff Susan Skrzycki (hereinafter “Susan” and/or “Plaintiff Susan” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of North Carolina.

84. At times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Susan 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

85. Plaintiff Louise Lewis Larsen (hereinafter “Louise L.” and/or “Plaintiff Louise L.” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of California.

86. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Louise L. 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

87. Plaintiff Alicia Rodriguez (hereinafter “Alicia” and/or “Plaintiff Alicia” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of North Carolina.

88. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Alicia was a minor and a 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

89. Plaintiff Julianna Sosa (hereinafter “Julianna” and/or “Plaintiff Julianna” and/or

collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of North Carolina.

90. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Julianna was a minor and a 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

91. Plaintiff Amanda Carrick (hereinafter “Amanda C” and/or “Plaintiff Amanda C” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of North Carolina.

92. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Amanda C was a minor and a 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

93. Plaintiff Kerry Walsh (hereinafter “Kerry” and/or “Plaintiff Kelly” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of Illinois.

94. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Kerry was a minor and a 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

95. Plaintiff Jessica Garner (hereinafter “Jessica” and/or “Plaintiff Jessica” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of South Carolina.

96. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Jessica was a minor and a 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

97. Plaintiff Mary “Alyssa” Lang (hereinafter “Alyssa” and/or “Plaintiff Alyssa” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of Georgia.

98. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Alyssa was a minor and a 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

99. Plaintiff Kathryn Brownell (hereinafter “Kathryn” and/or “Plaintiff Kathryn” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and

resident of North Carolina.

100. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Kathryn was a minor and a 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

101. Plaintiff Jane Doe 05 (hereinafter “Jane 05” and/or “Plaintiff Jane 05” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of Florida.

102. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Jane 05 was a minor and a 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

103. Jane 05 brings this claim under a pseudonym out of concern for using her legal name in this action. Defendants’ counsel will be made aware of Plaintiff’s identity through the discovery process or at some other mutually agreeable time.

104. Plaintiff Jane Doe 04 (hereinafter “Jane 04” and/or “Plaintiff Jane 04” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of North Carolina.

105. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff

Jane 04 was a minor and a 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

106. Jane 04 brings this claim under a pseudonym out of concern for using her legal name in this action. Defendants' counsel will be made aware of Plaintiff's identity through the discovery process or at some other mutually agreeable time.

107. Plaintiff Jane Doe 06 (hereinafter "Jane 06" and/or "Plaintiff Jane 06" and/or collectively with the other named Plaintiffs in this action as "Plaintiffs") is a citizen and resident of California.

108. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Jane 06 was a minor and a 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

109. Jane 06 brings this claim under a pseudonym out of concern for using her legal name in this action. Defendants' counsel will be made aware of Plaintiff's identity through the discovery process or at some other mutually agreeable time.

110. Plaintiff Mara Prentice (hereinafter "Mara" and/or "Plaintiff Mara" and/or collectively with the other named Plaintiffs in this action as "Plaintiffs") is a citizen and resident of Rhode Island.

111. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Mara was a minor and a 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 her care, safety and supervision. The negligent and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

112. Plaintiff John Doe 03 (hereinafter “John 03” and/or “Plaintiff John 03” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of Ohio.

113. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff John 03 was a minor and a 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 and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

114. John 03 brings this claim under a pseudonym out of concern for using his legal name in this action. Defendants’ counsel will be made aware of Plaintiff’s identity through the discovery process or at some other mutually agreeable time.

115. Plaintiff Roslea Rinehart Saleeby (hereinafter “Roslea” and/or “Plaintiff Roslea” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of California.

116. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Roslea was a minor and a 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 and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

117. Plaintiff Constance “Connie” L. Hillard Werle (hereinafter “Connie” and/or “Plaintiff Connie” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of California.

118. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Connie was a minor and a 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 and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

119. Plaintiff Steven Frank (hereinafter “Steve” and/or “Plaintiff Steve” and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of Colorado.

120. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Steve was a minor and a 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 and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

121. Plaintiff Meredith “Alex” Carrington (hereinafter “Alex” and/or “Plaintiff Alex”

and/or collectively with the other named Plaintiffs in this action as “Plaintiffs”) is a citizen and resident of California.

122. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff Alex was a current and/or former 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 and other conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts in Winston-Salem, North Carolina.

123. Defendant the 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) is a state institution 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.

124. At times relevant to the sexual abuse and exploitation alleged herein, all Defendants named both individually and in their official capacities were administrators, instructors and/or employees of UNCSEA and the actions and/or failures to act of each as alleged herein occurred while each was acting within the course and scope of his/her employment and/or agency with UNCSEA.

125. At times relevant to the sexual abuse and exploitation alleged herein, all Defendants named both individually and in their official capacities were administrators and/or instructors and/or an employee at UNCSEA and perpetuated, condoned and/or participated in the abuse and exploitation of the students entrusted to their care and permitted, perpetuated and/or condoned UNCSEA’s institutional betrayal of the students entrusted to their care.

126. At times relevant to the sexual abuse and exploitation alleged herein, each of the individually named Defendants – as an administrator and/or an instructor and/or an employee at UNCSA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSA and entrusted to their care, including but not limited to one or more of the Plaintiffs.

127. Upon information and belief, Defendant Jane Elizabeth Milley – named both individually and in her official capacity -- (hereinafter referred to as “Defendant Milley” and/or collectively with the other named former administrator Defendants in this action as “Defendant Administrators” and/or collectively with all other individual Defendants as “Defendants.”) is a citizen and resident of South Weymouth, Massachusetts.

128. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Milley was Chancellor of the UNCSA. Defendant Milley served as UNCSA Chancellor from 1984 until she resigned on June 30, 1989.

129. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Milley – as an administrator at UNCSA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSA and entrusted to her care, including but not limited to one or more of the Plaintiffs.

130. Upon information and belief, Defendant Larry Alan Smith – named both individually and in his official capacity -- (hereinafter referred to as “Defendant Smith” and/or collectively with the other named former administrator Defendants in this action as “Defendant Administrators” and/or collectively with the other named Defendants in this action as “Defendants”) is a citizen and resident of Avon, Connecticut.

131. At times relevant to the sexual abuse and exploitation alleged herein, Defendant

Smith was Dean of the UNCSCA School of Music.

132. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Smith – as an administrator at UNCSCA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSCA and entrusted to his care, including but not limited to one or more of the Plaintiffs.

133. Upon information and belief, Defendant Peggy Dodson – named both individually and in her official capacity -- (hereinafter referred to as “Defendant Dodson” and/or collectively with the other named former administrator Defendants in this action as “Defendant Administrators” and/or collectively with the other named Defendants in this action as “Defendants”) is a citizen and resident of Clemmons, North Carolina.

134. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Dodson was Associate Vice Chancellor of High School Programs at the UNCSCA. Defendant Dodson served as UNCSCA’s Associate Vice Chancellor of High School Programs from 1981 - 2006.

135. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Dodson – as an administrator at UNCSCA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSCA and entrusted to her care, including but not limited to one or more of the Plaintiffs.

136. Upon information and belief, Defendant William “Bill” Tribby – named both individually and in his official capacity -- (hereinafter referred to as “Defendant Tribby” and/or collectively with the other named former administrator Defendants in this action as “Defendant Administrators” and/or collectively with the other named Defendants in this action as “Defendants”) is a citizen and resident of Winston-Salem, North Carolina.

137. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Tribby was Dean of General Studies at the UNCSCA. Defendant Tribby served as UNCSCA's Dean of General Studies from 1978 - 1999.

138. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Tribby -- as an administrator at UNCSCA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSCA and entrusted to his care, including but not limited to one or more of the Plaintiffs.

139. Upon information and belief, Defendant Diane Markham -- named both individually and in her official capacity -- (hereinafter referred to as "Defendant Markham" and/or collectively with the other named former administrator Defendants in this action as "Defendant Administrators" and/or collectively with the other named Defendants in this action as "Defendants") is a citizen and resident of East Bend, North Carolina.

140. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Markham was Assistant Dean of Modern Dance at the UNCSCA.

141. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Markham -- as an administrator at UNCSCA -- had a duty and obligation to provide for the care, safety and supervision of the minor students attending UNCSCA and entrusted to her care, including but not limited to one or more of the Plaintiffs.

142. Upon information and belief, Defendant Alan Rust -- named both individually and in his official capacity -- (hereinafter referred to as "Defendant Rust" and/or collectively with the other named former administrator Defendants in this action as "Defendant Administrators" and/or collectively with the other named Defendants in this action as "Defendants") is a citizen and resident of South Chatham, Massachusetts.

143. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Rust was Dean of the School of Drama at the UNCSCA.

144. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Rust – as an administrator at UNCSCA -- had a duty and obligation to provide for the care, safety and supervision of the minor students attending UNCSCA and entrusted to his care, including but not limited to one or more of the Plaintiffs.

145. Upon information and belief, Defendant Richard Gain – named both individually and in his official capacity -- (hereinafter referred to as “Gain” and/or “Defendant Gain” and/or collectively with the other named Defendants in this action as “Defendants”) is a citizen and resident of East Bend, North Carolina.

146. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Gain – as an instructor at UNCSCA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSCA and entrusted to his care, including but not limited to one or more of the Plaintiffs.

147. Upon information and belief, Defendant Melinda Lawrence Weisler – named both individually and in her official capacity -- (hereinafter referred to as “Lawrence” and/or “Defendant Lawrence” and/or collectively with the other named Defendants in this action as “Defendants”) is a citizen and resident of Winston-Salem, North Carolina.

148. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Lawrence – as an instructor at UNCSCA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSCA and entrusted to her care, including but not limited to one or more of the Plaintiffs.

149. Upon information and belief, Defendant Nigel Burley – named both individually

and in his official capacity -- (hereinafter referred to as "Burley" and/or "Defendant Burley" and/or collectively with the other named Defendants in this action as "Defendants") is a citizen and resident of Australia.

150. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Burley -- as an instructor at UNCSA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSA and entrusted to his care, including but not limited to one or more of the Plaintiffs.

151. Upon information and belief, Defendant Kelly Paul Maxner -- named both individually and in his official capacity -- (also and/or formerly known as Kelly Paul Parsley) (hereinafter referred to as "Maxner" and/or "Defendant Maxner" and/or collectively with the other named former administrator Defendants in this action as "Defendant Administrators" and/or collectively with all other individual Defendants as "Defendants.") is a citizen and resident of North Carolina.

152. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Maxner -- as an instructor and administrator at UNCSA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSA and entrusted to his care, including but not limited to one or more of the Plaintiffs.

153. Upon information and belief, Defendant Stephen Shipps -- named both individually and in his official capacity -- (hereinafter referred to as "Shipps" and/or "Defendant Shipps" and/or collectively with the other named Defendants in this action as "Defendants") is a citizen and resident of Michigan.

154. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Shipps -- as an instructor at UNCSA -- had a duty and obligation to provide for the care, safety

and supervision of the students attending UNCSA and entrusted to his care, including but not limited to one or more of the Plaintiffs.

155. On October 28, 2020, Defendant Shipps was indicted in the United States District Court for the Eastern District of Michigan on two counts of Transportation of a Minor to Engage in Sexual Activity in violation of 18. U.S.C. §2423(a).

156. In response to this indictment of Defendant Shipps, UNCSA issued a statement saying that it “has no record of similar incidents while he [Shipps] was employed at the school.”

157. Upon information and belief, in the mid-1980s Defendant Shipps was allowed to resign from his position at UNCSA because he was a known sexual predator. Despite this knowledge, administrators at UNCSA allowed Defendant Shipps to leave quietly and to continue to sexually abuse minor females for over two more decades.

158. Upon information and belief, Defendant Robert Murray – named both individually and in his official capacity -- (hereinafter referred to as “Murray” and/or “Defendant Murray” and/or collectively with the other named Defendants in this action as “Defendants”) is a citizen and resident of North Carolina.

159. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Murray – as an instructor at UNCSA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSA and entrusted to his care, including but not limited to one or more of the Plaintiffs.

160. Upon information and belief, Defendant Phillip Dunigan – named both individually and in his official capacity -- (hereinafter referred to as “Dunigan” and/or “Defendant Dunigan” and/or collectively with the other named Defendants in this action as “Defendants”) is a citizen and resident of North Carolina.

161. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Dunigan – as an instructor at UNCSA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSA and entrusted to his care, including but not limited to one or more of the Plaintiffs.

162. Upon information and belief, Defendant Gyula Pandi – named both individually and in his official capacity -- (hereinafter referred to as “Pandi” and/or “Defendant Pandi” and/or collectively with the other named Defendants in this action as “Defendants”) is a citizen and resident of North Carolina.

163. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Pandi – as an instructor at UNCSA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSA and entrusted to his care, including but not limited to one or more of the Plaintiffs.

164. Upon information and belief, Defendant Robert Carlton – named both individually and in his official capacity -- (hereinafter referred to as “Carlton” and/or “Defendant Carlton” and/or collectively with the other named Defendants in this action as “Defendants”) is a citizen and resident of North Carolina.

165. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Carlton – as an employee of UNCSA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSA and entrusted to his care specifically including Plaintiff Louise Debreczeny.

166. Upon information and belief, Defendant E. Wade Hobgood – named both individually and in his official capacity -- (hereinafter referred to as “Defendant Hobgood” and/or collectively with the other named former administrator Defendants in this action as

“Defendant Administrators” and/or collectively with all other individual Defendants as “Defendants.”) is a citizen and resident of North Carolina.

167. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Hobgood was Chancellor of the UNCSEA. Defendant Hobgood served as UNCSEA Chancellor from 2000-2005.

168. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Hobgood – as an administrator at UNCSEA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSEA and entrusted to his care, including but not limited to one or more of the Plaintiffs.

169. Upon information and belief, Defendant Gretchen Bataille – named both individually and in her official capacity -- (hereinafter referred to as “Defendant Bataille” and/or collectively with the other named former administrator Defendants in this action as “Defendant Administrators” and/or collectively with all other individual Defendants as “Defendants.”) is a citizen and resident of Arizona.

170. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Bataille was Interim Chancellor of the UNCSEA. Defendant Bataille served as UNCSEA Interim Chancellor from 2005-2006.

171. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Bataille – as an administrator at UNCSEA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSEA and entrusted to her care, including but not limited to one or more of the Plaintiffs.

172. Upon information and belief, Defendant John Francis Mauceri – named both individually and in his official capacity -- (hereinafter referred to as “Defendant Mauceri” and/or

collectively with the other named former administrator Defendants in this action as “Defendant Administrators” and/or collectively with all other individual Defendants as “Defendants.”) is a citizen and resident of New York.

173. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Mauceri was Chancellor of the UNCSA. Defendant Mauceri served as UNCSA Chancellor from 2006-2013.

174. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Mauceri – as an administrator at UNCSA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSA and entrusted to his care, including but not limited to one or more of the Plaintiffs.

175. Upon information and belief, Defendant Robert Yekovich – named both individually and in his official capacity -- (hereinafter referred to as “Defendant Yekovich” and/or collectively with the other named former administrator Defendants in this action as “Defendant Administrators” and/or collectively with all other individual Defendants as “Defendants.”) is a citizen and resident of Texas.

176. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Yekovich was Dean of the UNCSA School of Music. Defendant Yekovich served as Dean from July 1991 – July 2003.

177. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Yekovich – as an administrator at UNCSA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSA and entrusted to his care, including but not limited to one or more of the Plaintiffs.

178. Upon information and belief, Defendant Robert Francesconi – named both

individually and in his official capacity -- (hereinafter referred to as "Defendant Francesconi" and/or collectively with the other named former administrator Defendants in this action as "Defendant Administrators" and/or collectively with all other individual Defendants as "Defendants.") is a citizen and resident of North Carolina.

179. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Francesconi was an instructor in and/or interim Dean of the UNCSA School of Drama.

180. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Francesconi – as an administrator and instructor at UNCSA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSA and entrusted to his care, including but not limited to one or more of the Plaintiffs.

181. Upon information and belief, Defendant Sam Grogg – named both individually and in his official capacity -- (hereinafter referred to as "Defendant Grogg" and/or collectively with the other named former administrator Defendants in this action as "Defendant Administrators" and/or collectively with all other individual Defendants as "Defendants.") is a citizen and resident of North Carolina.

182. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Grogg was Dean of the UNCSA School of Filmmaking.

183. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Grogg – as an administrator at UNCSA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSA and entrusted to his care, including but not limited to one or more of the Plaintiffs.

184. Upon information and belief, Defendant Susan McCullough – named both individually and in her official capacity -- (hereinafter referred to as "Defendant McCullough")

and/or collectively with the other named former administrator Defendants in this action as “Defendant Administrators” and/or collectively with all other individual Defendants as “Defendants.”) is a citizen and resident of North Carolina.

185. At times relevant to the sexual abuse and exploitation alleged herein, Defendant McCullough was an instructor in and/or Dean of the UNCSA School of Dance.

186. At times relevant to the sexual abuse and exploitation alleged herein, Defendant McCullough – as an administrator and instructor at UNCSA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSA and entrusted to her care, including but not limited to one or more of the Plaintiffs.

187. Upon information and belief, Defendant Ethan Stiefel – named both individually and in his official capacity -- (hereinafter referred to as “Defendant Stiefel” and/or collectively with the other named former administrator Defendants in this action as “Defendant Administrators” and/or collectively with all other individual Defendants as “Defendants.”) is a citizen and resident of New York.

188. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Stiefel was Dean of the UNCSA School of Dance. Defendant Stiefel served as Dean from July 2008 – June 2011.

189. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Stiefel – as an administrator at UNCSA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSA and entrusted to his care, including but not limited to one or more of the Plaintiffs.

190. Defendant Stiefel is responsible for bringing Defendant Burley to UNCSA.

191. Upon information and belief, Defendant Lesley Hunt – named both individually

and in her official capacity -- (hereinafter referred to as “Defendant Hunt” and/or collectively with the other named former administrator Defendants in this action as “Defendant Administrators” and/or collectively with all other individual Defendants as “Defendants”) is a citizen and resident of North Carolina.

192. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Hunt was an instructor and/or an administrator at UNCSA in the School of Drama.

193. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Hunt – as an instructor and/or administrator at UNCSA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSA and entrusted to her care, including but not limited to one or more of the Plaintiffs.

194. Upon information and belief, Defendant Robert Beseda – named both individually and in his official capacity -- (hereinafter referred to as “Defendant Beseda” and/or collectively with the other named former administrator Defendants in this action as “Defendant Administrators” and/or collectively with all other individual Defendants as “Defendants.”) is a citizen and resident of North Carolina.

195. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Beseda was the Assistant Dean of the UNCSA School of Drama. Upon information and belief, Defendant Beseda served in this role from 1991-2013.

196. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Beseda – as an administrator at UNCSA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSA and entrusted to his care, including but not limited to one or more of the Plaintiffs.

197. Upon information and belief, Defendant Ronald Bruce Moss – named both

individually and in his official capacity -- (hereinafter referred to as “Moss” and/or “Defendant Moss” and/or collectively with the other named Defendants in this action as “Defendants”) is a citizen and resident of Winston-Salem, North Carolina.

198. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Moss – as an instructor at UNCSA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSA and entrusted to his care, including but not limited to one or more of the Plaintiffs.

199. Upon information and belief, Defendant Joseph Robinson – named both individually and in his official capacity -- (hereinafter referred to as “Robinson” and/or “Defendant Robinson” and/or collectively with the other named Defendants in this action as “Defendants”) is a citizen and resident of Chapel Hill, North Carolina.

200. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Robinson – as an instructor at UNCSA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSA and entrusted to his care, including but not limited to one or more of the Plaintiffs.

201. Upon information and belief, Defendant Ronald Borrer – named both individually and in his official capacity -- (hereinafter referred to as “Borrer” and/or “Defendant Borrer” and/or collectively with the other named Defendants in this action as “Defendants”) is a citizen and resident of Maine.

202. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Borrer – as an instructor at UNCSA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSA and entrusted to his care, including but not limited to one or more of the Plaintiffs.

203. Upon information and belief, Defendant Mark Pirolo – named both individually and in his official capacity -- (hereinafter referred to as “Defendant Pirolo” and/or collectively with the other named former administrator Defendants in this action as “Defendant Administrators” and/or collectively with all other individual Defendants as “Defendants.”) is a citizen and resident of North Carolina.

204. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Pirolo – as an administrator and/or instructor at UNCSA -- had a duty and obligation to provide for the care, safety and supervision of the students attending UNCSA and entrusted to his care, including but not limited to one or more of the Plaintiffs.

205. At one or more times relevant to the sexual abuse and exploitation suffered by one or more of the Plaintiffs named herein, Defendants Jane Elizabeth Milley, Larry Alan Smith, Peggy Dodson, William Tribby, Dianne Markham, Alan Rust, Kelly Maxner, E. Wade Hobgood, Gretchen Bataille, John Francis Mauceri, Robert Yekovich, Robert Francesconi, Sam Grogg, Susan McCullough, Robert Beseda, Lesley Hunt, Ethan Stiefel, Melinda Lawrence, Mark Pirolo were administrators at UNCSA.

206. Defendants Jane Elizabeth Milley, Larry Alan Smith, Peggy Dodson, William Tribby, Dianne Markham, Alan Rust, Kelly Maxner, E. Wade Hobgood, Gretchen Bataille, John Francis Mauceri, Robert Yekovich, Robert Francesconi, Sam Grogg, Susan McCullough, Robert Beseda, Lesley Hunt, Ethan Stiefel, Melinda Lawrence, Mark Pirolo and shall hereinafter at times be referred to collectively as the “Defendant Administrators.”

207. The acts and/or failures to act of the Defendant Administrators as alleged herein and which establish that despite the fact that the Defendant Administrators clearly knew or should have known of the sexual exploitation and abuse of minor and other students that was

occurring at UNCSA yet they unconscionably allowed this egregious and outrageous conduct to continue without taking any steps to report, intervene, investigate, discipline, pursue criminal charges, stop the abuse and exploitation or take any other steps to protect Plaintiffs and other students at UNCSA were wanton in that any person of reasonable intelligence would know that such actions and/or failures to act were contrary to his/her duty and which acts and/or failures to act he/she intended would be injurious to the Plaintiffs and others.

208. The Defendant Administrators intended their acts and/or failures to act to be injurious to the Plaintiffs and others in that the acts and/or failures to act alleged herein and which establish that despite the fact that the Defendant Administrators clearly knew or should have known of the sexual exploitation and abuse of minor and other students that was occurring at UNCSA yet they unconscionably allowed this egregious and outrageous conduct to continue without taking any steps to report, intervene, investigate, discipline, pursue criminal charges, stop the abuse and exploitation or take any other steps to protect Plaintiffs and other students at UNCSA were reckless and establish the manifest indifference of the Defendant Administrators to the foreseeable consequences and further establish a reckless and manifest indifference to the mental and emotional safety and health of the Plaintiffs and others.

209. The acts and/or failures to act of the Defendant Administrators as alleged herein and which establish that the Defendant Administrators permitted, participated in, encouraged, allowed, perpetuated and/or condoned the development of a culture of sexual abuse and exploitation of the young students in their care were wanton in that any person of reasonable intelligence would know that such actions and/or failures to act were contrary to his/her duty and which acts and/or failures to act he/she intended would be injurious to the Plaintiffs and others.

210. The Defendant Administrators intended these acts and/or failures to act to be

injurious to the Plaintiffs and others in that the acts and/or failures to act alleged herein and which establish that the Defendant Administrators permitted, participated in, encouraged, allowed, perpetuated and/or condoned the development of a culture of sexual abuse and exploitation of the young students in their care were reckless and establish the manifest indifference of the Defendant Administrators to the foreseeable consequences and further establish a reckless and manifest indifference to the mental and emotional safety and health of the Plaintiffs and others.

211. This Court has personal jurisdiction over all named Defendants in that at all times relevant hereto Defendants conducted their work, business and activities in the state of North Carolina.

212. This Court has subject matter jurisdiction over Plaintiffs' claims in that the claims arose under the substantive law of North Carolina.

213. Defendant Milley has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

214. Defendant Smith has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

215. Defendant Dodson has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

216. Defendant Tribby has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

217. Defendant Markham has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

218. Defendant Rust has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

219. Defendant Gain has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

220. Defendant Burley has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

221. Defendant Maxner has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

222. Defendant Shipps has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

223. Defendant Hobgood has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

224. Defendant Bataille has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

225. Defendant Mauceri has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

226. Defendant Yekovich has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

227. Defendant Francesconi has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

228. Defendant Grogg has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

229. Defendant McCullough has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

230. Defendant Stiefel has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

231. Defendant Murray has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

232. Defendant Dunigan has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

233. Defendant Pandi has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

234. Defendant Carlton has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

235. Defendant Moss has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

236. Defendant Robinson has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

237. Defendant Beseda has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

238. Defendant Borrer has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

239. Defendant Hunt has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

240. Defendant Lawrence Weisler has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

241. Defendant Pirolo has been properly served with the Summons and Complaint in this action and there are no issues of process or service of process.

242. Pursuant to N.C. Gen. Stat. § 143-300.3, each individual Defendant, as a former employee of the state of North Carolina, is upon request entitled to have the state of North Carolina provide his/her defense to this civil proceeding brought against him/her in his/her individual capacity based on his/her acts or failures to act done in the course and scope of his/her state employment.

#### **FACTUAL BACKGROUND**

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

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

245. From its beginning, UNCOSA actively recruited boys and girls as young as twelve (12) years old to come live at UNCOSA to study ballet, modern dance, music and other disciplines.

246. In addition to their duty and obligation to provide UNCOSA's young students with education and training in their chosen artistic disciplines, the Defendant Administrators and UNCOSA 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.

247. Despite the clear obligation to the boys and girls who chose to attend the school, UNCSA and the Defendant Administrators instead permitted, participated in, encouraged, allowed, perpetuated and/or condoned a culture of sexual abuse and exploitation of the young students in their care. Upon information and belief, this dangerous culture of accepted sexual abuse and exploitation continued for three decades or more and harmed potentially hundreds of students, including Plaintiffs.

248. Despite the clear obligation to the boys and girls who chose to attend the school, the Defendant Administrators instead permitted, participated in, encouraged, allowed, perpetuated and/or condoned a culture of sexual abuse and exploitation of the young students in their care and in the process permitted the institution to betray the very young people it was supposed to support and serve.

249. Despite the clear obligation to the boys and girls who chose to attend the school, Defendant UNCSA's deliberate indifference allowed there to develop a culture of sexual abuse and exploitation of the young students in their care. Upon information and belief, this dangerous culture of accepted sexual abuse and exploitation continued for three decades or more and negatively impacted many students, including the Plaintiffs.

250. As one prominent former UNCSA 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."

251. Upon information and belief, throughout the late 1960s, 1970s, 1980s, 1990s, 2000s, 2010s and likely beyond, the Defendant Administrators -- despite the fact that they clearly knew or should have known of the sexual exploitation and abuse of minor and other students that

was occurring at UNCSA -- unconscionably allowed this egregious and outrageous conduct to continue without taking any steps to report, intervene, investigate, discipline, pursue criminal charges, stop the abuse and exploitation or take any other steps to protect Plaintiffs and other students at UNCSA. Examples of the sexual exploitation and abuse that the Defendant Administrators participated in, ignored, perpetuated, covered-up and/or condoned, are both troubling and horrifying.

252. Throughout the late 1960s, 1970s, 1980s, 1990s, 2000s, 2010s and likely beyond instructors in many departments engaged in methods that were emotionally and psychologically abusive. This constant and severe emotional and psychological abuse made many students weak and vulnerable, and in turn made them easy targets for the sexual predators that populated the administration and faculty.

253. UNCSA's policy of admitting students for only one year and requiring the students to pass a "jury" to be invited back made many students even more vulnerable to the grooming of the many sexual predators among the faculty and administration. The students knew that if you turned down the sexual advances of a member of the UNCSA faculty or administration that you likely would not be invited back for the next year – a decision that would derail their hopes and aspirations.

254. Many of the sexual predators among the UNCSA faculty and administration controlled the performance opportunities the students would get while at the school. To refuse or report the sexual advances of a member of the faculty or administration could result in that student being denied any meaningful performance opportunities.

255. Some sexual predators among the faculty and administration would groom the young students by making promises that they could play a significant role in helping to advance the student's career before drawing the student into a sexual relationship.

256. Some sexual predators among the faculty and administration would groom the young students while they were in high school and menacingly wait until the student turned 18 years old before initiating physical sexual abuse and exploitation in hopes of avoiding civil and or criminal accountability.

257. The grossly sexualized culture at UNCSCA also had a significant impact on the college students. The culture both encouraged and enabled some college students to prey upon the high school students for sex. The grossly sexualized culture among the faculty, staff and administrators at UNCSCA led the young students to believe that such behavior was normal, expected and acceptable.

258. In the 1970s, 1980s and 1990s, the dance department at Defendant UNCSCA was home to two of the most openly notorious faculty members – Richard Kuch (deceased) and Defendant Gain.

259. Kuch and Gain made no secret of their efforts to have sexual relationships with UNCSCA's minor students and were widely known 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.

260. Kuch and Gain, under the guise of dance instruction, constantly and repeatedly groped, fondled or otherwise touched in an inappropriate and abusive sexual manner many of the male and female students in their care. Further, they constantly subjected these young students to grossly inappropriate sexual comments, often encouraging and/or demanding that the middle

school age students under their supervision should start having sex by saying such things as “go get a good fuck so you can learn to dance from your vagina.”

261. Kuch and Gain’s abuse and exploitation of minor students was so widely known that among UNCSEA students, staff, faculty and administrators they were called “Crotch” and “Groin” and/or “The Two Dicks.”

262. The Defendant Administrators at UNCSEA during this time knew or should have known about this abhorrent conduct being directed toward the minor students under their care and supervision, yet did nothing to report, intervene, investigate, discipline, pursue criminal charges, stop the abuse and exploitation or otherwise protect the students at UNCSEA victimized by Kuch and Gain from these open and notorious predators.

263. The Defendant Administrators during this time knew or should have known about this abhorrent conduct being directed toward the minor students under their care and supervision, yet did nothing to report, intervene, investigate, discipline, pursue criminal charges, stop the abuse and exploitation or otherwise protect the Plaintiffs and other students at UNCSEA victimized by other open and notorious predators.

264. The Defendant Administrators during this time knew or should have known about this abhorrent conduct being directed toward the minor students under their care and supervision, yet did nothing to report, intervene, investigate, discipline, pursue criminal charges, stop the abuse and exploitation or otherwise protect the Plaintiffs and other students at UNCSEA victimized by other open and notorious predators. The Defendant Administrators turned a deliberate blind-eye to this sexual abuse and exploitation despite having a legal obligation to report this abuse pursuant to N.C. Gen. Stat. § 115C-400 to report this abuse to the Forsyth County Director of Social Services.

265. 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 UNCSA students, faculty and administrators, the Kuch and Gain property was known to be the location where Kuch and Gain would lure minor and other students for sexual abuse and exploitation. As such, UNCSA students, faculty and administrators referred to the Kuch and Gain property as “The Fuck Farm.”

266. Even the cafeteria workers at UNCSA knew about “The Farm.” Cafeteria workers would often speculate on whether a particular student had visited The Farm.

267. The Defendant Administrators knew or should have known about this abhorrent conduct being directed toward the minor students under their care and supervision, yet did nothing to report, intervene, investigate, discipline, pursue criminal charges, stop the abuse and exploitation or otherwise protect the Plaintiffs other students at UNCSA victimized by Kuch and Gain and from these open and notorious predators.

268. 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 members of the dance community nationwide.

269. One former faculty member went to then-Vice Chancellor William “Bill” Pruitt and told Pruitt that UNCSA was having trouble recruiting young male dancers to their program because of the reputations and conduct of modern dance instructors Kuch and Gain. Vice Chancellor Pruitt was specifically told that dance instructors around the country, in an attempt to protect their young students, refused to recommend UNCSA 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 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.

270. Pruitt did nothing to address this widely known sexual abuse and exploitation despite having a legal obligation to report this abuse pursuant to N.C. Gen. Stat. § 115C-400 to report this abuse to the Forsyth County Director of Social Services.

271. Dean John Sneden (deceased) and Defendant Pirolo were fully aware of the sexual abuse of young boys by Kuch and Gain and once approached Robert Lindgren, then Dean of Dance, about a student who had been abused by Kuch and Gain and who had withdrawn from school due to a nervous breakdown. Lindgren replied that the boys had better start getting used to such conduct because that’s the way it was in the dance world. Neither Sneden or Pirolo did anything further to attempt to address this brutal abuse and exploitation.

272. Neither Sneden nor Pirolo did anything to address this widely known sexual abuse and exploitation despite having a legal obligation to report this abuse pursuant to N.C. Gen. Stat. § 115C-400 to report this abuse to the Forsyth County Director of Social Services.

273. Another instructor in the dance department was Melissa Hayden (deceased).

274. From 1955 until her retirement in 1973, Melissa Hayden was a principal dancer of the New York City Ballet for George Balanchine. Hayden joined UNCSCA’s faculty in 1983 as one of the most famous ballerinas in the world. Because of her notable professional career, administrators and faculty at UNCSCA treated Hayden and her husband, Don Coleman, with undeserved deference.

275. Hayden was emotionally, psychologically, physically and, at times, sexually abusive to her students – students who before meeting her assumed they were to be instructed with class and dignity by a world-renowned ballerina. As alleged herein, Hayden assisted Coleman in his acts of depravity directed toward some of Hayden’s dance students.

276. Defendant Markham also taught dance. She would often come to class reeking of alcohol. Markham was sexually, physically and verbally abusive. She once slapped a young female dancer across the face while the girl was waiting her turn to dance.

277. Others at the school showed little or no concern for the greater well-being of the students. For example, Defendant Peggy Dodson once saw a young female dance student in the hallway of the dance studio so upset that she was spilling soda out of the can she was holding because her hands were shaking so hard. Dodson did nothing to check on this student and offered no help or comfort.

278. The culture of condoning sexual abuse was not limited to the dance department. For example, upon information and belief, 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.

279. An English teacher would groom young boys by having them over for Sunday tea and would walk around wearing a kimono.

280. The film school was also involved. 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.

281. The college aged students in the Design and Production School would openly flirt with the high school dancers, cat calling happened regularly, including calling the minor dancers “jailbait.”

282. The school of music was also involved. Upon information and belief, Defendant Shipps was an open and notorious predator. During his time at UNCSCA Defendant Shipps raped and/or sexually abused and exploited numerous young female music students. Defendant Shipps carried out his abuse both at his home and in his office on the UNCSCA campus.

283. Upon information and belief, the abuse and exploitation being perpetrated by Shipps was brought to the attention of one or more administrators at UNCSCA. To protect UNCSCA’s reputation, Shipps was simply allowed to leave UNCSCA and go to the University of Michigan the next year.

284. These administrators did nothing to address this widely known sexual abuse and exploitation despite having a legal obligation to report this abuse pursuant to N.C. Gen. Stat. § 115C-400 to report this abuse to the Forsyth County Director of Social Services.

285. Upon information and belief, no administrator at UNCSCA did anything to investigate Shipps or to support the numerous student victims of this known sexual predator.

286. Because of its decision to protect its reputation instead of its students, UNCSCA exposed numerous young female students at the University of Michigan to sexual abuse, exploitation and trafficking over the next two decades.

287. On October 28, 2020, Defendant Shipps was indicted in the United States District Court for the Eastern District of Michigan on two counts of Transportation of a Minor to Engage

in Sexual Activity in violation of 18. U.S.C. §2423(a). Shipps has indicated he is going to plead guilty to the charges.

288. In response to that indictment of Shipps, UNCSA issued a statement at the time saying that it “has no record of similar incidents while he [Shipps] was employed at the school.”

289. On November 16, 2021, Shipps pleaded guilty to one count of transporting a minor across state lines with intent to engage in sexual activity. In that incident, Shipps took a young musician from Michigan to New York at least twice, where he engaged in sexual activity with her. The girl was 16 years old at the time. After Shipps entered his guilty plea the Acting United States Attorney in Detroit issued a statement that said: “Shipps used his position of trust to sexually exploit a child.”

290. For many, many years, Shipps and other members of the UNCSA faculty and administration used their positions of trust to sexually abuse and exploit children.

291. Sexual relationships between faculty members and high school age students were widely known by UNCSA administrators – including the Defendant Administrators who ignored and/or 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.

292. At all relevant times the Defendant Administrators knew or should have known of the repeated and ongoing sexual abuse and exploitation of UNCSA’s students and despite this knowledge failed to report, intervene, investigate, discipline, pursue criminal charges, stop the abuse and exploitation or otherwise take any action to protect Plaintiffs and other students at UNCSA from the sexual predators who populated the faculty and/or administration. The Defendant Administrators did nothing to address this widely known sexual abuse and

exploitation despite having a legal obligation to report this abuse pursuant to N.C. Gen. Stat. § 115C-400 to report this abuse to the Forsyth County Director of Social Services.

293. At all relevant times Defendant UNCSA knew or should have known of the repeated and ongoing sexual abuse and exploitation of UNCSA's students and despite this knowledge acted with deliberate indifference and failed to report, intervene, investigate, discipline, pursue criminal charges, stop the abuse and exploitation or otherwise take any action to protect Plaintiffs and other students at UNCSA from the sexual predators who populated the faculty and/or administration. Defendant UNCSA did nothing to address this widely known sexual abuse and exploitation despite having a legal obligation to report this abuse pursuant to N.C. Gen. Stat. § 115C-400 to report this abuse to the Forsyth County Director of Social Services.

294. At all relevant times it was reasonably foreseeable to the Defendant Administrators that this repeated and ongoing sexual abuse and exploitation of students purportedly under their care and supervision would likely result in injury to the victims of this abuse and exploitation, including injury to Plaintiffs and others.

295. At all relevant times it was reasonably foreseeable to Defendant UNCSA that this repeated and ongoing sexual abuse and exploitation of students purportedly under their care and supervision would likely result in injury to the victims of this abuse and exploitation, including injury to Plaintiffs and others and would deprive Plaintiffs of their right to a sound basic education as guaranteed by the North Carolina Constitution.

296. The Defendant Administrators acted with conscious and/or reckless disregard despite their knowledge of the repeated and ongoing sexual abuse and exploitation of UNCSA's

students and the dangerous permissive culture that condoned and encouraged such conduct that existed at the institution.

297. The Defendant Administrators knew or should have known that their negligent, reckless, and outrageous actions and failures to act in ignoring, condoning and or perpetuating the culture of sexual abuse and exploitation of UNCOSA's students would inflict severe emotional and psychological distress, as well as personal physical injury, on those students who were abused or exploited, including Plaintiffs, who did in fact suffer severe emotional and psychological distress and personal physical injury as a result of this wrongful conduct.

298. Defendant UNCOSA acted with conscious and/or reckless disregard despite its knowledge of the repeated and ongoing sexual abuse and exploitation of UNCOSA's students and the dangerous culture that condoned and encouraged such conduct that existed at the institution.

299. Defendant UNCOSA knew or should have known that its reckless, outrageous and deliberate indifference and its actions and/or failures to act in ignoring, condoning and or perpetuating the culture of sexual abuse and exploitation of UNCOSA's students would inflict severe emotional and psychological distress, as well as personal physical injury, on those students who were abused or exploited, including Plaintiffs, who did in fact suffer severe emotional and psychological distress and personal physical injury as a result of this wrongful conduct and would deprive Plaintiffs of their right to a sound basic education as guaranteed by the North Carolina Constitution.

#### **FACTS SPECIFIC TO PLAINTIFF HEIDI RAYHER**

300. Heidi's introduction to UNCOSA was in 1983, at age 14, and 1984 when she attended the summer program. During both summer programs Heidi took modern dance classes from Richard Gain and Richard Kuch. Heidi heard that Gain and Kuch were sexually

inappropriate with underage students. Her earliest memory of Gain and Kuch is being in their class and them telling their young students that they would never be successful dancers unless they got “fucked.” Heidi had never been exposed to adults, much less teachers, talking about sex. She was young, inexperienced, and was conditioned to believe this behavior was normal.

301. After the 1984 summer program Heidi auditioned to become a fulltime student at UNCSCA. It was a dream come true when she was accepted, and Heidi began her junior year with great hope. In addition to ballet classes, Heidi was required to take modern dance classes with Gain and Kuch. By now she knew them by their nicknames, “Groin” and “Crotch” or the “Two Dicks.”

302. After her junior year, Heidi learned that she would not be invited back to the ballet program. She was bitterly disappointed, but her disappointment was tempered when she was informed that she might qualify for the modern dance program. Desperate to return to UNCSCA for her senior year, Heidi auditioned and was accepted into the modern dance to complete her senior year.

303. During senior year Heidi had to interact with Richard Gain and Richard Kuch more frequently. In addition to subjecting Heidi to sexually inappropriate language, her instructors often touched her inappropriately during class. For example, during classes in the large studio, Kuch would ball up his fist and apply it to her genitals when she was already in midair doing a leap. While she was in a grand plie position he would also clasp his hands together, and with some force, push his hands into Heidi’s crotch on top of her genitals lifting her off the ground. Gain would also put his hands on her body, very near her breasts. She learned to accept this as “normal” behavior at UNCSCA.

304. One of the more traumatic experiences for Heidi were the “bikini classes”. Students were required to take classes wearing a bikini (Males were in Speedos). Also, a belt was to be worn around the waist. The belt was there to ensure that student’s stomachs were held in at all times. Heidi found it was very hard to keep her breasts and genitals always fully covered while performing the movements of the class. She found this class humiliating and confusing but was led to believe that it was a critical part of her training.

305. In addition to the sexual language and sexual touching, Gain and Kuch often invited underage students to their off-campus home, known as The Farm. Heidi was invited to The Farm a number of times. Gain and Kuch made the students who were chosen to be guests at The Farm feel “special” and would then ply them with alcohol.

306. Heidi was invited back to UNCSA as a college freshman to complete the modern dance program. However, because of the inappropriate sexual conduct that she had been exposed to, particularly during her senior year, Heidi became depressed and increasingly disengaged from the program. She was not invited back for her sophomore year of college.

307. After leaving UNCSA, Heidi gave up dance and her dream of becoming a professional dancer. She felt lost and alone, moved away, and waited tables. She also started smoking marijuana to help dull the pain of her experiences at UNCSA. Heidi never went back to school and her only connection with dance was joining a small company for a year or so while trying to find a direction for her life.

308. In the early 1990s Heidi moved to California. She married and started a family, but there was and continues to be a constant ache in her soul as a result of the abuse she suffered at UNCSA. She struggled with severe body image issues and eating disorders and sought validation by seeking sexual attention outside of her marriage. By the early 2000s she stopped

using marijuana and began to self-medicate with alcohol. She continues to drink excessively because it is the only time she is able to turn off her brain and forget the past. She is currently seeking treatment for alcohol abuse as well as therapy for the trauma she experienced at the school.

**FACTS SPECIFIC TO PLAINTIFF CHRISTOPHER ALLOWAYS- RAMSEY**

309. Plaintiff Christopher Allows-Ramsey (hereinafter “Chris”) first attended UNCSA in the summer of 1984. He was sixteen (16) years old.

310. Chris lived in the dorms at UNCSA while attending the summer program. He became friends with another underage male student who disclosed to him that he was having a sexual affair with two of the modern dance instructors who were nicknamed the “Two Dicks.” Chris came to learn his friend was referring to Kuch and Gain.

311. Chris became a fulltime student in the ballet program in the fall of 1984 as an incoming junior.

312. UNCSA’s students were made to believe that without succeeding at the school they would never have careers in dance. This became a paralyzing and accepted "truth" amongst the high-school students. The students like Chris who received extra attention from instructors also bought into this manipulative, controlling lie. The students were all made to believe that if they disappointed their teachers, they wouldn'tinvite us back the following semester or, and worse, would be “black-balled” from professional companies by the faculty.

313. Many of the UNCSA faculty had had celebrated careers as performers with major American companies but did not have any formal training as pedagogues or any idea of how to handle adolescent's emotional needs. The lack of understanding or empathy for 12–18-year-old students was shocking. The things that were normalized in the students’ daily training were

verbally, emotionally, sexually and physically abusive. Many of the faculty knew that the students were being sexually abused and did nothing.

314. Melissa Hayden, a former star of New York City Ballet, and a headliner faculty member, would regularly say things to her high school students like, “Honey, it’s time to go home and make babies ‘cause ballet is not for you,” or, “Honey, can you type? I hope so because you sure can’t dance,” “Your WRONG!”—what we were wrong about was never made clear but once you were labeled “WRONG,” often enough you were forced to sit down and watch the rest of class. Hayden’s erratic behavior and mistreatment were constant and the atmosphere in her class felt as if any student could be attacked at any moment.

315. There are myriad other examples of the constant verbal abuse Chris endured from other teachers, as well: FrankSmith, Fanchon Cordell, and Robert Lindgren --"Chris, stop dancing like a pretty boy and be a man," "I only want MEN on my stage. Chris sit down."

316. Duncan Noble was one of Chris’ primary ballet teachers during his first semester at school. Noble went out of his way to interact with Chris, making Chris feel special. Noble’s attention made Chris believe that he was more talented than the other students. This is one of the main reasons that Chris wanted to make Mr. Noble proud of him. Chris was committed to doing whatever was necessary to be worthy of Mr. Noble’s attention.

317. Over time there was a slow build-up in physical corrections as Noble would place his hands on Chris for longer amounts of time and in increasingly more intimate places. During one technique class that Noble taught, Noble began touching Chris’ body in a directly sexual way. Noble would stick his pointer finger between Chris’ butt checks and force it as high up his anus as the tights would allow. Noble instructed Chris to “squeeze” his finger under the guise of ballet training to help with posture. Noble asked more than once if Chris liked this.

318. During class Noble would rub and/or pinch Chris' nipples claiming this was necessary to stimulate Chris so he would lift up his sternum for better posture.

319. There were many instances during ballet class that Noble would privately whisper to Chris at barre something "off-color" or some double-entendre that Chris did not completely understand. As a teenager, Chris mistakenly believed this extra attention made him special or more important than his classmates. The realization that Noble's attention was about sex and not Chris's abilities or maturity came later.

320. Chris believed that all of the attention he received from Noble was to help him become a better dancer. Chris also knew that he needed Noble's continuing support to secure an invitation to continue at UNCSCA in his senior year.

321. Chris was one of several young men that Noble would stay and talk to after class, sharing stories of his magical career. At some point Chris was the only student who stayed after class. At that time, the focus of the conversations became increasingly sexual. For example, Noble asked Chris if he had ever had sex with a man and told Chris about his sexual exploits with men while he was on tour.

322. At some point in time, Noble invited Chris to his home to see his Ballet Russes and Ballet Theatre memorabilia. Chris was thrilled. He considered himself a keen ballet historian and was grateful for the opportunity to look at these documents. Upon arriving at Noble's home, which was off-campus and quite isolated, Noble welcomed Chris with open arms. For the first hour or so Mr. Noble shared his extensive collection of memorabilia with Chris, but at some point, everything changed. Mr. Noble became physically affectionate with Chris and told Chris he wanted to see "his cock." Chris reluctantly undid his pants and took out his penis. Mr. Noble immediately became obsessed with Chris' foreskin and began touching him. Chris froze in fear

and felt he needed to submit to Mr. Noble, who was by then in complete control over this 17-year-old boy. Noble was Chris' mentor and teacher, and Chris understood that Noble could make or break his ability to pursue dance professionally. Noble knelt down and performed oral sex on Chris. He then led Chris to the couch and proceeded to penetrate Chris' anus with his finger, then with his penis. Noble was 64 years old.

323. After this assault, Chris felt embarrassed and confused. Chris saw Noble daily in his classes. Chris did not tell any faculty members this had happened and would have been mortified to do so. The thought of telling a faculty member and having them either not believe Chris or blame Chris was too difficult to imagine. The threat of not being invited back and, thus, ending any hope for a career also was part of Chris's. Chris, however, tell several friends, including his classmate, Eddie Stierle.

324. In the spring of 1985, Noble took Chris and another student out for Mexican food in Winston-Salem. Noble purchased alcohol for them. Chris drank so much that when he got back to campus he fell and broke his ankle. This stopped him from traveling to Italy on a full scholarship to train and perform.

325. Much later, in the Spring of 1986, Chris had to go to Noble's house to pick up the ballet books Noble was giving Chris. When Chris arrived, Noble was visibly drunk and smelled of red wine. Noble forced Chris to kiss him and Chris still remembers the souring taste of wine on Noble's breath. When Chris left, he had bite marks and bruises around his nipples. Noble also again performed oral sex on Chris and fingered him.

326. During Chris's Junior and Senior years of high school, all ballet majors were required to take Modern Classes. Chris's classes were mostly Kuch or Gain. Those classes were overwhelmingly sexual. There was a standing dictate from the two of them, "You must get

fucked -- and often! -- to become great artists.” This was 1984-1986 and the depths of the AIDS crisis. Too many of Chris’s classmates died of AIDS within a few short years of graduating from UNCSCA’s high school.

327. The constant inappropriate tactile corrections from Gain and the overly sexualized atmosphere of Kuch and Gain’s classes are truly shocking from an adult perspective. During rehearsals for their version of Carmina Burana, the students were not only groped by them, but the choreography forced minors to inappropriately touch their classmates.

328. Throughout Chris’s years of study at UNCSCA, there was a daily gauntlet to get through: Noble, Gain, Kuch and when the North Carolina Dance Theatre was in residence, Sal Aiello.

329. During the 1980s the North Carolina Dance Theatre was housed on campus. This was the professional touring ballet company that had grown out of NCSA's ballet program and was founded by the School of Dance Dean, Robert Lindgren. The dancers in the professional company would regularly drop in and take ballet classes to stay in condition. The Artistic Director at that time was Sal Aiello. Sal would corner Chris and ask Chris if he was ready to go out with him or ask when would Chris be ready for "something else." The comments were always made in public spaces like the studio or the hallways. Nothing ever became of these propositions, but it illustrates a point about the toxic culture that allowed an adult to sexually proposition 16-year-old Chris.

330. Since graduating from UNCSCA Chris has struggled emotionally and psychologically. Chris has sought therapy on and off over the decades. In therapy the question always comes up, “were you molested or abused?” Chris always tells the truth but still finds it difficult to talk about and difficult to explain what happened to him at UNCSCA. Throughout

Chris's adult life, he has struggled with relationships and maintaining a long-lasting partnership. Chris has been single for over fifteen years. Chris remains eating-disordered.

331. The many ways in which Chris's time at UNCSCA has impacted his adult life with repercussions that continue are substantial. These abuse should never have been accepted and condoned by the school. The lack of oversight and accountability at UNCSCA directly led to the abuse of Chris and many other students. Like so many students, Chris was enrolled at UNCSCA y his parents with the false security that these administrators and faculty members would protect them and that they had the students' best interest at heart. Chris was naive. Chris was victimized.

#### **FACTS SPECIFIC TO PLAINTIFF MARY SLOAN GILLIAM**

332. Mary began attending UNCSCA in the summer of 1983. After the 1984 summer intensive program, Mary was invited to become a full-time student. She entered UNCSCA as a 14-year-old high school freshman in the fall of 1984.

333. Mary knew that attending UNCSCA was the first step toward achieving her goal of becoming a professional ballerina. She began her freshman year with two main priorities: to please and to succeed.

334. As a ballet student, Mary had daily classes with ballet instructor, Melissa Hayden, during which Hayden touched Mary inappropriately. At least once a week, Hayden would slap or place her hand on Mary's buttocks. She would also force her hand onto Mary's upper and inner thigh, very close her genitalia. Mary became numb to these repeated acts of inappropriate touching, especially since she witnessed the same abuse inflicted on her classmates nearly every time she was in class. Mary was made to believe this behavior was normal.

335. As a classical ballet student, Mary was also required to take modern dance classes with instructors Kuch and Defendant Gain. Mary had heard that both instructors were known to

have had regular and frequent sexual affairs with underage students. Kuch's conduct toward Mary during a floor barre class was particularly egregious. The students would lie on the floor with one leg up in the air and the other leg bent with their foot on the floor. As Mary held this pose, Kuch stood extremely close to Mary while staring directly down into her crotch for extended periods of time. Kuch stood so close to her that if her leg faltered, it would touch his groin. Indeed, he was so close to her that she could literally feel his breath. This made her extremely uncomfortable, but she was powerless to do anything about it.

336. Mary heard that Kuch and Defendant Gain, known on campus as "Crotch" and "Groin" along with ballet instructors Frank Smith and Fanchon Cordell, often hosted underage students in their homes and freely served alcohol to minors. It was "a badge of honor" for students to be invited to these gatherings given that Kuch and Defendant Gain offered them special treatment.

337. During her years at UNCSA, Mary became extremely introverted. She could not understand how the administration allowed the instructors to sexually abuse and humiliate the students. Indeed, inappropriate sexual conduct between students and faculty appeared to be an accepted part of the UNCSA artistic life, as though it would make you a better dancer. She became very guarded during her years at UNCSA. Much of her adult mores were established during her years at UNCSA. Mary developed low self-esteem and felt she was never good enough. These feelings negatively shaped Mary's adult life.

338. Mary graduated from UNCSA, and in 1988 started dancing for the Fort Worth Ballet. The Director sexually pursued her, and based on her twisted experiences at UNCSA, Mary believed that this was a "normal" part of a dancer's world. She knew that if she did not comply with his demands that she would have no career. Mary was so conflicted that she ended

up leaving the company and stopped dancing which was extremely difficult for her. Throughout her early adulthood Mary believed that a healthy relationship was one in which she was submissive to an overly authoritative partner, launching her from one unhealthy relationship to another.

### **FACTS SPECIFIC TO PLAINTIFF ELIZABETH JOHNSON**

339. Elizabeth Johnson was a full-time student at UNCSA during her junior and senior years of high school. In 1984, when she was 15, she began living on the UNCSA campus. She was overjoyed when she had been accepted into the program, believing it was the right place for her to achieve her dreams of dancing professionally.

340. Although she was a student of classical ballet, ballet students were required to take modern dance classes. Elizabeth knew from classmates that she needed to be wary of Richard Gain and Richard Kuch, as they were known throughout the campus to be sexually abusive with students. Like others, Elizabeth had heard that Gain and Kuch were referred to as “Crotch” and “Groin.”

341. Richard Gain immediately made Elizabeth uncomfortable when she began taking his modern dance classes. On numerous occasions while she was performing a Martha Graham exercise, Gain placed his hand under her breast, touching and cupping it. If she did not have the appropriate arch in her back, Gain would directly touch her breast. This was the first time that someone had touched Elizabeth’s breast in a sexual manner, and it was repulsive because it happened so many times. At other times during class, Gain touched Elizabeth’s other intimate parts including her pubic area, inner thigh, chest and buttocks. She felt powerless to stop him.

342. During class, Gain and Kuch repeatedly told their young students that until they got “fucked” they would never be real artists. Elizabeth began questioning whether she would be

able to succeed at her craft. It was also commonplace for both Gain and Kuch to use inappropriate language when referring to the body, including “tits” and “ass” when referring to female anatomy. Elizabeth and her classmates were just 15 and 16 years old and didn’t know how to react in class. The only thing she did know was that she did not want to anger her instructors.

343. Due to the stories Elizabeth’s peers in the modern dance program shared regularly, she was generally terrified of interacting with Richard Kuch on any level. Kuch’s stern physical, sexual and verbal intimidation is very much seared in Elizabeth’s memory.

344. In classes, Gain touched Elizabeth and the other students in every intimate way allowable from pubic area to inner thigh to chest to buttocks. There was no such thing as consent in any class -- no protection of private parts or space. Teachers allowed themselves every access to every part of the young students’ bodies and the students were acculturated and groomed to accept this without question. Submission was the only choice to avoid humiliation, cruel criticism, or outright rejection.

345. Elizabeth was particularly distressed by the stories she heard from friends about Gain and Kuch sexually abusing her young male classmates at their home known as The Farm. She heard that there were regularly “gay orgies” at The Farm and that both Gain and Kuch had sex with underage boys.

346. Melissa Hayden constantly used psychological torture as a teaching methodology. Every class was a nearly impossible gauntlet to navigate. The High School Ballet – 1 (HB-1) class (the “highest” training level which Elizabeth was in all of high school) often had assigned classes with Hayden two times per day. In every class, Hayden would yell that the dancers were

“wrong” but was not able to communicate what her standard of “right” was. She would stand inches away from students’ faces screaming and slap, pinch, poke/stab, and push them.

347. In one instance during pointe class/classical variations, as Elizabeth was performing the Sugar Plum Fairy variation (from Act 2 Nutcracker), Hayden ran in front of Elizabeth, body slammed her, stomped on her foot, dug her heeled shoe into the top of Elizabeth’s foot, and screamed, “STOP IT!!” Elizabeth had no idea what she was doing “wrong” or how to make it “right.” Humiliated in front of all her peers -- a common scare tactic that traumatized the other students by association -- Elizabeth had only the choice to “sit down.” Hayden intimidated and threatened the young students daily with the specter of professional failure, which according to her included -- among other astute advice -- to “go home, make babies, work at K-Mart, etc.” If you were not up to taking Hayden’s abuse, you weren’t worthy of her attention or validation.

348. The Ballet program instituted a practice of weighing and measuring the students’ body fat. Someone with calipers would pinch their arm flesh to measure BMI. There was no education on what was considered “healthy” BMI so when the young women dancers realized that the young men had 4-12% body fat measurements, they became incredibly distressed at their 14-18% measurements. In adulthood, through education, Elizabeth later learned that for women 17% body fat and under is an indication of anorexia or an anorexic state. At UNCSA Elizabeth was made to feel immensely overweight at 16% BMI. Throughout her time at NCSA, Elizabeth never weighed more than 110 lbs and yet was always being told to “lose 5 more pounds.” Elizabeth witnessed many of her peers succumb to dangerous eating disorders -- anorexia and bulimia in particular.

349. Elizabeth's relationship to eating and food has remained sketchy throughout her adult life. Because Elizabeth stayed in the dance field, she continues to have dysmorphia and disordered eating patterns even (or maybe especially) in middle age. Elizabeth rarely wears anything but the color black because she wants to mostly hide the body that she sees in the mirror.

350. Elizabeth's last year at UNCSA was particularly difficult. She was supposed to take an apprenticeship at the Milwaukee Ballet but became injured during her summer there. She appealed to UNCSA and asked them to let her return for college (choosing the familiar hell over the unknown). All the same abuses continued. She was terribly depressed and thought of quitting dance. She was told by her religious community that dance was sinful, and based on her personal experiences at UNCSA, she questioned her desire to dance.

351. After her first year of college at UNCSA, she quit dancing and began working as a receptionist. She never imagined her life would take this unexpected turn after dedicating herself to dance for so many years. The residue of trauma in Elizabeth's life has been long and ongoing. It was not until 1988 that she re-enrolled in college and eventually graduated from George Mason in 1994. Elizabeth married at 21 and began therapy at 22 to deal with the trauma she suffered during high school. Before she was 30 years old Elizabeth had 3 young children. She ultimately left her marriage and divorced

352. When Elizabeth was 32 years old, she was accepted into graduate school and received her MFA in 2003 from the University of Illinois. It was a long, hard road, but Elizabeth was tenacious and focused on her goal of becoming a dance educator who treated students with respect and dignity. By now she knew that the treatment she was subjected to at UNCSA was wrong. She currently teaches at the University of Florida in Gainesville. Elizabeth has been in

therapy for many years. She has been diagnosed with Post Traumatic Stress Disorder, depression and anxiety. Despite her professional success, Elizabeth continues to suffer from low self-esteem and self-doubt, the direct result of the abuse she was subjected to at UNCSA.

### **FACTS SPECIFIC TO PLAINTIFF TERENCE STEINER**

353. Terence began attending the summer program at UNCSA 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.

354. Modern dance instructors, Richard Kuch and Richard Defendant Gain, were in their 50s when they first met Terence. It was widely known that Kuch and Defendant Gain were in a relationship and that they lived together on a property near campus known as “The Farm.” Both Defendant 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 Defendant Gain and Kuch proud.

355. 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. Defendant 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 UNCSA and could not believe their good fortune. Consistent with Kuch’s promises, Terence was admitted into UNCSA high school program without having to audition.

356. 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.

357. It was during this vulnerable time that Richard Defendant Gain's interest in Terence became overtly sexual. Defendant Gain casted 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 Defendant 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. Defendant Gain told him that his body was beautiful while he explored every inch of it with his hands.

358. Terence recalls that Defendant Gain insisted on driving him to an event called Beux Arts. Defendant 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.

359. 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. Defendant Gain was also going on the trip, and somehow Terence was to stay on The Farm with Defendant Gain while Kuch was away. During Terence's stay, Defendant 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, Defendant Gain took Terence with him. As they were feeding the sheep Defendant Gain looked at Terence and told him that "the sheep give the best blow jobs."

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

361. During rehearsals for Gitaneria, Defendant Gain sent everyone home except for Terence and two other boys in the show. He forced them to do hip slides over and over until Terence's hips were literally bleeding. Defendant Gain grabbed Terence by the hair and told him to "dance like a man, not a little boy!" It was terrifying. In addition, Defendant Gain inappropriately touched Terence and his classmates during the technique class. Defendant 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.

362. 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.

363. In order to survive, Terence decided to leave the United States in 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 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.

364. 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 UNCSA has resulted in Terence being hospitalized a dozen times for mental health issues.

365. The sexual abuse that Terence was subjected to at UNCSA 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."

366. Terence continues to this day 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 UNCSA. 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.

#### **FACTS SPECIFIC TO PLAINTIFF ELIZABETH WILSON**

367. Elizabeth Wilson was 14 years old in 1985 when she attended the summer program at UNCSA. Elizabeth, who loved dance, hoped to attend UNCSA for high school. She believed that attending UNCSA was her only pathway to achieving her dream of becoming a professional ballet dancer. The summer program was Elizabeth's opportunity to get to know and

impress the faculty who would decide if she would be invited into this elite school. Like others, Elizabeth was elated when Richard Kuch took a special interest in her during the summer program. By the end of the summer, Kuch had convinced Elizabeth that she should apply to the modern dance program instead of ballet.

368. Elizabeth was invited to attend UNCSA's modern dance program and began as a sophomore, in the fall of 1985. She was excited to be able to learn from Richard Gain and Richard Kuch, both of whom were well-respected professional dancers. Elizabeth was one of five (5) high school students accepted into the modern dance program that year, the rest being college freshmen.

369. The overall atmosphere was one of intimidation, control, fear, and powerlessness. It was immediately established that Kuch was the absolute authority and had complete control over every aspect of her life from her dance training to her personal life in the dorms. Elizabeth and her classmates lived in fear of losing their places at the school at any time, for any reason, with no recourse.

370. Elizabeth endured overtly sexual and physically aggressive corrections given by Kuch, Gain, and Markham. This treatment happened every day, during every class, and throughout the entire duration of her attendance. No one stopped him. She and her classmates were all trying to retain their places at the school and knew that any opposition or questioning would ultimately ensure that they would not be "invited to return" the next semester. Elizabeth understood this treatment as what she must endure if she wanted to dance professionally.

371. In her first year at UNCSA, Kuch started making sexual advances on Elizabeth when she took his technique class. While Elizabeth was performing a certain exercise that required her to stand with her feet spread wide apart, Kuch pressed his pelvis against her, then

slowly slid down the side of her body until he was squatting at the break of her hips. He was so close she could feel his breath. This was especially confusing because she had been groomed to feel “special” for capturing his attention. Kuch would also hover over 14-year-old Elizabeth during class and touch her body provocatively. While Elizabeth was doing floor exercises Kuch would squat and put his crotch in her face. He also would forcefully push his clasped hands between her legs into her crotch to “help” her jump higher. Kuch inappropriately touched Elizabeth on a daily basis in his technique class.

372. At the age of 14, Elizabeth’s only understanding of sexual assault was rape. At the time she did not understand that she was being sexually abused and assaulted. She believed, as did her peers, that this treatment was normal, since they all witnessed it (as did their other instructors) and no one ever questioned or challenged the way she and her classmates were treated.

373. During that time, Richard Kuch continued to give Elizabeth extra attention outside of the classroom. He pursued her and pressured her to meet with him privately, which she declined, constantly making excuses to avoid being alone with him. She was extremely uncomfortable and tried to avoid being alone with him outside the classroom. However, she was unable to avoid his sexual advances during her classes with him, including technique, improvisation, composition, and other classes.

374. He also invited Elizabeth to be a guest at The Farm, which was considered a “badge of honor.” During her visit, Kuch provided alcohol to the underage minors. Several students became drunk, including one classmate who lost consciousness.

375. Later, Kuch taught Elizabeth in his improvisation class. Once, while Elizabeth was performing during class, Kuch loudly demanded that Elizabeth make her movements “more

sexual.” Further, he announced to the class that she obviously didn’t understand what a real sexual experience was and that she “needed to get fucked by a big, black man.” Kuch then pointed to Boris, Elizabeth’s classmate who was African American, and told him to “help” her. Kuch then forced her to dance seductively toward Boris in front of the entire class.

376. The humiliation was particularly extreme during the required semester of "bikini class," where all students were required to wear virtually nothing but bathing suits--bikinis (and Speedos for men), with a belt cinched tightly around their waists. The sole purpose was to sexually humiliate them. During one particular bikini class, Kuch screamed at Elizabeth, demanding that she look at herself in the mirror to see how disgusting she was. Elizabeth still remembers his exact words: "Look in the mirror, goddamnit. You should be ashamed of what you see. You're fat and ugly and just filling a quota."

377. Richard Gain, like Kuch, performed demeaning, humiliating and sexually inappropriate touching. Gain would sexualize corrections and make sexually degrading and humiliating remarks. Gain was also violent and could become enraged during classes and do things like shoving his fist between her legs or throwing her and her classmates against the wall. Elizabeth and the other students had to brace themselves for such assaults during every class.

378. Similarly, Diane Markham used the same sexually humiliating actions, presumably in an attempt to emulate Kuch and Gain’s teaching methods. She regularly singled Elizabeth out for humiliation. During one class, Markham started to berate Elizabeth -- screaming and spraying spit in Elizabeth’s face. Markham then slapped Elizabeth across the face and yelled, “You’re going to smile in my class, damnit!”

379. Markham constantly talked about her sex life during class and often reeked of alcohol as early as 8:00 AM. Because Markham always talked about her “favorite perfume,”

Elizabeth assumed the sickening smell was perfume. At the time Elizabeth was unfamiliar with the smell of bourbon oozing from someone's pores. Elizabeth now knows that Markham was intoxicated during class at all hours of the day.

380. Markham would further degrade and humiliate Elizabeth by casting Elizabeth in her choreography only to take away Elizabeth's performance nights. Being cast by choreographers and then having parts taken away was a common way to humiliate and emotionally abuse the young dance students.

381. Elizabeth was constantly called fat and ugly and, as a result, began starving herself. Elizabeth developed body dysmorphia and continues to endure disordered eating to this day. Elizabeth has sought therapy for disordered eating.

382. It was difficult to concentrate and to perform well while Elizabeth was being body blocked and physically and sexually intimidated. She had to learn very quickly to brace herself, to anticipate sexually aggressive behavior, and to force herself to remain expressionless. Elizabeth learned to maintain a stone face and had to accept that it was the price she had to pay to retain her spot at the school.

383. Elizabeth learned to control her facial expressions, because any reaction to abusive treatment she received or witnessed others receiving would lead to more abuse. One particularly traumatic example of the importance of withholding emotional responses happened after a counselor came to Elizabeth's class in October of 1986 to announce that one of her classmates, Teri Elliot, had committed suicide. After delivering this devastating news, she told Elizabeth and her classmates that she would be available to talk to anyone who may be affected by her death. As soon as she left the classroom, Kuch began screaming at her and her classmates to take their positions and began to teach class as if nothing had happened. She remembers him

screaming at her classmate, Erika, because she could not stop crying. He screamed in her face the entire class and belittled her for showing emotion.

384. At the completion of her sophomore year, Elizabeth was not invited to return to UNCSCA. She believed the decision in part was because she had rebuffed Kuch's advances. Elizabeth was devastated. She auditioned again after completing the summer intensive and UNCSCA readmitted her. However, she was forced to retake Kuch's technique class in the fall of 1986. Kuch again subjected her to the same sexual touching that she had been subjected to the prior year.

385. The remainder of her time at UNCSCA Elizabeth felt isolated and alone. She graduated high school in 1988 and began her first year of college to complete the modern dance program. Eventually, she was so beaten down, she was convinced that she would never be able to dance professionally. She had become so depressed and suicidal by the end of her first quarter of her freshman year of college, that she left school at the age of 18 without completing her final year of the modern dance program. By then, her confidence had been completely shattered. She was convinced that she would never dance professionally and became suicidal. She dropped out of UNCSCA after one semester of college, depressed and lacking direction. Eventually, she went to community college and transferred to Appalachian State University, but her mental health continued to deteriorate. She was diagnosed with Post Traumatic Stress Disorder, Major Depressive Disorder, Eating Disorder (NOS), and Anxiety Disorder. For decades, Elizabeth has struggled with suicidal ideation and depression, and disordered eating. She continues to take antidepressants and continues to seek therapy to help her manage the lasting impact of the trauma she experienced at UNCSCA.

**FACTS SPECIFIC TO PLAINTIFF CHRISTOPHER SODERLUND**

386. In the summer of 1983, at age 15, Christopher attended summer school at UNCSA's high school and was admitted to the regular term of the high school beginning September 1983.

387. Kuch and Gain were Christopher's dance teachers at UNCSA. Kuch was the assistant dean of the modern dance department. Gain was a faculty member in the modern dance department.

388. Christopher was a ballet major. Duncan Noble was the assistant dean of the ballet department under the dean of the dance department, Robert Lindgren.

389. In the winter of 1983 Christopher auditioned for and was chosen for the spring musical revue choreographed and directed by the Kuch and Gain.

390. Kuch and Gain awed the impressionable young Christopher with their accomplishments, including having been Martha Graham dancers and Broadway performers. Gain boasted that he had performed with the Joffrey Ballet and the New York City Ballet.

391. Kuch and Gain convinced Christopher that, based upon their contacts and reputation in the dance community, they could advance and promote the careers of their favored students, possibly him.

392. Kuch and Gain also convinced Christopher that one bad word from them and he would not be able to find a job anywhere.

393. Kuch and Gain, especially Gain, paid substantial attention to Christopher. They made him feel unique and talented, and thus gained Christopher's trust, respect, confidence and adoration. Gain developed a close, personal relationship with Christopher outside of the classroom, acting as a mentor, confidante and friend.

394. Kuch and Gain told students, including Christopher, and even boys and girls as young as 13 that dancing was sexual expression and that they would be better dancers if they were sexually active.

395. Kuch and Gain instructed many male dance students during Christopher's class that they could "loosen them up" by performing sexual acts with them, and, thereby, improve their performance and career chances.

396. Prior to Easter 1984, when Christopher was only 16 years old, Gain took the impressionable young aspiring dancer to Kuch and Gain's house, where he served Christopher alcohol and then engaged in sexual relations with him.

397. Gain repeated the seduction of Christopher on other occasions, during which Christopher detached himself emotionally, physically and intellectually from what was happening.

398. Christopher trusted Gain, did not understand that what Gain was doing was wrong, feared losing Gain's friendship and guidance, and was afraid that if he resisted Gain that Kuch and Gain would retaliate by adversely affecting Christopher's grades, the performances in which he wished to participate, and his opportunity for a successful dance career. Kuch was aware of and witnessed and assisted Gain's seduction of Christopher. Kuch assisted and encouraged Gain by serving Christopher alcohol and encouraging Christopher to engage in sexual acts with Gain.

399. Kuch made sexual advances towards Christopher at "The Farm" and at the school.

400. Kuch and Gain often graphically described to Christopher many other occasions in which they had had sexual relations with other male dance students, leading Christopher to believe that this was an acceptable practice.

401. Kuch intentionally humiliated Christopher during classes and rehearsals making suggestive remarks to him in front of other students and by publicizing that Christopher and Gain were engaged in a sexual relationship.

402. Christopher believed that if he did not submit to Kuch's abuse and harassment that he would retaliate by adversely affecting his grades, the performances in which he wished to participate, and his dreams for a successful dance career.

403. As a result of Kuch and Gain's publication and public humiliation of Christopher, art students in Christopher's dormitory created graphic cartoons in the bathroom and showers depicting Kuch and Gain sodomizing him. The students mocked him by drawing blood and semen spewing out of Christopher's cartoon back side. The students used glue as the semen to create a three dimensional visual. It traumatized Christopher then and still does to this day.

404. Arthur Ballard, a member of UNCOSA's faculty, told Christopher that he knew of his sexual relationship with Gain. He never offered Christopher any assistance with regard to the abuse and exploitation being perpetrated by Kuch and Gain.

405. During the spring performance of 1984, Kuch and Gain severed their sexual relationship with Christopher and, thereafter, belittled him. They convinced Christopher that he was unworthy of esteem both personally, physically and as a dancer.

406. As a result of Kuch and Gains' ridicule, Christopher became emotionally unstable and began a cycle of self-destructive behavior which involved over-eating, drinking and smoking.

407. In the spring of 1984, Christopher's academic grades were excellent. He went before the entire ballet faculty (called a "jury") for his artistic evaluation. His artistic evaluations were good and there was no indication from any of his teachers or members of the faculty that he

would not be invited back for the regular fall term. UNCSCA's custom and practice of inviting back the students who have high academic standing and pass the artistic jury evaluation created a reasonable expectation that Christopher would be invited back for the regular fall term. It was significant to Christopher's professional career that he complete his education at UNCSCA.

408. Near the end the school year in 1984, Duncan Noble, then the assistant dean of the ballet department, informed Christopher that he knew of Christopher's sexual relationship with Kuch and Gain.

409. Noble did not use his position as an assistant dean to prevent further sexual abuse or to have Kuch and Gain disciplined or to assist Christopher with the abuse he was suffering.

410. Instead, Noble told Christopher that he, too, thought he would have had sex with him by the end of the school year and told Christopher that he was not being invited back for the fall semester. Noble gave Christopher no further opportunity for a fair and reliable procedure to determine whether he was worthy of continuing as a student at UNCSCA. His decision was arbitrary, capricious and tainted by his own conflict of interest.

411. As a result of Kuch and Gains' abuse, exploitation, denigration, rejection and abandonment of Christopher, combined with the staff, faculty and administration's knowledge of and apparent and horrific tolerance of the violence being done to his body and soul, Christopher became emotionally vulnerable, he loathed and blamed himself, he felt worthless and began a cycle of self-destructive behavior which involved over-eating, drinking alcohol and smoking cigarettes.

412. Christopher was distraught that he was not being invited back to the ballet department and he did not want to lose his opportunity for education at UNCSCA.

413. Christopher requested of Kuch and Gain that he be transferred to the modern dance department. Kuch reluctantly transferred him to the modern dance department for the summer semester, indicating that he would be under intense scrutiny. During that summer school session, Kuch made sexual advances towards Christopher. Christopher rebuffed all of his advances.

414. Kuch and Gain continued to torment Christopher by flirting with him one moment and then in the next moment making disparaging comments about him being fat and unattractive. They compared him unfavorably to other male dancers. They indicated that the other boys were more attractive to them both as dancers and as sexual partners.

415. Kuch and Gains' actions so upset Christopher that he contemplated suicide.

416. Diane Markham, a teacher in the Modern Dance Department, knew of Gain's sexual relationship with Christopher. During the summer session of 1984, Christopher discussed with Markham the details of Kuch and Gain's scrutiny of him and their unjustified negative comparisons between him and other male dance students. Diane Markham did not indicate that there was anything wrong with Gain having had sex with Christopher, and she told Christopher that there was nothing she could do about Kuch and Gain's unjustified treatment of him in the department.

417. Christopher reported what was happening to him to his dance teachers Mabel Robinson and Melinda Lawrence. He sought their comfort, compassion and care. The teachers indicated at various times to him words to the effect of: "The administration knows and does nothing. We can do nothing to help you." They also confirmed that Christopher would experience casting couches in the "real dance world."

418. Because of the open sexual relationships between teachers and students at UNCSA and because of the failure of the school's agents, administrators and faculty members to report, investigate, discipline, bring charges against, express outrage to Kuch and Gain or any other teacher having sex with a student, or in any other way assist Christopher and other minor students from sexual exploitation and seduction by faculty members, Christopher believed that such activity was an acceptable and normal part of studying at UNCSA.

419. At the end of the summer session, Kuch refused to invite Christopher back to UNCSA for his junior year of high school. Kuch gave Christopher no opportunity to be judged by the faculty or any other fair and reliable procedure for determining whether he was worthy of continuing his education at UNCSA.

420. Upon information and belief, Gain convinced Kuch not to invite Christopher back for the regular fall term. The actions of Gain were arbitrary, capricious and tainted by his conflict of interest.

421. As a direct and proximate result of the actions of Kuch and Gain, Christopher continued his self-destructive behavior of drinking, smoking and over-eating.

422. Christopher returned for a summer session of high school when he was 18 years old in 1986. He believed he needed to earn the respect and praise of Kuch and Gain.

423. Kuch verbally abused Christopher and made comments to Christopher about being an "old flame." Gain did not speak to Christopher and acted as if nothing had ever happened.

424. Christopher discussed with Gigi Buffington, a guest teacher in the Modern Dance Department and with Diane Markham the continuing abuse and harassment he suffered. Christopher explained to Ms. Buffington about Gain's prior sexual relationship with him. Neither

Ms. Markham nor Ms. Buffington indicated that Gain's sexual relationship with Christopher was wrong, nor did they offer Christopher any help.

### **FACTS SPECIFIC TO PLAINTIFF AMY TROST**

425. Amy Trost entered UNCOSA's high school dance program in 1986. When Amy first entered UNCOSA, she was 15 years old.

426. The modern dance department had four teachers: Kuch, Defendant Gain, Mable Robinson, and Defendant Markham.

427. Defendant Markham was an alcoholic and would come to class drunk. She was extremely mean and verbally abusive.

428. When in class with Kuch and Defendant Gain, Amy endured sexual, physical, and emotional abuse. For example, Kuch would hit students on the head or shoulders if their shoulders were up instead of down or thrust the student's leotard up their bottoms if they attempted to adjust their leotard during class. They were very physical with all the students, including Amy. Students were intimidated and scared of them.

429. Kuch and Gain were always spouting sexual innuendos in class and talking about sex. Everyone knew they were having sexual relationships with male students. When they demonstrated movements, they would always sexualize them. Kuch and Defendant Gain would invite students to their home on the weekends. Amy was not a favorite of Kuch and Defendant Gain, so she was never forced to have sex with them. However, on multiple occasions, Kuch would tell Amy in front of the entire class that she needed to lose her virginity or "get laid" to improve her dancing and make it in the dance world. As a young and impressionable student who only wanted acceptance and affirmation from her teachers, Amy purposely lost her virginity at age 17 in hopes of winning their approval. This abuse also led her

to engage in promiscuity for many years after. Kuch and Defendant Gain were very volatile. Most of the time, students were just trying to survive. Many students, including Amy, turned to drugs and alcohol to cope with stress and abuse.

430. The young students were forced to wear swimsuit bikinis in technique class so Kuch and Defendant Gain could see their bodies better. Kuch and Defendant Gain would require the students to do dance moves on the floor that force them to spread their legs, and then Kuch and Defendant Gain would then use explicit language to talk about their bodies. In these classes, movements were always very sexual in nature. They spoke freely and openly about their sexual relationships with one another (i.e., who was the giver and who was the receiver). Their nicknames were “Crotch” and “Groin.” Kuch and Defendant Gain tried to normalize the sexual, physical, emotional, and psychological abuse by saying it was just part of the dance world.

431. At the end of every semester, all four dance teachers would call Amy into their office for evaluation and pick her apart. They told Amy that she was no good and she would never make it as a dancer. They told Amy specifically that her hips were too big, and she needed to fix that. As a result of such harsh criticism and the accompanying sexual, physical, and emotional abuse, Amy starved herself, stopped menstruating, and developed body dysmorphic disorder. Many mornings Amy could not use the bathroom in her dorm because so many girls were bulimic the toilets would be covered with vomit. Not only were students trying to win Kuch and Defendant Gain’s approval, but the approval of all the dance teachers, including the ballet teachers.

432. Amy would go into the studio at night and practice for hours to try and get better so that she was good enough for them. Amy began developing severe hip pain from dancing for

so many hours, and there would be days that she would crawl up the stairs because she was in too much pain to walk. She ignored her chronic hip injuries for fear of displeasing Kuch and Gain.

433. Amy also began to have autoimmune and health issues that continue to this day. Because of the abuse, Amy became depressed and had suicidal ideation during her time at UNCSA and through her college years. The abuse that Amy endured during her stay at UNCSA negatively impacted her self-esteem, self-worth, and mental well-being, as well as her ability to develop and maintain positive relationships throughout her life.

#### **FACTS SPECIFIC TO PLAINTIFF BLAIR TINDALL**

434. Blair Tindall attended high school at UNCSA from 1975 through 1978. She attended the school of music and was there to study the oboe.

435. Almost immediately after Blair arrived at UNCSA she realized there was a culture of sexual abuse and exploitation. During private lessons with her oboe instructor Defendant Joseph Robinson where she was alone in a room with him, he put his hands all over her and required her to put her hands all over him in order to “learn how to breathe.” Blair was 15 years old.

436. Blair was later told by another student that the girls had to endure such groping if they wanted orchestra parts. The sexual abuse and exploitation of minor students by UNCSA faculty and administrators was widely known and accepted. Because of the exploitive culture at UNCSA, many college students took advantage of the high school students. No one at UNCSA attempted to do anything to protect the high school students.

437. The sexual abuse and exploitation of minor students by UNCSA faculty and administrators was pervasive. Blair observed that UNCSA was like a grocery store for Kuch and Gain who everyone called "Crotch and Groin."

438. Blair fell prey to the culture of sexual abuse and exploitation and entered into a sexual relationship at age 16 with a flute instructor named Philip Dunigan. Defendant Dunigan was a known predator who had sex with many minor students. Defendant Dunigan's apartment was within walking distance of the campus and their relationship was so open that he often dropped her off and picked her up on his BMW motorcycle at her dorm. In the summer of 1977, Philip Dunigan picked Blair up at the Eastern Music Festival at Guilford College and they spent the night together at a motel on the eastbound side of I-40. Defendant Dunigan also chaperoned a UNCSA-sponsored student orchestra's trip to Italy. Defendant Dunigan's abuse and exploitation of Blair continued throughout that trip. The relationship between Blair and Philip Dunigan spanned off and on over a period of four years.

439. Blair also engaged in a sexual relationship with her piano teacher, Defendant Bruce Moss. She recalls taking a train with him to New York City to spend the weekend with him.

440. In addition to the exploitation she experienced with three of her instructors, Blair also had a year-long sexual and romantic relationship with a 24-year-old college student by the name of Paul Joel Hatton.

441. During Blair's time at UNCSA as a high school student, Blair had sex with 17 men that consisted of college students over the age of 18 as well as faculty members.

442. After graduating from UNCSA, Blair followed her oboe teacher, Defendant Joseph Robinson, to New York City where he was to teach at Manhattan School of Music after

being appointed principal oboist of the New York Philharmonic. She received a Bachelor of Music degree and Master of Music degree while in New York after five years. This would have her studying with Robinson one-on-one for a total of eight years. The sexual abuse continued unabated.

#### **FACTS SPECIFIC TO PLAINTIFF BROOKS WHITE**

443. Brooks White attended UNCSA as a high school student from 1983 through 1987.

444. While at UNCSA Brooks took classes and rehearsals under Kuch and Defendant Gain and Melissa Hayden. He experienced the extreme emotional and psychological abuse heaped on students by these three instructors.

445. Hayden was verbally abusive and psychologically abusive in nearly every class. Kuch and Defendant Gain inappropriately sexualized many of their classes and repeatedly told the minor students to get “fucked” so they would be better dancers.

446. Over time Defendant Gain began to groom Brooks. That led to Brooks being invited to “The Farm” to stay overnight. While there, Defendant Gain came into the room where Brooks was sleeping and kissed Brooks on the lips and then left.

447. Brooks also interacted with Duncan Noble. Noble would provide Brooks and other students alcohol at his home.

448. In the summer of 1985, Brooks and several other UNCSA dancers took a UNCSA-sponsored trip to Italy to rehearse in Rome and perform in Spoleto.

449. On the flight to Rome, Brooks was seated beside Duncan Noble. Brooks thought it was a privilege to be sitting beside Noble until Noble started to grope and fondle Brooks.

450. Brooks was one of many victims of sexual abuse and exploitation by both Defendant Gain and Noble, both of whom were well known sexual predators by the faculty and administrators at UNCSA.

### **FACTS SPECIFIC TO PLAINTIFF AMANDA IRWIN**

451. In addition to the subtle grooming of young female dancers for later sexual abuse and exploitation, Defendant Burley could also be a more direct predator.

452. Amanda auditioned to attend UNCSEA when she was 17 years old and was accepted into the school of dance to study ballet. She enrolled in the fall of 2008. One of her instructors was Defendant Burley.

453. During a fall conference with Burley, Amanda was told that she had to do private Pilates classes with Burley if she wanted to continue in the program. During the meeting Burley asked Amanda to close the door. When she closed the door, she realized that Burley had taped a piece of paper over the window to prevent anyone from seeing in.

454. Approximately 30 minutes into the private Pilates session, Burley ran his hand inside of Amanda's leotard and began to rub her vagina with his fingers. He repeatedly asked Amanda "can you feel it there?" Amanda replied "yes" in hopes that Burley would stop, but Burley continued to rub Amanda's vagina for an extended period of time.

455. When Burley finally pulled his hand from Amanda's leotard Amanda started to leave the room. Burley tried to kiss her, but she avoided him.

456. After she was sexually abused and exploited by Defendant Burley, Amanda called a friend and told the friend what Burley had done. Amanda's friend informed her that Burley had been in open relationships with a high school dancer and that when that dancer finally rejected him, he turned completely against her and tried to get her removed from the school.

457. After the sexual assault by Defendant Burley, Amanda went to speak with Christine Spizo, another UNCSEA dance instructor who Amanda knew from past dance programs.

Amanda told Spizo what Burley had done and Spizo replied that “we know all about it and there is nothing we can do.” Spizo advised Amanda that she should leave the school.

458. Amanda is aware of and numerous other young female dancers who were victimized by Defendant Burley.

459. Amanda reported Burley to administrators at UNCSA. Burley continued to teach at UNCSA for another six months before he left the school and moved in with another UNCSA student.

### **FACTS SPECIFIC TO PLAINTIFF JANE DOE 02**

460. Jane 02 enrolled at UNCSA as a high school student in January 1969 and graduated from high school in June of 1971. She was 15 years old when she started at the school. The school had been open to students for only four years at that time.

461. When Jane 02 enrolled at UNCSA she was a very trusting and innocent young girl. She was raised in a conservative and deeply religious family. She was a virgin and completely naïve to the ways of the world. She was living far from her parents for the first time. No one talked about and rarely reported on child sexual abuse in the 60’s. Jane 02’s parents had no idea they needed to inform her or caution her about sexual abuse. If they had any idea that something like that was even possible at UNCSA they never would have allowed her to attend the school. Jane 02 was pretty insistent that she attend UNCSA to further her ballet training as there was nothing available in her hometown. She was completely unaware and unprepared for the lifelong trauma and pain she would endure at UNCSA at the hands of one of her teachers.

462. Jane 02 was in the School of Dance studying ballet. One of her instructors was Defendant Pandi. He was a married man at least 15 years older than Jane 02.

463. Jane 02 was not prepared to recognize or deal with the improper attention and advances of an older man in authority. Defendant Pandi began to slowly and gradually groom

and emotionally manipulate Jane 02. This was happening at a time when her innocent sexual feelings were awakening. He took advantage of those innocent sexual feelings and made it into something ugly. Unbeknownst to her, Jane 02 was manipulated and persuaded to believe that Defendant Pandi was her friend and protector, but in reality he was a predator and she was his victim. He used a slow, calculated evil plan that she was not even aware was happening at that time. There were times when Defendant Pandi would pick up Jane 02 in his car from her dorm. At that time there was a road that ran along the edge of the campus and was hidden behind the dorm. On these occasions, in his car, he would fondle and kiss Jane 02.

464. Jane 02 was invited to stay at the Pandi's house. In the beginning his wife, Gina, would always be there. This would help Jane 02 to become comfortable in that setting. Jane 02 greatly admired and looked up to Gina and would never do anything to intentionally cause her pain. Defendant Pandi used Jane 02's loyalty to Gina against her. He put Jane 02 into a confusing and powerless situation, knowing she would say nothing to anyone. Jane 02's youth and innocence were stolen from her so that Defendant Pandi could fulfill his sick desires.

465. In the summers of 1970 and 1971, Jane 02 went on UNCSA sponsored tours to Italy. Defendant Pandi and his wife, Gina, were on these tours as faculty members and dancers. While on tour Defendant Pandi touched Jane 02 in a sexual manner. While riding on the tour bus at night, an incident of sexual touching occurred. Jane 02 was sitting in the window seat and Defendant Pandi sat down beside her even though his wife was sitting in the seat right behind Jane 02. Jane 02's lap was covered with a blanket or jacket. Defendant Pandi went under the blanket and put his hand up under Jane 02's dress. Jane 02 was shocked by his actions and pushed his hand away. She was horrified that his wife would see what was happening in the seat right in front of her.

466. There was also sexual touching and kissing in a garden that was well hidden from view behind the Villa Freia. That is the place where the students stayed in Asolo.

467. At the Villa Freia, Jane 02 experienced a significant bedbug problem from the old mattress the villa provided. Defendant Pandi and his wife along with all other staff were staying in the Villa Hotel Cipriani nearby in Asolo. Defendant Pandi, and his wife, invited Jane 02 to stay with them in their room that night to escape the bugs. Jane 02 was given something to add to bath water in an attempt to alleviate the itching from the bug bites. Defendant Pandi took Jane 02 to the Pandi's hotel room. Jane 02 went into the bathroom alone, filled the tub and got in, naively not locking the door. She assumed Defendant Pandi had left the hotel room. A short time later, Defendant Pandi entered the bathroom and sat on the toilet, near the tub, and watched Jane 02 while she bathed. Jane 02 felt extremely uncomfortable by his presence while she was completely naked in the tub. She sat there with her knees pulled up to her chest and her arms locked around her knees.

468. On one occasion Jane 02 was invited to stay at the Defendant's house. Gina was there also, but she left early the next morning to go teach class at UNCSA. Jane 02 was not awake when she left. Sometime after Gina left the Defendant came into the room where Jane 02 slept to wake her up. He stroked her hair and shoulder but stopped there.

469. The second time Jane 02 was invited to stay at the Defendants house, he became bolder. This time Jane 02 was staying in a basement room. Jane 02 was already in bed, but the light was still on when Defendant Pandi came into the room. The Defendant sat on the bed and began to kiss and fondle her. The Defendant's wife was upstairs in the house at the time.

470. On another occasion Defendant Pandi again took Jane 02 to his house. The Defendant's wife was not there this time. Defendant Pandi asked Jane 02 to lie down on the floor

in the living room and he began to fondle, grope and kiss her. After a period of groping and fondling, Jane 02 stopped the Defendant because she became uncomfortable and worried that the Defendant's wife would come home earlier than expected. Jane 02 was very close to the defendant's wife. In her young innocent mind, she felt enormous guilt and responsibility for what was happening and did not want to cause Gina any pain. Defendant Pandi took Jane 02 by the hand and led her to his bedroom. Once in the bedroom Defendant Pandi bent Jane 02 over, next to his bed, and had anal sex with her. When this radical escalation of sexual abuse was completed, the Defendant told Jane 02 to take a shower. He entered the shower with her.

471. After graduating from UNCSA, Jane 02 went to NYC on a scholarship to continue her ballet studies. When Defendant Pandi was in NYC, with his wife to visit her family, he would call Jane 02 and ask to come visit her, without his wife. On one visit he picked her up in his car and they drove around for a short time. He continued to make advances and try to touch Jane 02. She did not respond to his unwelcome advances. Another time he came to Jane 02's apartment and again tried to make sexual advances but she shut it down and asked him to leave.

472. Like most child victims of sexual abuse and exploitation, Jane 02 believed, for decades, that what happened at UNCSA, was somehow her fault and she experienced enormous guilt. That guilt, even though it was misplaced, was often times unbearable. The only way Jane 02 could deal with the guilt and shame was to lock it away deep in her heart and soul. As much as possible, she had to try not to think about it so she could go on and function in her daily life. As difficult as it was to constantly push away the effects of the abuse, her priority was always her three children ... her family. Some days this was extremely hard to do. Her loving husband knew something was not right, but Jane 02 could not talk about what she had suffered. Her

silence caused a great deal of tension between them and kept them from being as close as they could and should have been. Sexual abuse doesn't only affect the individual victim.

473. In January of 1997, during therapy sessions, Jane 02 finally came to know the truth of what happened to her so long ago. This was decades after the abuse began. Decades of heartache, pain, confusion and so much suffering because Jane 02 thought she was somehow to blame. In therapy Jane 02 learned that she was not emotionally mature enough to cope with the abuse when it was happening and therefore the adult was the responsible party. It was not her fault. She did not relinquish her innocence; Defendant Pandi took it from her. But even finding out she was not at fault did not take the pain and suffering away. The damage Defendant Pandi did to her heart, body, mind and soul has continued for over 50 years. The sexual abuse sent her down a road she never would have chosen for herself and affected decisions and choices she made going forward.

474. Unfortunately, her therapist became sick just months later and died of cancer. Counseling stopped and has just begun again. Jane 02 has tried her best to work through the damaged suffered and the immeasurable harm from the effects of the sexual abuse and exploitation her entire adult life. The pain continues to this day for Jane 02 and for those she loves most, especially her husband. Jane 02 recognizes the need for more professional therapy as the only way to get through the process of this lawsuit. At this time, memories and details of the abuse are required to be spoken about and documented. This process has caused great emotional distress to Jane 02 and her husband. She is hopeful that more therapy will give needed understanding and needed help. She is also hopeful that through therapy she can learn how to someday ... finally heal from a lifetime of hurt and pain. Jane 02 was just a young, innocent, talented and hopeful future ballerina who was seeking the knowledge, expertise and exciting

experiences she could find at UNCSA. All she wanted was to one day go out into the world and share the beauty of her art. She had no idea the price she would pay!

### **FACTS SPECIFIC TO PLAINTIFF JENNIFER BROWN**

475. Jennifer enrolled in UNCSA as a high school dancer 1983. She was 13 years old.

476. Jennifer took dance classes from Richard Gain, Richard Kuch and Melissa Hayden.

477. Kuch and Defendant Gain were constantly sexually inappropriate with underage students. In particular, Kuch always made Jennifer feel uncomfortable and sexualized every movement she made. Kuch and Gain would tell these young dance students that they would never be successful dancers unless they got “fucked.”

478. Jennifer, like most 13–14-year-olds, had never been exposed to adults, much less teachers, talking about sex. She was young, inexperienced, and was conditioned to believe this behavior was normal.

479. On many occasions, Kuch touched Jennifer in a sexually abusive, exploitative and unnecessary way. Kuch would do such things as thrust his pelvis into her while he was purportedly providing instruction. Like so many other students, Jennifer put up with the sexual abuse and exploitation heaped upon her by Kuch because she thought it was normal behavior. She had no idea that UNCSA was normalizing the abnormal.

480. Students like Jennifer were compliant out of fear of not being invited back the next year and because they were vulnerable after being constantly emotionally and psychologically berated.

481. Melissa Hayden was cruel. Hayden was emotionally, psychologically and physically abusive to Jennifer and many other students. On one occasion, Hayden told Jennifer to just “quit and work at Kmart and make babies.” On another occasion Hayden slapped Jennifer when Jennifer failed to position herself properly during instruction. Hayden was physically abusive often. Jennifer was hit by Hayden quite regularly. Jennifer dreaded Hayden’s class and developed a serious anxiety disorder which went unaddressed for decades. She believed that she was unworthy because that is what Hayden told her every day in class.

482. Jennifer and her classmates supported each other through the constant sexual, emotional, physical and psychological abuse, but never spoke up because there was no one to turn to and because speaking up would likely result in your not being invited back.

483. At 17 years old, Jennifer was raped and had her virginity stolen by a 21-year-old UNCSA college student. He was a student in the Design and Production department. Jennifer can recall that the rape occurred while on the Nutcracker Tour in 1986 in the college student’s motel room. She remembers hearing other Design and Production men outside of the motel door cheering and celebrating for their classmate as she lay on the bed numb and lifeless.

484. Jennifer attempted to dance professionally after leaving UNCSA, but due to the trauma she suffered while at UNCSA she never felt good enough as a dancer and eventually quit pursuing her dream.

485. Jennifer has dealt with depression and an eating disorder as result of the abuse she experienced at UNCSA. She has been in therapy on and off since she graduated from the school in 1987. She has been and continues to take antidepression and antianxiety medication since 1987. She has also struggled with self-harm and suicidal ideation. Because she was taught to normalize abuse while at UNCSA, she has also had difficulty being in a healthy relationship. As

a result of Jennifer's unresolved trauma, she has unfortunately passed her pain onto her children. Her daughter developed an eating disorder as well, which required two separate residential treatment centers costing hundreds of thousands to keep her alive. Her son also developed a serious drug addiction for which he spent time in rehab to get clean. Inadvertently passing her pain to her children is a struggle that Jennifer deals with daily.

#### **FACTS SPECIFIC TO PLAINTIFF CRAIG MCMILLAN**

486. Craig grew up in Mount Airy, North Carolina, and transferred to UNCSA for his senior year of high school in 1982. Craig played the French horn and was in the music department.

487. During the fall of his senior year of high school, Craig attended a UNCSA-sponsored party where significant amounts of alcohol was served. Craig left that party with Clyde Fowler, an instructor who taught drawing and illustration in the visual arts department. Fowler took Craig to his home where Fowler sexually abused and exploited Craig. When Craig woke up the next morning, they were in bed together and Fowler was touching Craig.

488. On another occasion during that fall, Craig was groomed by his high school English teacher – William King. King eventually invited Craig to his home, served Craig alcohol, and had oral sex with Craig.

489. These two instances of UNCSA teachers sexually abusing and exploiting a minor student entrusted to their care was an all-too-common occurrence at the school. Sexual relationships between adult instructors and minor students were openly known and condoned by administrators, faculty and staff.

490. During his time at UNCSA, Craig also knew about Kuch and Gain and their open and notorious sexual relationships with the young male dancers. What went on at “The Farm” was known by everyone.

491. As a direct result of the negligence of the administrators, instructors and staff at UNCSA, Craig’s suffered the above-described sexual abuse and exploitation.

### **FACTS SPECIFIC TO PLAINTIFF JANE DOE 03**

492. Jane 03 first attended UNCSA in the 1989 summer program and then enrolled full-time at UNCSA for her junior and senior years of high school. She was 15 years old when she started high school at UNCSA.

493. Like so many young students, Jane 03 was not aware that she was entering a culture that encouraged smoking, drinking, drugs and sex. Jane 03 was not aware that she was entering a culture that made the abnormal seem normal.

494. Jane 03 was in the ballet program and had the “perfect” ballet body and as such her body was sexualized.

495. Jane 03 took classes with Kuch and Gain, both of whom were sexually, emotionally and psychologically abusive. Jane 03 was often grabbed and touched in class in an inappropriate sexual manner that was totally unnecessary to her training. Kuch often shoved into her from behind, told her she needed to loosen up sexually, and grabbed her between the legs when he was stretching her.

496. Because of the highly sexualized nature of the culture at UNCSA, administrators, faculty, staff and older college students assumed sexual abuse and exploitation was normal. When Jane 03 was 16 years old and in her senior year of high school, she was date raped by a college student.

497. Because of the constant sexual, physical, emotional and psychological abuse, at that time in her life Jane 03 suffered from very low self-esteem and self-confidence and was made to feel that her life was not within her control.

498. She was encouraged by the community to try various drugs (teachers glamorized it with their personal stories) and the drugs became a way to self-medicate. Faculty and staff were also very aware that students could buy drugs on the cafeteria line simply by giving code words to the cafeteria staff.

499. Following UNCSA, Jane 03 went to the Richmond Ballet but was not able to cope given the trauma she had experienced at UNCSA. Jane 03 left Richmond and went to the dance program at Indiana University. It was there that Jane 03 came to fully realize how horribly abnormal the culture was at UNCSA. She was not able to continue with ballet because at that time she could not form an accurate perception of her capabilities to endure, both physically and mentally.

500. As a direct result of the sexual abuse and exploitation accompanied by the emotional and psychological abuse she endured while a minor and a student at UNCSA, Jane 03 has gone through years of therapy and counseling.

#### **FACTS SPECIFIC TO PLAINTIFF CLIFFORD WATKINS**

501. Clif enrolled at UNCSA as a high school student in 1984. He was in the music department and studied classical guitar.

502. Clif would often practice guitar in the hallway outside the modern dance classes. Clif saw and heard all of the vile and disgusting things that Kuch and Gain would say to the students. Clif, like almost everyone at UNCSA, knew that Kuch and Gain preyed on the young male dance students.

503. When Clif was 15 years old, Mel Tomlinson a former UNCSA student and then guest instructor, began the process of attempting to groom Clif to have sex with him.

504. Tomlinson would sit and talk with Clif under the guise of just getting to know him. Tomlinson would also buy Clif cigarettes.

505. At one point Tomlinson invited Clif to provide music for one of Tomlinson's classes. After the class Tomlinson suggested he and Clif have a drink despite the fact that Clif was underage. Tomlinson began to make it clear that he was interested in more than just a drink.

506. Tomlinson's grooming progressed to the point to where he asked Clif, "you sure you don't like guys?" At one point Tomlinson groped Clif and specifically asked Clif to have sex with him.

507. Clif was terrified of not being invited back but told another teacher about Tomlinson's abuse. That teacher simply brushed it off.

508. At another time while Clif was in high school, assistant music dean Walter Gray asked Clif to housesit for him. When Clif arrived at Gray's house, he found that Gray had left S&M porn all over the house. When Gray arrived back, he asked Clif if he had enjoyed his "library." Gray also asked Clif if he was interested in men and told Clif that he should be more open-minded because it would make him a better artist.

509. After Clif rebuffed Gray's sexual advances, Gray gave Clif no future performance opportunities.

510. During his time at UNCSA, Clif witnessed rampant sexual abuse and exploitation of students by administrators and faculty. For example, Clif saw female students leave the office of Defendant Shipps in tears and with their shirts unbuttoned. It was well known that Shipps was sexually abusing his female students.

511. Clif is also aware of an English teacher who would invite young boys to his home to “model” nude for him and that this teacher would sexually abuse and exploit the students. Inez Davis went to Defendant Tribby who was Dean of General studies and reported what was going on with this English teacher. Tribby told Davis that she was being self-righteous.

512. Clif’s father was the Dean of the school of music at NCA&T State University and knew Gray. Clif informed his father about the S&M porn incident and Clif’s dad contacted Defendant Smith about what had happened.

513. Clif once witnessed a drama teacher in his mid-50s come to the hill where the students were sitting out in the sun studying and do sword fighting routines wearing only a speedo. This same drama teacher wants smacked Clif’s girlfriend on her buttocks.

514. As result of the sexual abuse and exploitation Clif experienced at UNCSCA he has been required to undergo counseling to deal with its impact.

#### **FACTS SPECIFIC TO PLAINTIFF TALBOT HALL**

515. Talbot enrolled in the UNCSCA high school drama program in fall 2011. She was 16 years old.

516. The director of the UNCSCA high school drama program was Defendant Maxner.

517. During her year at UNCSCA, Talbot experienced in environment characterized by severe and all-encompassing psychological abuse and manipulation and sexual exploitation.

518. Maxner cultivated a cult-like environment. There were 12 boys and 12 girls in the program, and he required them all to wear black at all times. They also had to sign a contract pledging to follow numerous rules of Maxner’s creation. Maxner controlled when Talbot and the others could leave campus, even if it was to see her parents.

519. Maxner to extreme measures to with Talbot's personal life regularly asking her many personal questions.

520. Maxner also force Talbot and the other students into situations of sexual abuse and exploitation.

521. For example, at an audition preparation workshop, Maxner instructed the students to individually perform a dance with the express instruction to seduce their professor. Talbot was 16 years old and had never kissed a boy. She had no idea what she was supposed to do to act like she was seducing Maxner. Only the female dancers were required to do the seduction performance.

522. As another example, during a movement piece created, cast and choreographed by Maxner and based on Dante's Inferno, Talbot and the other students were told to wear dancewear that was as revealing as possible, resulting in every student being clad essentially in their underwear only.

523. During one segment when Maxner was choreographing the level of the Inferno that compromised lust, he instructed a male student to take Talbot to the front of the class and physically demonstrate lust on her. At Maxner's instruction, this male student then began to kiss and touch Talbot in a sexual way in front of the entire class. This included the male dancer kissing down her bare stomach and simulating oral sex on her through her dance shorts.

524. Talbot, like all students at UNCSCA, had to endure this inappropriate behavior or risk being expelled from the program.

525. Maxner thought this lust segment was a success and added it to the show thereby requiring that Talbot be subjected daily to kissing touching and simulated oral sex at the hands of another student.

526. In another segment of that show, students were instructed by Maxner to select partner. He did not tell them why and they all selected partners at random regardless of gender or sexual orientation. Maxner then position them in a circle and instructed each pair to passionately make out with each other for an indefinite period of time. Maxner watched as this evolved into touching caressing and groping by the students. Like the lust segment, Maxner added this segment into the show thereby requiring Talbot and the others to rehearse and perform the kissing and groping for an extended period of time.

527. The inappropriate and exploitative approach taken by Maxner in context of the highly competitive nature of the program ensured that the students would try to gain his favor by escalating the overt sexuality of their actions in order to gather his attention and garner his favor.

528. Maxner's humiliation of Talbot including once stating to her in front of the class that she, "had a sweet face, and it might be the reason that someday she gets raped."

529. During one rehearsal of Romeo and Juliet, Talbot was instructed by Maxner to rehearse an extremely emotional scene depicting her finding her daughter dead. Talbot put herself fully into the performance and the performance began to take an emotional toll on her. Maxner forced her to repeat the scene over and over again until she was in an active panic attack. Talbot told Maxner she could not do the scene again and Maxner instructed her that she would do the same for as long as he wanted because he, "enjoyed watching her cry."

530. Maxner held great sway over Talbot and the other students because not only was he the director of the UNCSEA high school drama program but had great sway over who would be admitted into the school's college drama program. This ensured that the students would go along with the sexual abuse and exploitation perpetrated upon them under the guise of auditions and rehearsals, in order to give themselves a chance to be in the college drama program.

531. Maxner often told Talbot and the other students that their lack of sexual experience would inhibit their ability to be successful in the drama field. This was his justification for forcing them to participate in the abusive and exploitative sexual material.

532. At the conclusion of her year at UNCSEA Talbot experienced a psychological breakdown that resulted in her decision to abandon her dreams of acting and not to attend college.

533. After leaving UNCSEA, Talbot learned that the parents of another student had complained to administration about Maxner's abusive, exploitation of and manipulative conduct. That complaint had been lodged prior to Talbot enrolling in the program. Upon information and belief, UNCSEA administrators did nothing to deal with this inappropriate behavior and instead allowed Maxner to retaliate against the students whose parents had complained about him.

534. As a result of the abuse and exploitation Talbot experienced as a 16-year-old at UNCSEA, after graduating from UNCSEA's high school drama program Talbot began to experience PTSD, symptoms of obsessive-compulsive disorder, depression, flashbacks, night terrors, suicidal ideation and disassociation.

#### **FACTS SPECIFIC TO PLAINTIFF FRANK HOLLIDAY**

535. Frank grew up in Greensboro, North Carolina and first attended UNCSEA in the 1972 summer theater program. He was 15 years old.

536. Frank lived on campus in a dorm that summer as did Richard Kuch, who was a dance instructor for that summer session.

537. Almost immediately, Kuch began to groom and seduce Frank.

538. Frank first noticed that Kuch would stare at him. Frank recalls sitting in the cafeteria one day eating and looked over to see Kuch staring at him. Every time Frank would take a bite of food, Kuch would insert his fork into his mouth in a sexual way.

539. Kuch would stand in the doorway of his dorm room wearing only a bikini and motion to Frank to visit him. Frank had never experienced such aggressive grooming and seduction.

540. Frank's first sexual encounter with Kuch occurred in Kuch's dorm room after Kuch invited Frank to visit and then seduced and coerced Frank into participating in oral and anal sex. A group of students was in a room across the hall partying and Frank later heard them making reference to Kuch and to what Kuch and Frank were doing in the room. When the incident was over, Frank left by crawling out of the window because he could not leave the room and go past the other students.

541. At that time, Kuch already had a well-known and well-established reputation for having sex with young dancers. Kuch was the only instructor living in the dorm that summer.

542. For the fall of 1972, Frank was recruited and admitted into the high school dance program. He continued his sexual relationship with Kuch. Frank often visited Kuch at a home Kuch and Gain shared and later visited Kuch and Gain at "The Farm." The sexual abuse and exploitation at the hands of Kuch continued throughout most of Frank's high school years.

543. At one point on a visit to "The Farm" when Kuch was not there, Gain engaged in sex with Frank.

544. At the time Kuch was sexually abusing and exploiting Frank, Frank was not aware of the severity of what was happening. Frank thought Kuch had "brought him out of the closet."

545. After high school Frank left UNCSCA and went to New York, but eventually quit dance. Frank returned to UNCSCA to study visual arts.

546. As result of the sexual abuse and exploitation by Kuch and Gain, Frank endured many years of serious mental health and substance abuse problems. Frank endured many episodes of severe depression and many years of having difficulty in relationships. Frank has undergone many years of therapy. It was through this therapy that Frank realized that what happened to him at UNCSCA was abuse and exploitation that had had a significant and damaging impact on his life.

547. After years of work, Frank can now say that he is a survivor of sexual abuse.

#### **FACTS SPECIFIC TO PLAINTIFF JOHN DOE 02**

548. John 02 enrolled in the UNCSCA summer program in the summer of 1984. He had just graduated the 10<sup>th</sup> grade. He then enrolled in the year-round program in January of 1985 when he was in the middle of his 11<sup>th</sup> grade year. He was 16. John 02 took dance classes from Richard Gain, Richard Kuch and many other teachers in the dance program.

549. Kuch and Defendant Gain were consistently inappropriate with underage students. They would use negative reinforcement and insults to train dancers to “toughen up” and “build resistance” to rejection, a skill they said would prepare students for “success” in the professional world.

550. Kuch and Gain would tell these young dance students that to be successful dancers they needed to “get fucked” purportedly to “understand how the pelvis could initiate movement”. Kuch would tell students that “if his dog danced like them, he would shave its ass and make it walk backwards”.

551. In John 02's case, Kuch demanded that John 02 shave his armpits because his underarm hair was "ugly" and Kuch "hated looking at it". John 02 complied, because if he didn't, he was told he wouldn't be allowed back in class. Commentary such as this was verbally abusive and created complicated psychological impact in terms of body image and self-esteem.

552. On one occasion, Kuch and John 02, who is Jewish, found themselves alone in a classroom reviewing some documentation of a performance season, and Kuch asked John 02 if he wanted to "play little Jewish boy and Nazi soldier". John 02 declined the offer.

553. On many occasions in class, Kuch and Gain touched John 02 and other students in abusive, exploitative, and unnecessary ways. They would often grab male students by their dance belts and pull them violently upwards to help them feel the muscular impulse of a Graham Technique contraction. This would force the thong like fabric of the dance belts to compress the genitals and would sometimes lead to chafing of the skin on and around the pelvis and anal cleft. Consent was never discussed in these moments, nor in any others where inappropriate touching or the use of menacing and authoritative tones or language were employed to "train" students. Like so many other students, John 02 put up with the abuse and exploitation because he thought it was normal behavior. He had no idea that UNCSEA was normalizing the abnormal.

554. Early in 1985 when John 02 had just arrived at the full year program, Defendant Gain invited John 02 to a private meeting in his office to discuss how he was adapting to the program. Gain offered to take John 02 grocery shopping off campus if he needed anything. At the end of the meeting, he hugged John 02 and then proceeded to slip his hand down into the back of John 02's pants. John 02 moved Gain's hand away and Gain backed off, though he showed disappointment. After that incident, Gain was erratic with John 02, sometimes providing pedagogical guidance and sometimes expressing that John 02 was a terrible dancer or

diminishing him in classes and rehearsals. He was very rude as well as physically intimidating. Gain would often scream and tell students that they did not appreciate their education. It was common for him to hurl deeply personal insults at students when he was frustrated or disappointed with their performance. In one rehearsal, he made John 02 and two other students stay late and forced them to repeat a certain movement over and over until one of the students was bleeding. On one occasion he got into a fistfight with a college student in front of other students in the school. This was a constantly threatening environment that John 02, like other young students, assumed they had to adapt to.

555. John 02 was groomed by Clyde Fowler (now deceased), a teacher in the visual arts program. Clyde presented himself as a mentor to John 02 and used this role to “help” him find refuge from the environment in the dance program. He made himself available to mentor and listen, making John 02 feel appreciated in contrast with the dance program. At some point, Clyde invited John 02 to model for him for an art show he was creating. Clyde asked John 02 to undress and then arranged fabric and jewelry around and, on his body, and photographed him. In order to get the photo he wanted Clyde told John 02 that he wanted him to have an erect penis in order to capture the excitement and yearning he felt was essential for the photo. Clyde massaged John 02’s genitals and aroused him to the point he felt was appropriate for the photograph. John 02 cannot remember how this sexual contact ended after the photo was taken. He assumes this is because he dissociated during the encounter. While John 02 does not remember the exact date of this encounter, it was a very disconcerting experience, and this event was possible because of years of grooming. Much of this grooming occurred while John 02 was underage. John 02’s believes he was taken advantage of by Clyde but was unable to recognize this at the time because of the role of mentor Clyde had cultivated.

556. During annual assessment conferences, students would be given feedback on their performance by the faculty. This occurred in the basement of the dance building, often known to students, as the “dance dungeon”. The faculty would openly drink alcohol in front of underage students and, depending on the time of the assessment, would be clearly drunk in the later hours of the sessions. Students were terrified of these assessments and would sometimes bring tape recorders to them to listen later to the salient commentary because the experience was so stressful that they wouldn’t remember anything otherwise.

557. The dance faculty, including the Defendants, consistently gave John 02 mixed messages about his progress and potential. They told John 02 that he was a bad dancer and questioned his choreographic capacities but also equally consistently told him that he was a “diamond in the rough” who had the potential to be a choreographer with great promise if only they could polish him. Polishing him meant submitting to their authority. These mixed messages were a confusing, yet quotidian strategy of emotional abuse meant to put students in a position of instability and subservience.

558. They often compared John 02 to a former student who was known for being wildly creative but also extreme in his sexual behavior and drug use. They would excuse the deficiencies they perceived in John 02’s capacities by suggesting that this former student had the same problems. John 02 was often told that the faculty, including the Defendants, were creating another successful choreographer by working with him the same way they had worked with the other student. They thus encouraged in John 02 the same self-destructive behavior that the former student was known for as a part of giving John 02 a special status as an artist. John 02 internalized this idea, and it took a long time for him to understand how the educational environment of UNCSA was so manipulative.

559. During one technical rehearsal for a gala, a visiting instructor was sitting with John 02 in the theater, while communicating to the dancers and production crew with a microphone. The instructor pulled his pants away from his waist, revealed his penis to John 02 and said into the microphone so others could hear, “isn’t it beautiful, don’t you want to touch it?” John 02 was shocked to be subjected to this publicly abusive assault and froze in fear. John 02 credits this experience as being the straw that broke the camel’s back and, in his final term, his attendance in dance classes dropped significantly as he began to use recreational drugs more frequently as a form of self-erasure and coping with his sense of betrayal and disillusionment. He was eventually told he was going to be kicked out of school, but he chose to leave on his own rather than continue to submit to the environment he had endured.

560. The fact of leaving delayed the process of coming to terms with the abuse John 02 suffered. He convinced himself that by choosing to leave he was not a victim. He perceived himself as someone who, as a survivor of abuse, took necessary steps to remove himself from a toxic, dangerous and damaging environment. This feeling of desperate agency led to the compartmentalization of difficult behaviors and feelings and prevented John 02 from seeking help for dangerous addictive patterns that he later developed. By the time he did address these patterns, he was much older and more profoundly affected by their negative impacts on his life.

561. It was commonly known at the school that teachers were sexually involved with students, both college students and minors. It was also known that teachers would share drugs and alcohol freely with certain students, both college students and minors. Faculty would also come to class drunk and/or with alcohol in their coffee cups. As the school was very small and intimate, most people knew the activities of others. Because things were so widely known and people clearly talked to one another about things, it was assumed that speaking up would have no

effect. This was emphasized during a town hall with the entire dance program in which students directly called out teachers on coming to class drunk. The meeting broke down into screams and accusations and ended in chaos. No student concerns were addressed after the meeting.

562. John 02 does not remember any official channels in place to support students in filing complaints and recalls that any informal discussions he might have had with other members of the faculty, staff, or administration, such as the town hall or individual conversations, were not acted upon. This gave the sense that the school seemed to normalize these behaviors. Because of this normalization, many students did not understand that this was inappropriate behavior.

563. Students wanted to please their teachers and were often compliant out of fear of not being invited back or out of fear of provoking significant consequences for their professional futures. During the years that John 02 was a student at UNCSA, John 02 and his classmates were constantly emotionally and psychologically berated. They supported each other as best they could in an environment that was permeated by sexual and physical abuse. Even when students did try to speak up about things no actions were taken.

564. When John 02 enrolled at UNCSA he had no idea that he was entering a culture that encouraged drug use and sexual exploitation as a way of behaving in the world. This was not the education he had imagined he was going to UNCSA to acquire. By the time he left he had both witnessed, regarding others, and suffered directly regarding himself - behaviors that had significant effect in exacerbating self-destructive patterns, which he has had to work with throughout his adult life.

565. Leaving NCSA John 02 thought he had to put his past behind him and chose to distance himself from the school and other students' suffering as a strategy of survival. He told

himself that the school was unique, and he assumed that the arts were a field where the intimate and the professional were often inextricably linked and that everyone had made their own choices. John 02 was unable to recognize that he and others had been children who did not yet have the capacity to understand what was happening to them, had trusted their teachers and the school to care for them, and that they had been taken advantage of and abused under the guise of professional artistic education.

566. Coming forward in a claim of this nature is not a decision taken lightly. Although John 02 has devoted his life to identifying, understanding, and working towards the reduction of toxic behavior and inequity in educational contexts, the field of dance is a highly competitive and intimate network which continues to this day to operate, at times, from a place of unconscious bias and political expediency. The stigma associated with both the abuse and the implications of coming forward are real. It is important, though, to name what happened so that some justice to John 02 and all the people who had to endure a destructively traumatizing formative period in their youths may be attained.

567. Though John Doe 02 feels he has made great progress - through deep personal work, therapy, fortitude, and the help of many people, he acknowledges that any good he has achieved came at a great personal cost and that the effects of the abusive and traumatic experiences he endured at UNCSEA, on his personal and professional life, have been formidable and ultimately damaging, grievous and highly destructive. He continues to work on residual effects of his time at UNCSEA and wishes to ensure that no one should ever have to endure the kind of abuse and violence that he did in the pursuit of an education.

**FACTS SPECIFIC TO PLAINTIFF SUSAN SKRZYCKI**

568. Susan enrolled at UNCSCA in the summer of 1987 and stayed that fall to complete her senior year of high school in the ballet program. Susan was 17 years old.

569. Susan stayed at UNCSCA for only one year. It was the worst year of her life.

570. Like so many other students, life at UNCSCA consisted of near constant sexual, physical, emotional and psychological abuse.

571. One of Susan's instructors was Richard Kuch. In one class, Kuch would require the students to do all of their movements while lying prone on the floor which prevented the students from being able to see what Kuch was doing to others. Kuch would walk around the studio and repositioned the student's legs, sometimes moving their legs into positions that were completely unnatural.

572. Kuch constantly touched Susan in a grossly improper and inappropriate sexual way. He touched Susan and the other dancers all over their bodies. On multiple occasions Kuch digitally penetrated Susan through her leotard.

573. In one class Kuch told Susan that she needed to "fuck a 300-pound man to break your pelvis open so you can move correctly." In another class Kuch turned to Susan and said "what the fuck is your problem. You look like your cunt is trying to photograph the floor."

574. Kuch took his inappropriate comments to other parts of the school. On one occasion when the hallway was full of students during a class change, a young male student commented on Kuch having grown a mustache. Kuch replied in a loud voice, "You have no idea what mustaches can do to balls."

575. In addition to the sexual abuse and exploitation committed by Kuch, Susan also had to endure Melissa Hayden. Hayden often came to class intoxicated. Her breath reeked of

alcohol and she smoked during class subjecting Susan and the other students to her secondhand smoke.

576. Hayden was also physically abusive. Hayden would walk around class with a stick and would beat Susan on the legs near her Achilles tendon until Susan could no longer dance. After Susan was injured, Hayden would then emotionally abuse her by calling her weak and injured and not strong enough for the profession. During a rehearsal for Act II of Swan Lake that Hayden was directing, she told all of the dancers present in rehearsal to smoke cigarettes in order to stay thin. High school students were allowed to buy cigarettes in both the cafeteria and snack bar on campus. Susan began smoking that year and was unable to quit for 22 years.

577. Kuch, Gain, Lawrence, Cordell and Hayden spent a lot of time together and you could often hear them snickering as a group at struggling students.

578. In one class, Susan witnessed Hayden slap another student on the back so hard that it knocked that student off her feet and left a bright red handprint on the center of the student's upper back that was still visible that evening in the dorm.

579. Melinda Lawrence, another dance instructor, was also mentally and emotionally abusive to Susan and others. With her mother's help, Susan wrote a letter to Lawrence addressing the abuse. After sending the letter to Lawrence, Susan was asked to stay after class until everyone was gone. Lawrence then threatened Susan with failing high school if she ever said such "lies" again. After that, Lawrence treated Susan even worse in class, as did several of the other teachers including Melissa Hayden, Fanchon Cordell, Duncan Noble and Richard Kuch. It became clear that speaking up by letter resulted in even harsher treatment overall.

580. After the letter to Melinda Lawrence, Fanchon Cordell began negatively focusing on Susan in pointe class. Susan became fearful of the ever-building criticism and discouraging comments that she was often too afraid to move across the floor in Cordell's class.

581. Because of Hayden's hugely successful professional career, no one at UNCSCA dared question her in any way. The faculty treated her like she was a god. Hayden's influence and power over the dance faculty and students gave her an unchecked freedom she regularly exercised. The culture at UNCSCA was so damaging that Susan came to believe she deserved such abusive treatment.

582. Periodically a group of dance instructors would sit at a table as a panel, put a number on each student and then rate each student's various body parts. During one of those sessions, Hayden told Susan, "how could I ever put someone like you on stage and expect to get applause?"

583. Susan's parents once received a progress report from UNCSCA that labeled Susan as "grossly overweight" and untalented. Susan was 5'8" tall and weighed 136 pounds. After receiving the progress report, Susan's parents began doubting her ability as a dancer, telling Susan she should find something to fall back on. These comments in addition to those endured by dance teachers each week crushed Susan's self-esteem, instilling the profound self-doubt that she has struggled with ever since.

584. During Susan's year at UNCSCA, drug use was rampant. UNCSCA allowed a local man unaffiliated with the school to come to the cafeteria with a bag full of drugs and sit there and sell them to the students. This man was shaved bald and rode a skateboard to the school. The students called him "Crow."

585. Susan, like so many other students, turned to drugs to both escape and in an attempt to survive.

586. Susan became friends with a young male dancer named Zach. Zach confided in Susan that Kuch and Gain had raped him at The Farm on numerous occasions. That abuse and neglect eventually broke Zach and one night he overdosed on LSD. The police came to campus and took Zach away in a straitjacket. No one with UNCSEA ever uttered a word to the students about what happened with Zach.

587. In 1995, in response to the commission established to purportedly investigate sexual abuse at UNCSEA, Susan wrote a letter to the commission telling them about what happened with Zach. He never heard back from anyone at UNCSEA.

588. The students at UNCSEA were trapped and there was no one to whom they could turn for help. For example, Duncan Noble was misogynistic and treated females with disdain and disgust.

589. In the high school dormitory there was little supervision or protection. Any member of the public could come and go freely, and the doors were often propped open in warm weather. One evening after rehearsal with Melissa Hayden, Susan returned to her dorm to find her roommate smoking cocaine and marijuana with two adult men who lived just off campus. After that, the men would show up at Susan's dorm room door at all hours of the day and night. There was no one to stop or question them. This caused Susan to feel on guard and afraid at all times.

590. It was clear to Susan that you could not complain, or you would be blackballed and put your dreams in jeopardy.

591. As a result of the sexual and other abuse and neglect at UNCSA, Susan has struggled for most of her adult life. She attempted suicide twice and suffers from depression, stress related headaches, severe anxiety and low self-esteem.

592. UNCSA and its administrators betrayed Susan.

### **FACTS SPECIFIC TO PLAINTIFF JINNY PEARCE**

593. Jinny Pearce enrolled at UNCSA as a high school student in 1983. Prior to that she had attended summer programs at UNCSA beginning when she was 12 years old. Jinny attended the school of dance.

594. During her time there, Jinny experienced an extremely sexualized culture. She had classes taught by Kuch and Defendant Gain. Jinny was young and naïve and at the time did not realize how inappropriately sexual Kuch and Defendant Gain were in touching and positioning young dancers.

595. UNCSA developed a culture in which Kuch and Defendant Gain were authority figures and no one would dare question that anything they did was inappropriate. It was the culture of the school to desire to be the favorites of Kuch and Defendant Gain despite the faculty and administrators at UNCSA being well aware that both were sexual predators. Kuch and Gain's instruction would include dehumanizing gestures about Jinny's body. She often would experience panic attacks prior to going to their classes and would find herself withdrawing from friends and hiding in the library.

596. Jinny also experienced the extreme and scary conduct of Melissa Hayden. Hayden was emotionally and psychologically abusive. She would say to Jinny things such as "you need to learn to type and make babies because you will never be a dancer." Hayden would

lock Jinny and her classmates in the studio and forcibly keep them dancing past cafeteria hours for dinner.

597. While a high school student and still a minor, Jinny was raped by Keith Darby, who was then a college student at UNCSA. Jinny did not report the sexual assault because UNCSA provided no support for such sexual abuse and because Jinny feared if she reported the rape she would be kicked out of school. Becoming a professional dancer was her dream.

598. At the end of the summer prior to what would have been her senior year at UNCSA, Jinny and her family had loaded her things into the car and she was in the driveway getting ready to leave to return to UNCSA. But she could not go. Despite all of her will and determination to push through her anxiety to go back, her body overrode. She had had enough of the abuse and exploitation could not bear another year at school.

599. UNCSA destroyed Jinny. Due to her experiences there, she developed a terror of intimacy and a compromised sense of physical boundaries that has affected each and every one of her relationships thereafter. She has been in therapy for over 6 years and was in an intensive outpatient program for complex PTSD for several months in 2020. Instead of growing a career as a dancer at UNCSA, her experiences there were a poisonous legacy.

#### **FACTS SPECIFIC TO PLAINTIFF KATIE RYAN**

600. Katie attended UNCSA from 1992 until 1997.

601. Katie's first exposure to UNCSA training was as a fifth grader in an after-school program. Katie then began attending UNCSA full time as an 8<sup>th</sup> grade student beginning in 1992. She was a ballet student in the school of dance.

602. Katie was a victim of Melissa Hayden and Don Coleman's depravity and the betrayal by UNCSA.

603. Katie was among those that Coleman would pick up at the UNCSA campus and take to his home.

604. Katie also was among those that Coleman took to buy lingerie and then afterwards bought them beer and cigarettes.

605. At the Hayden/Coleman home, Coleman would give the students significant amounts of alcohol and once they were intoxicated would coerce the entire group into getting naked. Katie can recall that anyone who would not agree to get naked would be chastised and told they were “cheating.” Coleman would also get naked and “dance” around. Coleman would give the female students cash to use to gamble with while playing strip poker. After the girls were completely naked, he would tell the girls to keep the cash.

606. Katie was at the Hayden/Coleman home on 3 to 4 occasions. Each time the drinking, nudity and pornography were present.

607. Coleman had a huge pornography collection in a closet in his basement and would play videos for the students to watch while sitting around naked.

608. On one occasion Coleman coerced a female student and a male student to engage in oral sex in front of the group so that he and the others could watch. He would also actively and continually insist that two of the students engage in intercourse while in his home. Additionally he would ask the students if anyone would like to stay in his bed upstairs in case the downstairs felt “too crowded.” On one occasion, one student went upstairs to the bedroom with Coleman.

609. Once while on campus, Coleman approached Katie and Melissa Cummings and asked them to make a nude photo album for him. Both students refused.

610. On day on the UNCSCA campus, Coleman asked Katie if he could perform oral sex on her. He said it would be a birthday present for him. Katie refused this lurid request.

611. Along with Melissa Cummings, Katie reported the Hayden/Coleman incidents to UNCSCA and the police. They were told that Coleman was given an order to remain off campus and away from them by the UNCSCA Chancellor, however Coleman continued to come on campus to sit and watch them during rehearsals and classes. On one occasion he even followed Katie down the hall. As directed, Katie immediately reported this to campus police who told them there was nothing they could do because Coleman had already left.

612. Like Melissa Cummings, UNCSCA and the dance department sacrificed Katie and others in order to protect Hayden's reputation.

613. As a direct and proximate result of the sexual trauma and abuse at UNCSCA, Katie has suffered from extended periods of anxiety and depression, night terrors and has struggled emotionally and psychologically. She began therapy and medication for depression and anxiety in 1999 and has remained on those for over 20 years.

#### **FACTS SPECIFIC TO PLAINTIFF FADEL FRIEDLANDER-FULKERSON**

614. Fadel Friedlander-Fulkerson enrolled at UNCSCA as a high school student in 1970. She arrived on her 16<sup>th</sup> birthday.

615. While Fadel was a high school student at UNCSCA she was raped by three different faculty members.

616. On one occasion, she went with a friend to the airport pick up a new instructor named Erick Friedman. He was starting a job teaching at UNCSCA and was well-known in his field.

617. Friedman immediately began making suggestive comments to Fadel and asked her to come back to his room the next morning to wake him up and perform oral sex on him. Fadel declined.

618. Several weeks later Friedman forced himself upon Fadel and had sexual intercourse with her.

619. It was common at that time for the students to get permission from the instructors to use the teacher studios because the sound was much better and it also was a privilege to use the good pianos in those studios.

620. On one occasion Fadel went to use a teacher studio and upon entering that studio was confronted by a faculty member named Varton Manoogian. Manoogian immediately started telling Fadel how sexy she was and how he wanted to sleep with her. Manoogian then pulled Fadel to the floor and raped her in the studio.

621. Jerry Horner was a faculty member who would invite girls over to his house and smoke marijuana with them. On one of those occasions, Horner began to make sexual advances toward Fadel and then raped her in a bean bag chair.

622. Upon information and belief, many years later Horner conspired with Defendant Shipps and contrived a story to get Plaintiff Lisamarie Vana to fly to Wisconsin so that Horner could drug her and sexually abuse and exploit her for an entire weekend.

623. In addition to a culture that perpetuated and condoned sexual abuse and exploitation, the culture also perpetuated and condoned other types of student exploitation. The dance instructors would coerce the on-campus healthcare providers to provide diet pills to the dance students. The students would get in line at the infirmary every morning to get their diet pill

to help them lose weight. Fadel often joined them in line because she thought it was a requirement that you remain slim and attractive.

624. Many years later Fadel's husband had an encounter with Defendant Shipps. Shipps encouraged Fadel's husband to apply for a teaching job at UNCSCA because according to Shipps you could "fuck any girl you want."

### **FACTS SPECIFIC TO PLAINTIFF LISAMARIE VANA**

625. In 1988, Lisamarie Vana was a 17-year-old high school student at UNCSCA. She was a scholarship winner in the school of music and studied violin in the studio of Stephen Shipps.

626. For spring break 1988, Defendant Shipps invited Lisamarie to his home, as the UNCSCA campus would be closed, and Lisamarie was playing with the Winston-Salem Symphony that week for Shipps who was the Concertmaster. While at his home, Defendant Shipps coerced Lisamarie into having sex with him. At the time, Defendant Shipps' wife was in the home and upstairs. Lisamarie was a virgin prior to this encounter.

627. After that evening, Defendant Shipps continued to sexually abuse and exploit Lisamarie by having her come to his office on the UNCSCA campus and perform oral and manual sex on him. This occurred on a daily basis during the workweek.

628. At some point while this sexual abuse and exploitation was being carried out, Defendant Shipps and a close colleague of his, Jerry Horner, convinced Lisamarie that her career could move forward if she had Master violin lessons with Mimi Zweig and also if she utilized a great violin. Zweig was a famous and notable violin teacher who was affiliated with the Indiana University music department. During his visit to UNCSCA in the spring of 1988, Jerry said to

Lisamarie, her parents and Shipps, “The only thing standing between Lisamarie and a great career is a great violin.”

629. At the time, Zweig was married to Jerry Horner, who was a member of the Fine Arts Quartet, and was a visiting master teacher at UNCSCA and a guest of Shipps. Lisamarie played Dvorak Concerto in a Studio Masterclass, given by Horner, after which Horner offered Lisamarie a private lesson using Shipp’s studio for that hour.

630. Following the meetings with Horner at UNCSCA, Defendant Shipps and/or Horner purchased a plane ticket for Lisamarie to fly to Wisconsin to take Master lessons from Zweig and to look at violins with Horner at Bein and Fushi in Chicago.

631. Upon arrival in Milwaukee, Lisamarie was met at the airport by Horner alone. Horner told Lisamarie that Mimi was out of town. Horner proceeded to take Lisamarie to his home where he gave her white wine while attempting to seduce her. Lisamarie was not compliant. Jerry then drugged her and repeatedly raped and sexually abused her throughout the entire weekend.

632. At one point during that horrific weekend, Horner told Lisamarie that Defendant Shipps had had an affair with Horner’s wife, Zweig, and that Shipps sent Lisamarie to Horner as an appeasement offering.

633. At another point during that horrific weekend, Horner told Lisamarie that she should not be concerned with being impregnated by him because he had had a vasectomy.

634. The actions of Defendant Shipps constituted sex trafficking of a minor in violation of federal law.

635. During the summer of 1988, one of Lisamarie's sisters made their mother aware of some of aspects of the sexual abuse and exploitation being perpetrated on her daughter by Defendant Shipps. Her mother then contacted someone at UNCOSA.

636. Upon information and belief, this was when Defendant Shipps was simply allowed to leave UNCOSA and go to the University of Michigan the next year.

637. No administrator at UNCOSA did anything to investigate Defendant Shipps or to support the numerous student victims of this known sexual predator.

638. As a direct and proximate result of the sexual abuse and exploitation suffered by Lisamarie while a minor student at UNCOSA, she has suffered from significant mental, emotional and psychological issues and has had her life negatively impacted in numerous ways.

639. Because of its decision to protect its reputation instead of its students, UNCOSA exposed numerous young female students at the University of Michigan to sexual abuse, exploitation and trafficking over the next two decades.

640. On October 28, 2020, Defendant Shipps was indicted in the United States District Court for the Eastern District of Michigan on two counts of Transportation of a Minor to Engage in Sexual Activity in violation of 18. U.S.C. §2423(a). Shipps has indicated he is going to plead guilty to the charges.

641. Through its decision to cover up the sexual abuse and exploitation perpetrated by Shipps, UNCOSA betrayed not only its own students but students at the University of Michigan and other places.

#### **FACTS SPECIFIC TO PLAINTIFF LUCIUS ROMEO-FROMM**

642. Lucius enrolled at UNCOSA in fall 1986. He was 15 years old. Lucius came to UNCOSA from Nashville, Tennessee to study ballet.

643. Lucius first met Defendant Gain in the hallway outside a classroom. Lucius wanted to be in the modern dance department but could not join as a high school sophomore. Despite that limitation, he made it clear to Defendant Gain that he was interested in the modern dance program.

644. In or about December 1986/January 1987, Defendant Gain invited Lucius to spend the weekend at The Farm.

645. Lucius came to look up to Defendant Gain for many reasons. Lucius came from a broken home and Defendant Gain made him feel looked after. Lucius started to spend time with Gain off campus, but at some point in time that contact with Defendant Gain came to an end. Lucius then started to speak with Kuch. At this point in time, no sexual advances had been made by either Kuch or Gain toward Lucius.

646. Lucius was again invited to spend the night at The Farm. During that stay, Kuch made a sexual advance toward Lucius and started the sexual abuse and exploitation that would continue for an extended period of time.

647. Kuch used his position of authority to coerce Lucius into engaging in oral and anal sexual activity with him.

648. Kuch's sexual abuse and exploitation became the norm for Lucius.

649. At the same time this was taking place, Lucius was still in the ballet program and was enduring the cost of the emotional and psychological humiliation heaped upon him and the other students by Melissa Hayden. All of this conduct seemed normal to Lucius because no one stepped in to prevent it. The classes were so bad that Lucius often felt he was empowered simply by "surviving" the classes.

650. Kuch's sexual abuse and exploitation of Lucius continued until the beginning of Lucius's senior year.

651. During his time at UNCSA, Lucius went to London on a school sponsored program. Defendant Gain was part of that program and while in London Defendant Gain sexually abused Lucius. Despite the fact that Defendant Gain was a known sexual predator, UNCSA allowed him to accompany Lucius to London as the only chaperone from UNCSA.

652. As a result of the sexual abuse and exploitation coupled with the constant emotional and psychological beating he endured in class, Lucius suffered a breakdown and entered a long period of depression and insecurity.

653. Richard Gain and Richard Kuch groomed Lucius for sexual activity when they were respectively 48 and 58 years old. Lucius was only 16 at the time.

654. The consequences of being a victim of their abuse of power and position as instructors has been enormous. Lucius trusted both of them as teachers and mentors and both took advantage of that trust and his youthful naivety.

655. Finally a young Lucius realized that he had been used by Kuch and Gain for their sexual pleasure. Because of this sexual abuse and exploitation, Lucius had to rebuild his self-esteem and a sense of trust within working environments as well as personal relationships.

656. The UNCSA dance staff, administrators and faculty were already aware of the nature of these sorts of sexually abusive relationships that had gone on long before Lucius entered the ballet program as a high school sophomore.

657. UNCSA was allowing sexual, psychological, and emotional abuse to happen to Lucius and others as it was well aware of these types of abusive relationships. In fact, before Lucius enrolled at UNCSA, some instructors had already been subject to questions about such

behavior. UNCSEA permitted and condoned this systemic sexual abuse where adolescence was corrupted by adults in positions of authority and power.

658. As a result of the sexual abuse and exploitation he experienced at UNCSEA, at age 18 Lucius began the process of trying to rebuild himself. Lucius eventually made his way to Belgium where he began working professionally. He lives there to this day.

### **FACTS SPECIFIC TO PLAINTIFF MEGAN DANT**

659. Megan was a high school student at UNCSEA in 1994 - 1995 and was studying ballet in the school of dance.

660. Megan also was a victim of Melissa Hayden and Don Coleman's depravity and the betrayal by UNCSEA. Megan was among those that Coleman would pick up at the UNCSEA campus and take to his home.

661. At the Hayden/Coleman home, Coleman would give the students significant amounts of alcohol and once they were intoxicated would coerce the entire group into getting naked. Coleman would also get naked and "dance" around.

662. Megan was at the Hayden/Coleman home on several occasions and each time the drinking, nudity and other lurid activities would take place at Coleman's urging. Megan would go to the Hayden/Coleman home with her then-boyfriend plaintiff Ryan Billia.

663. On one occasion, Coleman pressured Megan and Ryan into having sex, provided them with a condom and showed them the room to use. The next morning, Coleman came into the room where Megan and Ryan had slept the night before and reached down into a trashcan and pulled out the used condom and took it with him.

664. On another occasion, Coleman asked if he could perform oral sex on Megan. Megan refused.

665. During her time at UNCSA Megan was subjected to and saw an institutional culture that participated in, permitted and condoned sexual abuse of students in many ways. In dance classes it was clear that students would get better performance parts if they would let the instructors touch them in sexually inappropriate ways.

666. It was widely known that Duncan Noble, an instructor in the school of dance and a one-time interim Dean of the school of dance, would invite numerous minor male students to his home for what were described as orgies.

667. In 1996, Megan met with Defendant McCullough and told her of the lurid activities that occurred at the Hayden/Coleman home. McCullough did nothing to address the situation, never disciplined Hayden and allowed Hayden to continue to teach ballet at UNCSA.

668. As a direct and proximate result of the sexual trauma and abuse at UNCSA, Megan has suffered deeply mentally, emotionally and psychologically. The trauma has affected her ability to maintain relationships and resulted in her abusing alcohol for many years.

669. Like Melissa Cummings and Katie Ryan, UNCSA and the dance department sacrificed Megan and others in order to protect Hayden's reputation and the reputation of UNCSA.

#### **FACTS SPECIFIC TO PLAINTIFF MELISSA CUMMINGS**

670. Melissa first attended UNCSA in a 1992 summer program.

671. Melissa was invited to attend UNCSA as a high school freshman beginning in 1993. She was a ballet student in the school of dance.

672. One of her ballet instructors was Melissa Hayden. Hayden was married to Don Coleman.

673. Hayden was notorious for being physical, emotionally and psychologically cruel to the dance students in class.

674. Beginning in or about January 1995, Hayden arranged to have a group of dance students to her house for dinner. Melissa was among those invited. Being invited to Hayden's home seemed like an honor and Melissa felt "chosen" to be included.

675. During dinner, Hayden and Coleman provided the 14 and 15-year-old students with significant amounts of alcohol. Coleman became intoxicated and began to recite sexually perverse limericks to the students. Hayden did nothing to stop him.

676. As the school term continued, Coleman would frequently sign out from their dorm this group of young dancers, including Plaintiff Melissa, and take them to his house for the weekend. UNCSA permitted Coleman to sign out the students despite the fact that he was not a faculty member nor had their parents given permission for the students to stay overnight at Coleman's home.

677. Hayden would be present for the dinners with the students but would conveniently not be around for the weekends Coleman would bring the young dancers to their home.

678. Coleman used his wife's position as a way to coerce and manipulate these young dancers. Coleman would tell them that if they would stay friendly with him, he would see that they got better performance parts.

679. During these overnight stays unlimited amounts of alcohol and cigarettes were provided to the students by Coleman.

680. As the students became increasingly intoxicated, Coleman would show them pornography in his basement and on at least two occasions coerced the students into playing striptease games while he watched and participated.

681. Once these young students were naked, Coleman would instruct them to dance and perform ballet moves for them while he watched. Plaintiff Melissa was coerced into participating in this activity.

682. Coleman would sit on the couch nude himself and watch the naked young students perform. On one occasion Coleman stood up and rotated his hips in order to cause his penis to swing around.

683. During one of these weekends at Coleman's house, Coleman pressured Plaintiff Megan Dant and her boyfriend Plaintiff Ryan Billia to have sex. Coleman gave Megan and Ryan condoms and told them the bedroom to use. The next morning Coleman congratulated Megan and Ryan and teased them in front of the group.

684. Coleman also was allowed to sign out these young dance students, including Melissa, and take them shopping. Coleman would buy them such things as alcohol, pointe shoes, food, clothes and cigarettes.

685. On one occasion Coleman took several of the girls to the Victoria's Secret in Hanes Mall and instructed them to pick out sexy lingerie to wear for him. Plaintiff Melissa refused Coleman's request and instead purchased a Pink Floyd T-shirt.

686. In or about March 1995, Coleman asked Plaintiff Melissa to get her other friends in the ballet department to take nude photographs and compile a photograph album for him as a gift for his birthday. Melissa refused.

687. In May 1995, Coleman told Plaintiff Melissa that for her 16<sup>th</sup> birthday present he was going to perform oral sex on her. Coleman made this statement to Melissa using perverse language. Melissa told Coleman that she was not going to let him do that to which Coleman replied that, "you really should, I'm amazing. Melissa [Hayden] loves it." Coleman further told

Melissa that if she would allow him to perform oral sex on her he would wear a paper bag over his head and that Melissa could pretend that he was Brad Pitt.

688. After that incident, Plaintiff Melissa began to distance herself from Coleman, but the trauma and confusion caused by Coleman's actions led to Melissa engaging in increased alcohol and drug use.

689. In spring 1997 during her senior year of high school at UNCSA, Melissa told her then boyfriend what had happened at Hayden's home and that she was worried that it was still going on with the younger dancers.

690. At that time in 1997, Defendant Susan McCullough, then the Dean of the school of dance, was encouraging Melissa to stay for one more year at UNCSA. Melissa was reluctant to report what happened with Hayden and Coleman believing she would be there for another year in the dance department.

691. At that time, Melissa did not tell Defendant McCullough what had happened. In the spring of 1997, however, Melissa told her parents about the Hayden/Coleman overnights. The police also were notified.

692. After informing her parents, Melissa reported the situation to UNCSA and to the police. In the spring of 1997 Melissa was present at a meeting with then-Chancellor Ewing. Defendant McCullough was also present along with Peggy Dodson.

693. During that meeting the administrators expressed surprise at the allegations and asserted there was no way that Hayden could have known. Someone in the meeting noted that Hayden was the number one "calling card" for UNCSA and that anything that soiled her reputation would be damaging to the school. The administrators said they would handle the situation.

694. Sadly and remarkably, nothing ever happened regarding the criminal complaint. Melissa's parents were told that the police went to Coleman's house and that Coleman dropped to his knees crying and begging for forgiveness.

695. Melissa and the other victims were told that Coleman had been banned from campus. Prior to that time, Coleman had been a regular fixture around campus including attending many of the classes taught by Hayden.

696. One week after being told Coleman was barred from campus, he started showing up again regularly.

697. At one point Coleman was walking around the halls of the school of dance when Plaintiff Melissa saw him and confronted him because he was not supposed to be there. Coleman replied that she could not get him in trouble and that "I own this school."

698. Despite the purported ban, Coleman was regularly on the UNCSA campus, and he would laugh at Melissa and the other students and tell them he could do what he wanted to do.

699. At one point Plaintiff Melissa along with Plaintiff Katie went to the local police and asked them to keep Coleman off campus. The police seemed unaware that Coleman was a predator and seemed to have no idea that he had purportedly been banned from campus.

700. Despite Hayden having clearly manipulated the young dancers over whom she had authority into being sex targets for her husband, UNCSA did nothing to discipline Hayden. Despite what she and her husband had done, Hayden was allowed to continue as an employee of UNCSA.

701. UNCSA never offered Melissa help of any kind to deal with the emotional and psychological trauma of the abuse she had endured.

702. As a direct and proximate result of the sexual trauma and abuse at UNCSA, Melissa went through an extended period where she abused alcohol and drugs. In 2005 Melissa began to suffer from PTSD and anxiety for which she has received multiple forms of counseling. Melissa has endured a dysfunctional sexual life as a result of the trauma she endured while a student at UNCSA.

703. UNCSA and the dance department sacrificed Melissa and others in order to protect Hayden's reputation and the reputation of UNCSA.

#### **FACTS SPECIFIC TO PLAINTIFF REBECCA FULLER**

704. Rebecca first attended UNCSA through a summer program in 1983. She was 14 years old.

705. Following that summer program, Rebecca auditioned and was accepted into UNCSA's high school program. Rebecca's parents were uncertain about her attending UNCSA as they had been told by someone familiar with the school's culture and reputation that many promising dancers lose their way in UNCSA's world of sex, drugs and alcohol.

706. Rebecca turned down the opportunity to join UNCSA's high school program that fall, but later convinced her parents to allow her to transfer to UNCSA for the start of the new semester.

707. After enrolling at UNCSA, Rebecca was shocked to learn that seemingly everyone on campus smoked cigarettes, drank alcohol and used drugs. There appeared to be no prohibitions, at least not any that were enforced. The residence life department turned a blind eye to all kinds of questionable behavior, including lax visitation restrictions between high school and college age students.

708. Rebecca, like so many other young students, began to see these types of relationships as normal and acceptable because no one appeared to consider it remarkable that a minor would be involved with an adult at UNCSCA.

709. Because of the culture and laxity of rules, Rebecca became sexually involved with a college student who was five years older than she. The relationship was permitted and condoned by UNCSCA faculty and staff. This adult age college student sexually exploited Rebecca and provided her with a steady supply of alcohol and occasionally drugs.

710. While at UNCSCA, Rebecca witnessed unplanned pregnancies, date rapes, assaults and the use of alcohol and drugs to exploit both boy and girl students. None of this was happening in secret. Everything was well known and widely permitted.

711. In the dance studio, Rebecca was placed in the upper-levels where the majority of classes were taught by Melissa Hayden. Hayden was a world-famous Balanchine ballerina, whom Rebecca had first seen in old movies dancing with Jacques D'Amboise. In those movies Hayden was glamorous, precise, and everything Rebecca dreamed of being.

712. Rebecca quickly lost her desire to emulate Hayden when she discovered that Hayden was sexually, physically and emotionally abusive. Hayden would hit Rebecca and the other students, call them names, denigrate their dancing and make fun of them constantly.

713. Hayden would stand at the door of the studio watching Rebecca and the other students dance, holding a cigarette with one hand out of the room, and then storm back into the room, blowing smoke in their faces as she tore them down for being stupid, fat, or lazy.

714. Hayden would scream at Rebecca and the other young students that they needed to "get laid" to open up their hips for more turn-out.

715. On one occasion, Hayden was haranguing a classmate of Rebecca's who happened to be standing behind Rebecca. After Hayden completed her rant against Rebecca's classmate, Hayden came up behind Rebecca and, with an open hand on either side of her head, smacked her hard enough that she had ringing in her ears for the rest of class. Rebecca stood frozen in the middle of the room with her head pounding from the physical assault, while the pianist began playing music and the rest of the dancers performed a ballet combination around her.

716. No one would fight back or challenge Hayden, and the other abusive faculty members, because they all knew they could be sent home any time and every student believed that having the approval and support of these teachers was the key to making sure that did not happen.

717. Rebecca did have at least one conversation with Robert Lindgren, Dean of Dance, regarding the mistreatment that she and her fellow students were suffering every day. Lindgren, like always, did nothing to intervene on behalf of the students. His advice to Rebecca was to be more focused and attentive in class, so that she would not raise Ms. Hayden's ire.

718. At one point when Rebecca was 15 years old, ballet instructor Frank Smith recommended that she should have sex with a particular black college student because, according to Frank Smith, "once you go black, you never go back." Rebecca was both horrified and confused by the statements. She had no idea why her having sex with someone would be brought up by one of the instructors in front of an entire class of male dancers, simply because she was taking a few minutes to observe the class from the hallway.

719. Rebecca heard Kuch and Defendant Gain telling minor students that they needed to have sex to be better dancers. It was widely known that Kuch, Defendant Gain and Duncan Noble were sexual predators.

720. During Rebecca's time at UNCSCA, she lived in a world that normalized underage drinking, drug use and sex with teachers or adult college students. Not a single administrator ever intervened to try to protect the minor students in their care.

721. In the summer of 1986 between her junior and senior years of high school, Rebecca took a break from dance to attend the UNCSCA summer drama session. She was introduced to Defendant Murray, who was the movement teacher in the drama department.

722. It was well known that Defendant Murray preyed upon the young students at UNCSCA.

723. On various occasions Rebecca joined other students in drinking at off-campus houses with Defendant Murray in attendance.

724. Defendant Murray knew Rebecca was considering auditioning for drama schools and he encouraged her to audition at UNCSCA.

725. One afternoon that summer Rebecca found herself alone with Defendant Murray in the stairwell of the campus commons, and Defendant Murray propositioned her to have sex with him. Rebecca knew that Defendant Murray was living with a young modern dancer at the time. Defendant Murray told Rebecca, "I usually prefer modern dancers because they are freer with their bodies. Ballet dancers are too uptight, but you're different from most baby ballerinas." Defendant Murray also told Rebecca that his current girlfriend understood that he needed to have sex with other girls from time to time.

726. Rebecca graduated and left UNCSA in June, 1987. By that time her faith in herself and her talent as a dancer had crumbled. Rebecca had entered UNCSA with great hopes and dreams of dancing for a major ballet company and instead encountered a culture where people were degraded and dehumanized.

727. The harm caused Rebecca, as a result of the culture of pervasive sexual, emotional and psychological abuse and exploitation, took years for her to recognize. At age 21, Rebecca was hospitalized for major depression. Over the next 15 years Rebecca experienced repeated hospitalizations and episodes of self-destructive behavior, which included several suicide attempts.

#### **FACTS SPECIFIC TO PLAINTIFF JOHN DOE 01**

728. John 01 was a student at UNCSA for only two months -- from September 1986 to November 1986. He was in the School of Dance modern program.

729. John 01 auditioned to attend UNCSA when he was 17 years old.

730. Once he started the program, he was told by Kuch and Gain that he needed additional ballet classes because he lacked technique. He went to the studio every day for his extra class. He remembers being groped, fondled and rubbed up against during classes by Kuch or Gain.

731. On several occasions Kuch or Gain would come to John 01's dorm room to visit. More than one occasion, Kuch or Gain told John 01 that he needed to relax his muscles and that a warm Epsom salt bath does that best. Kuch or Gain would run a bath, have John 01 get in naked and then would fondle John 01 while he sat in the bath water. Kuch or Gain would also have John 01 fondle him.

732. John 01 was working so hard that he at one point developed shin splints and was forced to lay in bed for a little over a week. Kuch or Gain visited John 01 at least twice while he was recovering and fondled John 01 as he lay in his bed.

733. John 01 did not know how to stop this sexual abuse and exploitation. He was afraid if he told someone that he would then be given bad grades on his juries – the end of semester evaluation in front of his instructors – and would not be invited back for the next year at UNCSA.

734. On October 1 of that year, John 01's little sister was having a birthday and John 01 decided to go home to help celebrate it. Once he got home, he was hit so hard with the trauma of what he was going through during his six (6) weeks at UNCSA that he never went back. John 01 could not bear to tell his parents the reason he was not going back to UNCSA, and his parents were disappointed in John 01 because they thought he was simply dropping out of school.

735. John 01's parents drove down to UNCSA to pack up his things and retrieve his personal belongings. John 01 could not bear to go back to UNCSA even for that purpose.

736. As result of the sexual abuse and exploitation John 01 experience, he spent many years battling depression and even attempted suicide on multiple occasions.

737. John 01 left the dance world and his dreams as a result of this trauma.

#### **FACTS SPECIFIC TO PLAINTIFF JANE DOE 01**

738. Jane Doe 01 enrolled at UNCSA in 1985 to begin her junior year of high school. She was 16 years old. Jane was a violinist who was admitted into the school of music. One of her teachers was Defendant Stephen Shipps.

739. Defendant Shipps spent the fall of 1985 grooming Jane. Within her first semester at UNCSA, Jane began babysitting for Shipps. Shipps continued to groom Jane making her feel special and making her feel like she was falling for him.

740. In the early spring of 1986, Shipps began his sexual abuse and exploitation of Jane. The abuse and exploitation began with Shipps kissing Jane while they were in his car as he was taking her back to campus from babysitting. That then progressed from kissing to Shipps groping Jane.

741. Eventually Shipps convinced Jane to perform oral sex on him and taught Jane how she should do it. She performed oral sex on him over a period of months, primarily in his studio on UNCSA campus during lesson times.

742. When Jane would go to Shipps' studio for a lesson she never knew whether she would receive musical instruction or whether Shipps would expect oral sex. Shipps was in total control of the situation and dictated what Jane would do.

743. At one point in time Shipps told Jane that she had to keep the situation a secret because he had already been in trouble at UNCSA. Shipps had sexually abused and exploited another minor student resulting in what was rumored as that student becoming pregnant.

744. Jane feared if she was not compliant with whatever Shipps instructed her to do that she would be in trouble and not him. She believed that the administration would protect Shipps as it already had done regarding his abuse and exploitation of other students.

745. At the time Shipps was sexually abusing and exploiting Jane, it was known among the faculty and administrators at UNCSA that Shipps was a predator.

746. As a result of the sexual abuse and exploitation inflicted upon Jane by Shipps and the failure of the Defendant Administrators working at the school at the time to protect Jane and

other students, Jane suffered and has continued to suffer significant mental and emotional trauma.

747. Jane attempted suicide when she was 18 years old, shortly after graduating from the school.

748. Jane has spent an entire lifetime trying to keep her shame secret.

749. Upon information and belief, rather than directly address the fact that Shipps was known to prey on minor students, UNCSEA at some point simply allowed Shipps to leave UNCSEA and go to the University of Michigan the next year. Upon information and belief, some members of the faculty and administration at UNCSEA gave Shipps favorable recommendations for the job at the University of Michigan.

750. Because of its decision to protect its reputation instead of its students, UNCSEA exposed numerous young female students at the University of Michigan to sexual abuse, exploitation and trafficking over the next two decades.

751. On October 28, 2020, Defendant Shipps was indicted in the United States District Court for the Eastern District of Michigan on two counts of Transportation of a Minor to Engage in Sexual Activity in violation of 18 U.S.C. §2423(a). Shipps has indicated he is going to plead guilty to the charges.

752. Through its decision to cover up the sexual abuse and exploitation perpetrated by Shipps, UNCSEA betrayed not only its own students but students at the University of Michigan and other places.

#### **FACTS SPECIFIC TO PLAINTIFF LOUISE DEBRECZENY**

753. Louise enrolled at UNCSEA as a high school student in 1978. She was 15 years old.

754. Louise was a member of the music department and played the bassoon.

755. During her first year at UNCSCA, Defendant Dunigan at one point grabbed Louise and kissed her, sticking his tongue into her mouth. On a different occasion, Dunigan told Louise, "Your breasts look like ripe fruit ready to be plucked."

756. While in high school, Louise was groomed and coerced into having a sexual relationship with a UNCSCA security officer and his wife. This couple convinced Louise to spend a night with them drinking wine and having sex. The security officer's wife was a college student in the music department named Susan Alice Torella. Torella was 21 years old. Upon information and belief, the security officer was Robert Carlton. Carlton was 24 years old at the time.

757. Torella sang soprano and was beautiful. Louise had somewhat of a crush on Torella. Carlton and Torella took advantage of that situation to sexually abuse and exploit Louise.

758. This abusive and exploitative sexual experienced caused Louise to experience significant guilt.

759. UNCSCA's highly sexualized culture that condoned sexual abuse and exploitation resulted in Louise having sex with two college men while she was in high school. Louise felt as if she had no choice and felt pressured by the school's culture. The culture at UNCSCA and in the music world as a whole was so bad that Louise left music.

760. Louise was and is a lesbian and never had any interest in a sexual experience with the security guard or the two college students.

761. In the mid-1990s, Louise received a letter from UNCSCA asking if she had any information about sexual misconduct. Louise called the school in response to the letter and the

then-Chancellor answered the phone and took her information. Louise never heard another word from the school.

### **FACTS SPECIFIC TO PLAINTIFF PAGE WHITTY BORGER**

762. Page Whitty Borger enrolled at UNCSA in 1984 at 15 years old. She was there to study ballet. Page and her family were familiar with UNCSA, as her older sister had attended the summer dance program in 1983, and her parents, North Carolina natives, were involved in the arts. Page knew that the training would be intense, but she was extremely focused and determined to work as hard as she could. She believed that her strong work ethic and discipline would help her to succeed at UNCSA.

763. When Page first started at UNCSA she was filled with excitement. There was an energy to the campus, and she felt special to be there, surrounded by so many creative and brilliant people. That excitement soon gave way to the stark reality of the culture of the school.

764. During her time at UNCSA, Page experienced psychological, mental, emotional, physical and sexual abuse as well as constant humiliation and body shaming. The treatment had to be endured, because there was no guarantee of being “asked back” for the following year. Students were in constant fear of not being asked back and of having to return their hometown “normal high schools.” This created a power dynamic that was impossible to overcome, especially since Page and her classmates were minor children.

765. Page coped with the stress of her experiences at UNCSA by praying for the strength to get through each day, and by processing her feelings by writing long letters to her family detailing her experiences.

766. One of her instructors was Melissa Hayden. Hayden was horrible. Hayden exhibited a deranged and erratic demeanor and was physically abusive, often overworking the

students to the point of injury. Her moods were unpredictable, and she verbally abused, demeaned, and humiliated students daily. Hayden did this in a variety of ways. She would make the students do exercises over and over again, sometimes hundreds of times during a class. If the students broke down in exhaustion, she would make them sit down. She derided Page and the other students by telling them “you will never be a dancer; you might as well just quit right now. Be a nurse or have babies.” Sometimes she would praise Page and the other students for their technique, having them demonstrate in front of the class, and tell them they were “the only one doing it right.” But then the next day they would perform the exact same way, and Hayden would tell them that they were an idiot and hadn’t done anything right for years. It made Page feel like she was losing her mind. Every class was an exercise in survival.

767. Fanchon Cordell was also one of Page's primary instructors. Cordell exhibited unpredictable moods, yelling and screaming frequently, and also was psychologically manipulative toward Page and her classmates. Page remembers one occasion where Cordell and Hayden sat in front of the class observing the students and pretending to have a private conversation but talking loudly enough that the students could easily hear them. They complained about all of the “bad bodies and terrible feet” that they had to look at all day.

768. During her time at UNCSA Page took modern dance classes with Richard Kuch. In those classes, Kuch constantly talked about sex and encouraged and/or instructed the minor students to have sex in order to become better dancers. Kuch spoke in vulgar and disgusting sexual terms. Kuch repeatedly touched Page and the other students in an inappropriate and sexual way that he claimed was a necessary teaching method.

769. During the time period known as Intensive Arts, Page attended Kuch’s floor barre class every single day, both to gain strength and to show her dedication. The classes were

grueling and were taken lying on the floor. Kuch would position his crotch area next to Page's foot so that if her foot went down, it would touch him there.

770. Kuch humiliated Page in front of the class by making a rude and vulgar comment about her breasts. On another occasion, he came up behind her and began massaging her shoulders, pressing his pelvis up against her backside. He said "boy, this girl needs to get loosened up. Is there anyone here who wants to volunteer to try and loosen this girl up?" Page was 16 years old at the time.

771. The physical and verbal sexual abuse at UNCSCA during Page's time was considered the norm. The culture of the school convinced teenagers like Page that this was part of the arts world. The same physical and verbal sexual abuse was directed toward the college students, so the high school students believed such conduct to be normal. No members of UNCSCA's faculty or administration ever objected or intervened.

772. When Page graduated from UNCSCA in 1986, her body and spirit were broken. In her two years there she never had the chance to once perform ballet, despite working tirelessly and never losing focus while there.

773. Page left UNCSCA with a deep sense of shame about her body and the way it looked and functioned. For many years she has struggled with disordered eating and poor body image.

774. After spending most of the summer of 1986 in physical therapy to heal the physical injuries she sustained at UNCSCA, Page entered the dance program at the University of Cincinnati. However, by that time, she no longer had any enjoyment for dancing or training, because of her traumatic years at UNCSCA. She eventually became depressed, her academic performance began to suffer, and she dropped out of college and moved back home with her

parents. She got a job as a veterinary assistant. She wanted nothing to do with any form of dance or any other form of performing arts, after having been so dedicated to it only a few short years earlier. She eventually decided to pursue veterinary medicine as a career and graduated from The Ohio State University College of Veterinary medicine in 1996.

775. Despite being a grown professional woman with a loving family and a fulfilling job, Page has had ongoing struggles with extreme self-doubt, low self-confidence, and feelings of profound worthlessness that are a result of the abuse that she experienced at UNCSA.

#### **FACTS SPECIFIC TO PLAINTIFF ERIC HANDSMAN**

776. Eric Handsman enrolled as a freshman in high school at UNCSA in 1985. He was there to study dance.

777. During his freshman year Mindy Lawrence and Duncan Noble were his primary teachers. Lawrence sexualized every dance move.

778. During his entire freshman year Noble repeatedly touched Eric in an inappropriate sexual way on his buttocks and in and around his genitals.

779. At the time Eric had no idea that Noble was a notorious predator.

780. During Eric's sophomore year his main instructors were Frank Smith, Duncan Noble and Gyula Pandi. For the second year in a row Noble repeatedly touched Eric in an inappropriate sexual way.

781. During his junior year at UNCSA, Eric began to take modern dance classes where he came in contact with Kuch and Defendant Gain. In those classes, Kuch and Defendant Gain constantly instructed the minor students to have sex in order to become better dancers. Kuch and Defendant Gain constantly spoke in vulgar and disgusting sexual terms. Defendant Gain, like

Noble had done for the past two years, repeatedly touched Eric on his buttocks and around his genitals.

782. Eric made it clear to Kuch and Defendant Gain that he was not interested in visiting “The Farm.” As a result Eric was not one of their favorites and thus missed out on many opportunities for good performance roles or advancement opportunities.

783. Eric also experienced inappropriate sexual touching in classes taught by guest instructor and UNCSCA alumni Mel Tomlinson.

784. The physical and verbal sexual abuse at UNCSCA during Eric’s time was considered the norm. The culture of the school convinced teenagers like Eric that this was part of the arts world. The same physical and verbal sexual abuse was directed toward the college students, so the high school students believed such conduct to be normal. No members of UNCSCA’s faculty or administration ever objected or intervened.

**FACTS SPECIFIC TO PLAINTIFF RYAN BILLIA**

785. Ryan was a high school student at UNCSCA in 1994 - 1995 and was studying ballet in the school of dance.

786. Ryan also was a victim of Hayden and Coleman’s depravity and the betrayal by UNCSCA described by Melissa, Katie and Megan above.

787. Ryan was among those that Coleman would pick up at the UNCSCA campus and take to his home.

788. On one such occasion, Hayden was present for dinner but fell asleep due to excessive alcohol consumption.

789. At the Hayden/Coleman home, Coleman would give the students significant amounts of alcohol and once they were intoxicated would coerce the entire group into getting naked. Coleman would also get naked and “dance” around.

790. Ryan was at the Hayden/Coleman home on several occasions and each time the drinking, nudity and other lurid activities would take place at Coleman’s urging.

791. Ryan would go to the Hayden/Coleman home with his then-girlfriend Plaintiff Megan Dant.

792. On one occasion, Coleman pressured Megan and Ryan into having sex, provided them with a condom and showed them the room to use.

793. On another occasion, after losing a striptease game encouraged by Coleman, Coleman pulled out a ballet barre and forced Ryan and Melissa Cummings to perform naked at the bar for him to watch.

794. Coleman would groom Ryan and others by buying them things such as cigarettes.

795. Ryan also saw Hayden’s abuse and exploitation of the students in her class. Ryan once witnessed Hayden explicitly tell a ballet class of female students to “go get fucked” to help increase their flexibility.

796. Another faculty member also encouraged the sexual abuse of Ryan. On at least one occasion this faculty member signed Ryan out of his dorm for the weekend claiming that Ryan would be with her. This faculty member then permitted Ryan, who was 15-16, to spend the weekend with a 21-year-old college student.

797. Early in Ryan’s first year - 1992 when Ryan was 14 - an older college student, 21+ years old, picked Ryan up in his car and took him to his off-campus housing where he gave

Ryan beer and marijuana and then proceeded to sexually abuse Ryan. This was the first of numerous times Ryan entered into a sexual relationship with older students.

798. The high school dorms purportedly were sexually segregated - meaning girls and boys were not allowed in each other's room except during specific times with restrictions - but recent male graduates would visit and even spend the night in the boys' high school dorm. Ryan was sexually abused by at least 3 different graduates at different times ranging in ages from approximately 18-20. Ryan was 14-15 at the time.

799. This damaging culture of sexual abuse and exploitation at UNCSCA carried on beyond the campus of the school. Mel Tomlinson, a former UNCSCA student and faculty member, taught Ryan in Boston and groomed Ryan for several years before finally sexually abusing Ryan. Tomlinson was HIV-positive when he abuse Ryan. Tomlinson abused Ryan while Ryan was still a student at UNCSCA.

800. As a direct and proximate result of the sexual trauma and abuse at UNCSCA, Ryan has suffered from extended periods of anxiety and depression and has struggled emotionally and psychologically.

801. Like Melissa Cummings, Katie Ryan and Megan Dant, UNCSCA and the dance department sacrificed Ryan to protect the reputation of Hayden and the reputation of the institution.

#### **FACTS SPECIFIC TO PLAINTIFF SHANNON DOOLEY**

802. In 1994 at age 17, Shannon Dooley auditioned to attend UNCSCA in Winston-Salem.

803. Shannon was accepted and enrolled in the UNCSCA college of drama program for the fall semester of 1994. Her childhood dream of becoming a serious actor was taking shape in

the form of a conservatory training program, ranked 3rd in the country at the time. Shannon was accepted to several acting programs, but UNCSCA was closer to home and more budget friendly than her first choice, The University of Southern California. After much support from her family and professional coaches and formative years filled with classes, camps, competitions and tutoring, it all had led her to this moment, and she was thrilled.

804. In her first year of training at the UNCSCA, Shannon quickly realized that UNCSCA's culture was full of sexual overtones and drugs, a real change from the professional acting training she had witnessed in her formative years.

805. Some drama administrators at the school made inappropriate sexual comments to students in the hallways, along with some drama teachers being overtly sexual about student's bodies in classes; breasts bouncing on the trampoline, remarks about bending over while stretching and more. Shannon's class created a parody of the faculty for their Intensive Arts project after just a few months in the program. The observations made by students were accurate and telling of the faculty culture so early in their term at the school.

806. Defendant Murray was Shannon's teacher at UNCSCA. In 1995, Murray was also the "faculty mentor" assigned to Shannon and her classmates for their jury scenes. Under his tutelage, the students had exhaustively rehearsed scenes from plays, all sexual in nature and assigned by Murray, then performed the scenes for the drama faculty and fellow classmates. This "jury" would determine if these students would be invited to return to the school the following year for training. "Sophomore Slaughter" was a term assigned to the massive cut made in the drama department at the end of the second year, cutting each class in half midway through their training.

807. In the fall of 1995, Shannon attended an off-campus party with around ten (10) of her classmates. The students were celebrating the completion of their jury performances earlier that day. As would be expected the college students were drinking and dancing. Shannon had two glasses of plum wine.

808. At some point, unexpectedly and uninvited, their teacher Defendant Murray walked into the party. When Defendant Murray arrived, he was carrying a large bottle of liquor.

809. The students immediately questioned Defendant Murray about the premier of his play. Murray was supposed to be at the opening of one of his shows that evening but skipped that function to come to this party uninvited.

810. Early in the evening, Defendant Murray started running a bath in the apartment bathroom, saying he "thought we could all just have a good time". Sarah -- Shannon's classmate and one of the renters of the apartment -- turned off the water and declined his offer.

811. At some point that evening, the students were dancing in the center of the living room when Murray came up behind Shannon and pulled her down on the couch. He started kissing her and touching her breasts. Murray then pulled up Shannon's ankle length brown corduroy dress, pulled down her tights and underwear, and repeatedly pushed his hand into her vagina.

812. Shannon repeatedly said "No No No" to Defendant Murray, who ignored her pleas and continued to sexually assault her. Shannon felt heavy and unable to move her limbs. Shannon may have been drugged. There were several people in the room when Defendant Murray committed this horrible assault against Shannon, but that did not stop Defendant Murray.

813. Once the assault began, Shannon's classmates retreated to a bedroom to develop a plan to get Murray off of Shannon. To challenge this teacher in ANY way would be risky and could lead to retaliation by Murray.

814. Eventually, a few of the male students attending the party pulled Defendant Murray off Shannon, luring him away by offering him marijuana. Shannon had a hard time standing up and had to have help from other students to get her underwear, tights and dress back in place. Shannon tried to leave the apartment to walk home without putting on her shoes. A plan to walk her home safely was made.

815. After Shannon left the apartment, Sarah spoke frankly with Defendant Murray. Sarah asked Murray, "What the fuck is wrong with you?" Defendant Murray replied, "What's wrong with YOU? You need to relax. You're a PRUDE!"

816. This assault was an example of Murray exercising his power over these students - - fresh out of their yet-to-be-decided jury performances -- for his own pleasure and gain.

817. After weighing the cost of telling the truth about her teachers' actions, and with the encouragement and support of her friend Sarah, Shannon reported this incident as soon as the drama offices opened again. Shannon and Sarah reported the incident directly to Leslie Hunt, a faculty member in the drama department, and another of their teachers. Leslie's response to Shannon was to ask, "Well -- What were you wearing?". Hunt told Shannon not to mention the incident to anyone, and that she [Hunt] would give Defendant Murray a "stern talking to."

818. Realizing that Hunt intended to do nothing, other than cover up for Defendant Murray who was a known predator, Shannon and Sarah later reported the incident to Bob Moyer. Moyer was another faculty member at UNCSA. Moyer told Dean Gerald Freedman. Marty Rader, another teacher at the school, asked Shannon to step into his office to share with him what

had happened that night with his colleague. Shannon was brief and to the point about the assault, telling Rader that she and Sarah had initially gone to Leslie Hunt to report the incident. His reply to Shannon was, "Why would you tell her? They're friends! She's bailed him out of jail for D.U.I.- TWICE!"

819. When reporting the incident, Shannon was told that there were many rumors about Defendant Murray over the years, and that there had been other complaints of sexual abuse, but Shannon was told the school could do nothing at all unless someone was willing to file a formal complaint against him.

820. UNCSA purported to give Shannon an attorney to advise her. Shannon does not recall ever meeting this attorney. That attorney did little other than tell Shannon not to speak of this to anyone.

821. At one point Shannon received a call at her on-campus apartment from UNCSA's attorney, saying that Defendant Murrays' attorney wanted Shannon to sign an agreement not to sue him. Shannon refused to sign such a document. The attorney assigned to Shannon by UNCSA gave her no help or advice on what to do. Shannon was never advised to file a police report.

822. Shortly thereafter, Shannon received a call at her apartment, this time from Defendant Murrays' wife. Murrays' wife was a former UNCSA student, with whom he allegedly had an affair while married to his first wife -- also a UNCSA faculty member. Defendant Murrays' wife called Shannon's apartment and identified herself, saying she wanted to know what had happened at the party. Shannon told Defendant Murrays' wife that she was not allowed to speak to her per the UNCSA attorney and hung up on Murrays' wife.

823. As rumors of the sexual assault spread, Shannon felt like an outcast. The schools' culture of permitting and condoning widespread sexual abuse and exploitation led many to side with Defendant Murray, while others were angered when the notorious predator was quietly asked to resign, versus being fired. Even though Murray had preyed on young students at UNCSA for decades, his unplanned departure would stir Shannon's classmates to fear for their future livelihood in the program, positioning them against Shannon (and Sarah) for telling the truth. However, several female students from drama and other disciplines approached Shannon in the weeks that followed saying, "Thank you. It happened to me too," and "Thank you. He was a bad guy and needed to go."

824. At the time Defendant Murray sexually assaulted Shannon, UNCSA and the Defendant Administrators from that time had known for the past decade or longer that Defendant Murray was a sexual predator. Despite this knowledge, they allowed him to continue his career within the school, giving him access to sexually assault and exploit young UNCSA students.

825. Despite knowing that Murray was a sexual predator and asking him to resign, UNCSA and the Defendant Administrators continued to invite, honor and allow him to attend events at UNCSA.

826. Shannon endured much harassment on campus in the weeks that followed the assault; shunning, shaming, whispering, pointing and calculated silence by some students she knew best. Very few were there that night to know what had actually happened, and the rumors were rampant. Shannon finished the trimester but couldn't imagine returning to the school the following term. This assault perpetrated by Defendant Murray, and the fallout that followed, would cause Shannon to permanently rearrange her life plan and walk away from her childhood dream. She never returned to UNCSA -- or any school to complete her training.

827. After Shannon left UNCSA she never acted again.

**FACTS SPECIFIC TO PLAINTIFF VANDY MARTIN**

828. Vandy enrolled at UNCSA in the summer 1984 to complete her final two years of high school. She was admitted into the modern dance program. Upon completing high school, Vandy enrolled into the UNCSA college program.

829. While a minor and a high school student, a male drama instructor began to groom Vandy. Vandy was one of several young female dancers who were preyed upon by this instructor.

830. This instructor's successful grooming of Vandy led to a student/faculty sexual relationship that resulted in Vandy becoming pregnant and having to drop out of school the fall of her first year of college. Vandy was just one of several young female dancers that this faculty member preyed upon and impregnated.

831. At the time of this faculty member's sexual abuse and exploitation of Vandy, he was 33 years older than Vandy.

832. Upon information and belief, this faculty member had a strategy of preying and grooming girls when they were 17 and as soon as the young student would turn 18 years old he would sexualize the "relationship."

833. Vandy first met this faculty member when he asked her over to his home for dinner when she was 17 years old. He also asked her about her birthday.

834. Vandy graduated from the high school program in 1986 and was living with this faculty member during her last year of high school. This living arrangement was fully acknowledged by students, staff and administrators.

835. In April 1986, Vandy held a surprise birthday party for this male instructor. In addition to inviting some of her fellow students, Vandy also invited the administrator who was then head of the high school academic department – Dr. Tribby. Tribby attended the party for a short time.

836. Tribby's attendance at this party was one of the many reasons Vandy felt her relationship with this male instructor was legitimate and respected by UNCSA faculty and administrators. Such relationships were open and accepted by administrators, staff and faculty at that time.

837. When Vandy enrolled at UNCSA she had no family upon which to lean. She had been emancipated at age 17 and estranged from her family since age 15. The administrators and faculty at UNCSA knew of Vandy's situation and the vulnerabilities it created. If ever there was a student who needed mentor ship and protection it was Vandy. Instead of protecting Vandy, the administrators, faculty, and students at UNCSA did nothing. They were fully aware of this instructor's grooming, seducing and viciously verbally abusing and humiliating Vandy.

838. During her time at UNCSA, Vandy witnessed a culture of grotesque abuse of power and influence over students that saw numerous faculty members prey upon students for their sexual gratification.

839. At one point during her time at UNCSA, Vandy learned that two of her then school male classmates were being sexualized by Kuch and Defendant Gain. Vandy went to a member of the faculty whom she trusted – Peggy Dodson -- and alluded to that faculty member that inappropriate relations were occurring between fellow dance classmates and faculty members. Vandy was met with silence. Apparently, Dodson never reported this information to anyone.

840. Vandy again addressed this issue with Dodson in 1995 after the Sonderlund lawsuit was filed against UNCOSA. Vandy asked Dodson why the school was being sued and Dodson replied, “he claims to have been abused by the dance teachers and that people knew and it was common among dancers,” to which Vandy replied “well I told you that.”

841. Given the culture of complacency, inaction and acceptance at UNCOSA, Vandy came to believe that sexual relationships were acceptable between faculty and students regardless of the student’s or faculty member’s age. She also learned that anyone who tried to intervene in these abusive and exploitative relationships between students and their dance instructors were threatened with being cut from the UNCOSA program or, if an adult, being blackballed in the business.

842. During Vandy’s time at school there were only two counselors available free of charge. Vandy started counseling sessions as soon as she entered the program. When she discussed her “relationship” with a faculty member, the counselor made only a halfhearted comment about contraception to protect her from pregnancy but did not utter a single word to Vandy about whether Vandy needed protection from the faculty member. The counselor went on to discuss the difficulties of earlier years when abortions were illegal in North Carolina and how students from the school had to travel at their own time and expense to New York for legal abortions.

843. Vandy, like so many of her fellow classmates, was made even more vulnerable by the constant emotional and psychological abuse heaped upon them by members of the dance faculty. In class, Vandy endured being berated and screamed at and told she was not good enough. In one class, a female dance instructor shoved her finger into Vandy’s vagina to make her jump higher.

844. Additionally, Vandy and other students were made vulnerable by the requirement that every nine weeks they undergo “jury” reviews to determine if they could continue at the school. Every semester Vandy would see the students discharged from the school. The stress often led to eating disorders, drug addictions and emotional distress. Add this to the pervasive sexual misconduct from faculty toward students and there was a culture of grotesque abuse of power and influence over the students who were preyed upon. In short it was a culture of rape.

845. At UNCSCA Vandy learned how to endure character assassination while performing in class. She learned to work through pain, injury and sickness as if her life depended on it. Vandy learned how to keep working while someone is screaming at you for not being good enough. Vandy’s learned how not to respond when a dance teacher jabbed her finger into Vandy’s vagina through her leotard to make Vandy jump higher.

846. The UNCSCA administrators failed Vandy and so many others. The Defendant Administrators’ willingness to turn a blind eye to what was going on allowed for many children and young adults to be permanently psychologically damaged and adopt distorted patterns of unhealthy relationships. As a result of her experience at the school, Vandy has never been able to defend or protect herself from bullies or abusers.

847. As a direct result of the sexual abuse and exploitation and the trauma Vandy endured an experienced at UNCSCA, she has been in and out of therapy for the past 35 years and has checked herself into in-patient facilities to deal with her codependency that was ingrained from her training and her sexual abuse and exploitation while at UNCSCA. To this day Vandy continues to have intensive therapy in an attempt to deal with what happened to her while at UNCSCA.

**FACTS SPECIFIC TO PLAINTIFF MARGARET "MARNIE" PRICE**

848. Marnie enrolled in UNCSCA as a high school dancer in 1982. She was 12 years old and in the seventh grade.

849. During her time at UNCSCA, Marnie took classes from Melissa Hayden, Richard Kuch and Richard Gain. Kuch and Defendant Gain were constantly sexually inappropriate with and abusive to underage students.

850. Marnie's earliest memory of Kuch and Gain, otherwise known as "Crotch and Groin," is being 12 years old and stretching on the ground before class outside of Studio 614. Kuch and Gain would come up the stairs from the faculty offices and hover over Marnie and the other students with their scrotums just about at the students' eye level. Kuch and Gain would be wearing tights and flipflops.

851. As a 12-year-old, warming up for pointe class, Marnie would see Kuch or Gain in studio 614 or 615 teaching class. Marnie saw them inappropriately touch upper classmen and heard them use of sexually graphic language and inappropriate language for body parts such as tits and ass on a daily basis. There were many stories about the orgies at the "Fuck Farm."

852. Marine's first class with Melissa Hayden was her first year at UNCSCA in 1982. Hayden yanked Marnie off the barre and made her go down the line of students and correct them. Marnie was confused and traumatized by this conduct.

853. Throughout her time at UNCSCA, Hayden was physically, emotionally, psychologically and sexually abusive toward Marnie and many other students in her classes.

854. Hayden repeatedly touched Marnie in an inappropriate sexual manner, unnecessarily touching Marnie's buttocks, and her upper and inner thigh adjacent to her crotch.

855. Marnie and the others endured this grossly inappropriate behavior because the institution normalized the process. The students knew that unless they complied with the

instructors, they would not be asked back for another year. The constant physical, emotional and psychological abuse made the students, including Marnie, vulnerable to the inappropriate sexual touching.

856. Hayden's verbal abuse toward Marnie and her classmates included Hayden saying such things as "Honey, you're never going to be a dancer. You're a goodie, goodie girl. You may as well be a secretary" and telling them they "looked like prostitutes on a street corner." In another class Marnie took under Hayden when Marnie was 15 years old, Hayden yelled at someone in the class, "Honey, what are you doing over there? Jerking off in the corner?"

857. At age 17, Marnie had to fulfill her modern dance credit requirement and took classes with Kuch and Gain. Kuch and Gain also engaged in inappropriate sexual touching.

858. Like Hayden, Kuch and Gain would tell these adolescent female dancers that they needed to "get laid" because they were so stiff.

859. Marnie, like most young girls, had never been exposed to adults, much less teachers, talking about sex. She was young, inexperienced, and was conditioned to believe this behavior was normal.

860. When Marnie was 17, Duncan Noble once told her, "with your breasts, you should go to Vegas and be a showgirl." On another occasion, Noble said to Marnie's mother regarding Marnie, "don't think for a minute I will be putting any fat dancers on stage."

861. When Marnie was 15 years old she was invited to a sleepover with her instructor Fanchon Cordell. During that stay, Cordell provided drugs and alcohol to Marnie and asked Marnie to cut her hair. When Marnie was in 9<sup>th</sup> grade, Cordell talked Marnie into giving her prescription acne medication to her in exchange for cash. Marnie used the cash for cigarettes.

862. When Marnie was in the 9th grade, in HB3, with Mary Sloan and Chris Ramsey, the new dance faculty member, Fanchon Cordell, would have “talk class.” She told them she and other members of ABT used cocaine. She glorified the drug use which propelled Marnie to explore drugs. Starting in 10<sup>th</sup> grade, Marnie and many classmates drank alcohol, smoked a pack of cigarettes a day and used marijuana frequently.

863. Melissa Hayden would smoke during class. Marnie and other classmates would smoke in the hallways and bathrooms before and after class. In the 10th grade, Marnie started smoking a pack of cigarettes a day. This addiction lasted for 10 years.

864. Due to a prolonged injury in the 11<sup>th</sup> grade, Marnie became depressed and turned to sex, drugs and alcohol to cope with the stress of the verbal, mental, physical and sexual abuse she was enduring and observing.

865. Marnie knew girls as young as 16 having serious sexual relationships with college aged Drama and Design and Production men. The young girls would have key access to college dorms. The Residence Assistants were privy to this.

866. During the summer of 1986, Marnie’s brother Eric told her his roommate told him Duncan Noble came up to him and tried to stick his finger about up his rectum during port de bras forward. When the roommate deflected, Noble said he was pointing out he had a hole in his tights. It was known Noble did this to all the boys.

867. Marnie witnessed Mel Tomlinson coming on to both of her high school aged brothers as well as her 12<sup>th</sup> grade Design and Production boyfriend. He would say, “are you sure you don’t like guys?” or “are you sure you aren’t gay?”

868. Marnie was being groomed for sexual abuse and promiscuity since the beginning of 8<sup>th</sup> grade when the Dean of Dance, Robert Lindgren, made her understudy the Arabian dance

in the Nutcracker. Marnie was 13 years old. This was an extremely seductive dance with hip rolling about a man smoking a hookah and hallucinating a princess. Marnie was in rehearsal with high school seniors and college aged students watching the seduction. Marnie was extremely self-conscious but wanted to please the Dean of Dance who had given her a scholarship. She buried her uncomfortableness. The following year, in the 9<sup>th</sup> grade, Marnie was cast in this part and would perform every year till she graduated.

869. Like so many other students, Marnie put up with the sexual abuse and exploitation heaped upon her by her instructors because she thought it was normal behavior. She had no idea that UNCSA was normalizing the abnormal.

870. Students like Marnie were compliant out of fear of not being invited back the next year and because they were vulnerable after being constantly emotionally and psychologically berated.

871. The abuse Marnie suffered at UNCSA translated into her tolerating unacceptable behavior. Years later she was in a life-threatening marriage. Being abused at a young age by authority figures caused Marnie to stop questioning what was right or wrong.

872. Therapy Marnie underwent many years ago revealed to her that the abuse she endured at UNCSA played a huge role in her accepting and tolerating sexual, verbal emotional and physical abuse later in life.

873. While Marnie was at UNCSA she knew that Hayden could make or break her career, so she was willing to put up with anything.

**FACTS SPECIFIC TO PLAINTIFF KERRY QUAKENBUSH**

874. Kerry first attended UNCSA during the summer sessions of 1983 and 1984 when he was 16 years old. He was accepted to the full year in September 1984 and studied in the music program until he graduated in the spring of 1988.

875. In the late winter or early spring of 1986, Kerry was approached by Clyde Fowler, the Dean of the visual arts Department, who asked Kerry if he would like to model for some of the artwork that Fowler was creating. Kerry had interacted with Fowler at times previous to this request.

876. Fowler asked Kerry to come to his home off campus one evening. When Kerry arrived, Fowler explained that the work would be nude and that Kerry would be photographed.

877. After the pictures were taken, Fowler began to make sexual advances toward Kerry. Kerry froze out of fear of not knowing what to do. Fowler massaged Kerry with his hands and then performed oral sex on Kerry. Fowler was approximately 38 years old when this sexual abuse and exploitation occurred.

878. After this incident occurred with Fowler, Kerry began struggling with his identity and did so throughout the summer of 1986. He dropped out of UNCSA for a trimester but eventually returned to finish.

879. During Kerry's time at UNCSA, everyone on campus knew about sexual encounters between students and teachers. Kerry even heard cafeteria workers making fun of "pretty boys" who they thought must have been out to "The Farm."

880. Kerry has learned that the abuse and exploitation he suffered from Fowler was not unique and may have been a common activity for Fowler.

881. To this day, Kerry struggles with trust issues anger issues and has periodically battled alcohol abuse. Kerry still has moments of intense guilt and shame about what happened with Fowler.

**FACTS SPECIFIC TO PLAINTIFF LOUISE LEWIS LARSEN**

882. Louise L. enrolled full-time in the UNCSCA drama program in 1978 at the age of 17. She had attended the school summer program the year before.

883. As part of an acting class taught by Martin Rader, Louise L. and the other students were required to keep a journal to turn into Rader. Rader then use the journal to harass and humiliate Louise L. and others.

884. Rader would make humiliating and suggestive comments to Louise L. including asking Louise L. about her virginity.

885. As a 17-year-old freshman Louise L. also encountered Defendant Murray. He was her movement teacher. At one point, Murray made comments to Louise L. about her body, touched her, made inquiries about Louise's love life and propositioned Louise L. for sex. Louise L. declined.

886. After Louise L. declined Defendant Murray, he entered into a sexual relationship with Louise L.'s roommate.

887. In addition to this sexual abuse, Louise L. encountered significant emotional and psychological abuse. Lesley Hunt, the assistant dean of drama, would demoralize Louise L. and others by announcing in class the students who would "never succeed." She would threaten the students would being sent home at the end of this semester or not being allowed to return for another year. She would accuse the class of not trying hard enough.

888. At one point during her freshman year, Louise L. was encouraged to visit the school's counseling department. Instead of helping her, the counselor asked Louise L. many

personal questions without ever providing any feedback. The counselor also asked Louise L. numerous times if she was a lesbian.

889. During her freshman year Louise L. was aware of one fellow freshman who had a sexual relationship with Rader and saw Rader pursuing other freshman students.

890. At one point Rader made sexual advances toward Louise L. which she rebuffed. After she refused Rader, he gave her cruel feedback and ultimately was involved in dismissing Louise L. from the school prior to her senior year.

891. Toward the end of Louise L.'s junior year, she was asked by Rader and Malcolm Morrison, the Dean of the school of drama, if she would do a nude scene in the drama department's spring 1982 production. Louise L. was horrified by the suggestion and asked not to do the scene.

892. This may have been Rader's way of punishing Louise L. for rebuffing his sexual advances to years earlier.

893. When Louise L. asked not to do the nude scene, Morrison yelled at her, "if you are an actress and you are told to fuck on a six-foot-wide space on a stage, you shut up and fuck." After yelling this at Louise L., Morrison stormed away.

894. Louise L. was then told that because she had been sick during winter term and had an incomplete on her record that the only way to make it to her senior year was not to complain and to do the nude scene. The scene was to be part of a play called The Devils of Loudun.

895. Horrified at the thought of having to perform nude in front of a huge cast of males, Louise L. privately went to every single faculty member in the drama department and asked for support and declining the part without having to leave the school. Every single drama instructor asked not to be involved. They were all afraid of Morrison.

896. Louise L. then went to speak with UNCOSA's Chancellor. The Chancellor said he did not believe that this was happening and that he would get back to Louise L. He never followed up.

897. The director the play was a man from New York City. He was horribly sexually abusive and from the cast. He required Louise L. to rehearse in a large rectangular room with florescent lights and every few days he would tell Louise "now you need to strip down to your panties, Louise, we've had enough of waiting for you to do this."

898. Louise L. had to then lie on the floor and let another actor, also fully naked, climb on top of her naked body and began to simulate sex with her. Louise L. was told to "fuck like it was real."

899. Louise L. was forced to rehearse and perform this horrifically abusive scene every day and every time she rehearsed it the room was full of men watching her. The director would often make sexual jokes at Louise L.'s expense.

900. Louise L. found this experience to be crushing and humiliating. She became like a zombie, a dutiful, obedient student who went through the motions without complaining in an attempt to be invited back for her senior year.

901. Just a few days after the play closed Louise L. received a pink slip in her mailbox telling her that she was not invited to return for her senior year.

902. Louise L. was devastated by this horribly traumatic sequence of events and has suffered for years with PTSD and depression. UNCOSA destroyed her self-esteem.

#### **FACTS SPECIFIC TO PLAINTIFF ALICIA RODRIGUEZ**

903. Alicia enrolled in UNCOSA the UNCOSA ballet program in 1976. She was 13 years old and in the 8<sup>th</sup> grade.

904. During her time there, Alicia experienced an extremely sexualized culture that included such things as faculty members openly having sexual relationships with students and ballet performances such as the Rite of Spring that were bizarre, highly sexual and difficult for young girls to perform.

905. Alicia had classes taught by Kuch and Defendant Gain. Alicia was young and naïve and at the time did not realize how inappropriately sexual Kuch and Defendant Gain were in touching and positioning young dancers.

906. Alicia's main instructor her last two years at UNCSA was Mimi Paul. Paul was emotionally and psychologically abusive to Alicia and her fellow students. Paul often ignored Alicia and when she did pay attention to Alicia she would berate Alicia, criticize her talent and call Alicia fat. Another instructor once told Alicia that she needed to be "concentration camp thin."

907. The abusive behavior of Alicia's instructors resulted in Alicia feeling significant body shaming and rendered Alicia vulnerable.

908. The combination of emotional, physical and psychological abuse at the hands of her instructors along with school's acceptance of clearly improper sexual conduct resulted in young girls like Alicia being pursued by college-age adult males. Alicia fell victim to this abuse on several occasions.

909. At the time that the college-age adult males had a goal of having sex with as many "baby bals" [ballerinas] – minors, like Alicia, in the ballet program -- as they could. These college adult males treated having sex with minors as a game.

910. On another sad occasion, Alicia was raped by a male student. This male student was close with many UNCSA instructors, particularly Duncan Noble.

911. Alicia, like everyone else, knew that Kuch and Gain were having sex with underage male students and that their nicknames were “Crotch and Groin.” Alicia had a close friend who she believes was sexually abused by Kuch and Gain. She learned that he later died of alcohol poisoning, perhaps trying to cope with the trauma of the abuse he endured.

912. Alicia, like so many others, thought this conduct was normal and acceptable. She had no idea that UNCSA was betraying her and other students and that UNCSA was normalizing abnormal conduct.

913. As result of the abuse she endured at UNCSA, Alicia has been plagued for decades with insecurities and self-worth issues that have had a significant and negative impact on her life.

#### **FACTS SPECIFIC TO PLAINTIFF JULIANNA SOSA**

914. Julianna enrolled in the UNCSA high school drama program in the fall of 2011. She was 17 years old.

915. The director of the UNCSA high school drama program was Defendant Maxner.

916. During her year at UNCSA, Julianna experienced an environment characterized by severe and all-encompassing psychological abuse and manipulation and sexual exploitation.

917. Maxner cultivated a cult-like environment. There were 12 boys and 12 girls in the program, and he required them all to wear black at all times. They also had to sign a contract pledging to follow numerous rules of Maxner’s creation. Maxner controlled when Julianna and the others could leave campus, even if it was to see her parents.

918. Maxner took extreme measures to learn about Julianna’s personal life regularly asking her many personal questions. Maxner seemed obsessed with Julianna’s personal life. For example, Maxner commented on the young man that Julianna brought to prom. He was a college student. Maxner asked her about the "older guy" and she didn't respond. He told Julianna that he

had heard a rumor that she and the college student had had sex and that she was pregnant. She told him No. It was clear to her by the way Maxner responded that he did not believe her. He also asked other students if they had heard the rumor that Julianna was pregnant. Maxner also continued rumors among her classmates that she was not going to graduate and was smoking pot, which weren't true.

919. Julianna felt that he used these rumors to isolate her from her classmates.

920. Maxner also forced Julianna and the other students into situations of sexual abuse and exploitation.

921. During one performance piece that Maxner choreographed, he required the high school girls to perform in short shorts and bras while the boys were shirtless and in their underwear. During this performance Maxner paired students together in both same-sex and mixed sex pairs. Maxner instructed the high school students to make out with their partners and imitate sex. This involves getting into sexual positions on the ground with their bodies touching.

922. During the performance, several faculty attended from both the high school and college drama department. During the performance they were all handed programs which stated the sexual and violent nature of the show explicitly. The top line reading: **“CAUTION: This show contains explicit language, sexual content, and frequent disturbing/violent images. Either make your children leave, or scar them for life. Your call.”** and also a scene guide that included “Lust; the circle of hell where the lovers are forever tortured in a storm of bed sheets. Gluttony; all those guilty of gluttony now tear and bite for any remains of feces and flesh to satisfy their craving.”

923. Maxner thought this lust segment was a success and added it to the show thereby requiring that students be subjected daily to kissing, touching and simulated oral sex at the hands of another student.

924. The inappropriate and exploitative approach taken by Maxner in context of the highly competitive nature of the program ensured that the students would try to gain his favor by escalating the overt sexuality of their actions in order to gather his attention and garner his favor.

925. Maxner often told the high school students that their lack of sexual experience would inhibit their ability to be successful in the drama field. This was his justification for forcing them to participate in the abusive and exploitative sexual material.

926. On another occasion Maxner choreographed a dance like a striptease with the students using a chair. The song was by Britney Spears and was sexually explicit.

927. Before canceling the show "Man of La Mancha" Maxner cast Julianna as Aldzona, a prostitute who is violently raped. During rehearsals, Julianna performed a song which included a line:

"In a stable laid flat on your back!  
Won't you look at me, look at me,  
God, won't you look at me!  
Look at the kitchen slut reeking with sweat!  
Born on a dung heap to die on a dung heap,  
A strumpet men use and forget!  
If you feel that you see me  
Not quite at my virginal best,  
Cross my palm with a coin,  
And I'll willingly show you the rest!"

928. Julianna, like all students at UNCSA, had to endure this inappropriate behavior or risk being expelled from the program.

929. Maxner used the fact that Julianna's mom was an alcoholic against her. Maxner took advantage of Julianna because he knew that she was depressed and was experiencing challenges in her home life. He would often manipulate her and say things such as "Remember, I know you and what you have been through."

930. Julianna was singled out and isolated by Maxner. During the spring semester he ordered her to go to his office every day after class at 7:00 PM and she was required to stay until 9:50 PM she was sometimes told to bring him candy/drinks. She would do her homework and he would stare at her. He would massage his foot on a tennis ball and make moaning sounds. Once Julianna cried to Maxner that she didn't understand why he was doing this to her and he replied that she could cry all she wanted but if she wanted to get into the college program she had to do what he told her. Maxner would always sit behind his desk as he stared at her moaning and groaning. Julianna believed Maxner was touching himself behind the desk.

931. Julianna would often question her classmates about how odd Maxner's behavior was. Maxner learned that Julianna was asking this question and Maxner instructed the other students "if you are to associate yourself with her, it will reflect poorly on you and could hurt your chances for advancement." This caused Julianna to become isolated from the group, left with no friends.

932. Eventually, after rehearsing, the show "Man of La Mancha" was canceled. Maxner told the entire class that the show was being canceled because Julianna was failing other classes and that it was completely her fault. Everyone was extremely disappointed and this created more isolation as students hated Julianna for this reason. Julianna contemplated printing and bringing her grades into drama class to prove herself to her peers.

933. On February 3, 2012 (during the program) Julianna was prescribed 20mg of Prozac for depression. Her eating disorder was causing her to become very skinny during this time.

934. Julianna was not invited to join the college program. She was told that Maxner was a decision-maker and that he said she was not emotionally ready for the college program.

935. After Julianna left UNCSEA she was told by other alumni that she looked like other girls that Maxner had taken a similar approach with at the school.

936. After graduating UNCSEA, Julianna deleted her Facebook and created a new page. She felt completely detached from the people she had connected with there and needed to start over. It was too anxiety-inducing being reminded of the events from UNCSEA and the people.

937. Julianna has been in therapy since graduating from UNCSEA. She suffered from an eating disorder and still suffers from panic attacks associated with anxiety and depression. She also struggles to form trusting relationships with superiors. She no longer works as an actor because it was too challenging psychologically. Her problems with anxiety and depression have affected her ability as an employee in some instances.

#### **FACTS SPECIFIC TO PLAINTIFF KERRY WALSH**

938. Kerry enrolled in UNCSEA's high school music program in 1981. She was 16 years old.

939. Like all the other new students, Kerry had no idea when she arrived on UNCSEA's campus that she was entering a toxic culture that condoned and even encouraged sexual relationships between faculty and students.

940. It was common knowledge that Stephen Shipps was in sexual relationships with students. Shipps was not the only faculty member or administrator known for such conduct. Kuch and Gain's sexual abuse and exploitation of young boys was widely known.

941. Some of the earliest abnormal conduct Kerry experienced was when on different and varied occasions Shipps, Robert Hickok -- then the Dean of the school of music -- and Mark Popkin, another faculty member, would rub Kerry's shoulders and feet after a lesson or a practice. This conduct made Kerry uncomfortable, but she went along with it because the men were her instructors.

942. In 1982 at an after-concert reception Kerry was encouraged by faculty and others at the reception to have sex with a visiting French pianist. Alcohol was available at the reception and provided to Kerry and other students despite them being underage. Because of the school's culture that taught students it was good to have sex with instructors and others because that could help to advance the student's career, Kerry gave in to the peer pressure and spent the night with the visiting pianist. Kerry was 17 and he was 35 years old.

943. The impact of that night and the other experiences Kerry had at UNCSA changed who she was. Kerry went from being a quiet and somewhat shy teenager to being someone who knew no boundaries. UNCSA's culture taught and encouraged the students to have no boundaries.

944. The abuse and exploitation of students at the school took many forms. For example, Shipps and Hickok accompanied Kerry and a group of students to Germany on an international music program tour. While in Germany, Shipps and Hickok took the students a nudist park where they were encouraged to swim naked. At one point when Kerry left the water, she had to walk past Shipps and Hickok fully naked while they watched her. Shipps and Hickok

were fully clothed. When Kerry arrived to retrieve her clothes – that were supposedly being watched by Shipps and Hickok – her underwear was missing.

945. The sexual culture that was normalized and even romanticized by UNCOSA's administrators and faculty continued even after graduation. Hickok left UNCOSA and became Dean of the school of music at the University of California Irvine. A few years after she graduated, Kerry went to visit Hickok when she was in California. Hickok invited Kerry to his hotel room where he attempted to get her drunk and suggested they have sex. This conduct greatly disturbed Kerry because she had tremendous respect for Hickok. When Hickok made a move on her, Kerry went running from the room.

946. The UNCOSA culture and Kerry's experience at the school left her without the ability to say no. As a result, Kerry has spent years in therapy attempting to deal with the school's impact on her life.

#### **FACTS SPECIFIC TO PLAINTIFF AMANDA CARRICK**

947. Amanda C began at UNCOSA in the afterschool program from 1980-1983. She then enrolled in the High school program in 1983 and graduated in 1989. Amanda C was at UNCOSA for six years studying ballet from 7<sup>th</sup> through 12<sup>th</sup> grade and between the ages of 12-17.

948. As a high school student Amanda C had classes with Melissa Hayden frequently, sometimes for as many as five of her weekly classes, along with several hours of rehearsals at night. Throughout Amanda C's time at UNCOSA, Hayden was physically, emotionally, psychologically and sexually abusive toward Amanda C and many other students in her classes. The first year of classes with Hayden was a terrifying experience for Amanda C. One on occasion following Spring Break, she forced the entire class and eventually just a few people "doing it correctly" to stay on demi pointe (on their toes), refusing to allow them to stop or come

down off their toes. This type of abuse occurred often where students were not allowed to stop dancing to the point of injury, some are then also encouraged to keep going to show the others “how it’s done”. Even though a highly trained and experienced dancer, Amanda C strained and damaged her calf muscles during this incident to the extent that she could barely hobble to walk or sit in a chair for a week; the scar tissue from this injury even impacted her dancing as a professional years later.

949. In class Hayden repeatedly touched Amanda C in an inappropriate sexual manner, unnecessarily touching and even poking and pinching Amanda C’s buttocks, grabbing and squeezing her upper and inner thigh adjacent to her crotch, coming and holding her body torso to torso close, while grabbing and holding one leg in strange awkward positions for ballet. All of this inappropriate sexualized touching was purportedly done to correct the dancers, but in reality it was simply done to abuse and shame Amanda C and the other young students.

950. During one rehearsal, Hayden instructed Amanda C’s male dance partner, Jon, to hold Amanda C’s breasts. When he did not (because it did not make sense), Hayden grabbed his hands and forced his hands on her (Hayden’s) breasts. She then instructed Jon to do the same to Amanda C from behind, even though the lift and the movement would be absurd to execute that way. Amanda C refused to do the lift that way when the music began, and had Jon placed his hands close to but not on her breasts.

951. Hayden was also verbally abusive. She was famous for telling dancers to touch themselves on their hip flexor, near their crotch, and their inner thigh, and then supposedly as they were not doing it correctly, she would yell across the room “What are you doing over there, masturbating?” Amanda C was 15 years old and being forced to listen to such sexually abusive language. Amanda C, like most young girls, had never been exposed to adults, much less

teachers, talking about sex. She was young, inexperienced, and was conditioned to believe this behavior was normal.

952. Hayden would often smoke in the studio and blow cigarette smoke in the face of Amanda C and the other dancers. She would come within inches of their faces and then degrade and belittle the dancers and say things like “I don’t know how you got here, why don’t you just go home and make babies!” and “oh honey! You’re so terrible, you hurt my eyes!” Another famous quote was “you better go home and learn how to type, because you won’t ever be a professional dancer, honey.” She was known for forcing dancers to critique one another and shame them while at the same time continuing to dance. There was also a small set of students who were forced to shame the others by the supposed grace of being able to continue dancing. The others were told “stop just stop, you don’t deserve to dance this petite allegro” and “don’t ever come back to rehearsal – you know what - let’s just have her [pointing to another girl] learn your part.” It was common for Hayden to literally kick people out of shows or change casts, from one night to the next. This Jekyll and Hyde persona caused intense confusion, shame, sadness and anxiety in Amanda C and her peers.

953. Amanda C and her classmates talked to Melinda Lawrence about Hayden’s cruel and abusive behavior and Lawrence did absolutely nothing to address Amanda C’s concerns.

954. Susan McCullough was also told – she also knew what was going on in Hayden’s classes and did nothing to protect Amanda C and the other terrified students. At one point when there were so many classes with Hayden, Amanda C and her peers requested to have fewer classes with Hayden, and that request went unheard.

955. Fanchon Cordell was also verbally abusive- she yelled and screamed at the dancers. In particular she tormented Amanda C. Amanda C felt she seemed to be Cordell’s

particular target because she was more tentative in her dancing, and Cordell called her “lazy and slow”. Those insults and a constant fear of failure was internalized by Amanda C and plagued her for many years after leaving UNCSA.

956. In a twisted sense of compassion, Fanchon Cordell would occasionally allow the students a break and would have “talk classes” where she spent the class time chatting with the students instead of dancing. Cordell lacked boundaries, sharing personal information and telling grand stories about living a professional dance life. During these “talk classes” Cordell would talk about “cocaine use and lots and lots of partying” she was engaged in during her years at American Ballet Theater.

957. Amanda C also took classes from Richard Kuch. Kuch would make fun of anyone in his class he believed to be a virgin as well as anyone with curves on her body and who had developed more physically. He called body parts “tits” and “ass” and in particular for the younger students new to modern dance, these ballerina dancers were “clearly virgins and probably had not been fucked” and they “needed a fuck to loosen up.” On one occasion Kuch said that Amanda C and her peers “looked ready to give birth to a gerbil,” and hovered over them sneering and laughing, continuing on with instruction beyond muscle failure in Amanda C’s body and her peers - apparently for the sheer pleasure of making them suffer. On another occasion, Kuch took his hands and made a fist, clutching them together, and shoved them up one of Amanda C’s classmate’s vagina during a jump. This action of his fist shoved up her crotch literally forced her body higher into the air and Amanda C found this terrifying.

958. Kuch made it clear that he loathed ballet dancers, calling them weak and pathetic. This horrified the students and yet this type of incident also took place regularly in Kuch’s

classes. Amanda C like most of her peers accepted this sexual, psychological abuse as part of training.

959. On stage during *The Nutcracker* (during the actual shows), Kuch (playing Drosselmeyer) would curse and make fun of the children playing in the “party scene” hissing under his breath to Amanda C, who played Clara (13 years old) and her peers “okay you little shits, now look at this fucking trick.” All of the party children were between the ages of 12 to 14. He also mocked then 13-year-old Amanda C as Clara in *Nutcracker* when she had to pretend to crack a nut, then put the “nut” in her mouth, in a sexual and perverted way, and say with pantomime that it was “yummy” as he sneered. Everyone, including faculty, knew these behaviors exhibited by Kuch and their nature – they too could see it was horrifying and perverted. To that end, Melinda Lawrence (playing Clara’s mother) even pantomimed and murmured comforting words to Amanda C when she played Clara and knew that Kuch was not just *playing* a scary, creepy, character Uncle Drosselmeyer) who visits the family in *Nutcracker*: Kuch WAS that creepy, sadistic character in real life.

960. Amanda C suffered from severe insomnia her entire senior year of high school because of the emotional and sexual abuse. Amanda C and the other students endured this grossly inappropriate behavior because UNCSA as an institution normalized this abusive and exploitative behavior. The students knew that unless they complied with the instructors, they would not be asked back for another year. Even the students who held on to some confidence that they were actually talented feared if they said anything they might not get recommendations or parts in ballets and/or become professionals.

961. Like so many other students, Amanda C put up with the sexual abuse, emotional and physical abuse and exploitation by her instructors because she thought it was normal behavior.

962. UNCSA was a highly sought-after pedigree, and students did not want to ruin their chances of becoming professional dancers by reporting this abuse and exploitation. UNCSA failed to protect and care for Amanda C and other students in its charge and care. The faculty's sheer lack of healthy guidance, the multiple types of continued sexual, physical and emotional abuse, and their outright refusal to nurture students was widely known in the school. Amanda C now knows that she and all the students were brainwashed into thinking that if they could just comply, if they would be "good enough", if they can just please these dance teachers, they would receive approval, achieve success, and maybe even survive.

963. After graduating from UNCSA, Amanda C began to dance professionally. However, she continued to live in state of routine anxiety and had difficulty making decisions. Amanda C left the professional dance world prematurely. She found it difficult to establish healthy relationships, to trust others or herself, and to trust her own emotions and feelings. It has taken many years, but, following a failed marriage, Amanda C worked diligently to re-teach herself about self-love, learned to make healthy decisions, learned to stand up for herself, found out how to function in a healthy relationship, and how to accept imperfections in herself without being defined by failure.

#### **FACTS SPECIFIC TO PLAINTIFF JESSICA GARNER**

964. Jessica attended UNCSA from 1989 - 1992 as a high school student in the school of dance. When Jessica first enrolled at UNCSA she was 14 years old.

965. Jessica now knows that when she entered UNCSA she entered a culture where the abnormal was normalized.

966. Jessica took classes taught by Kuch and Gain. She, like so many young students, was subjected to their never-ending sexual comments, vulgar language and inappropriate technique correction.

967. There was one stretch that Kuch and Gain had the students do that involved the dancer placing her feet wide apart and bending over to create a straight back. Kuch and/or Gain came up behind Jessica, grabbed her pelvis and rubbed his crotch against Jessica's buttocks. Jessica could feel his penis against her rear end. Jessica was greatly disturbed at being touched in this way but did not report it because it was treated as normal.

968. The dancers would talk about people being invited to Kuch & Gain's house. Dancers invited to their house were seen as Kuch and Gains favorites.

969. Many instructors would say things such as "you'll be more flexible once you have sex." This expression and variations of it was endemic in the culture.

970. The most horrifically traumatizing incident that Jessica endured while at UNCSA happened when Jessica was 15 years old. That fall Jessica attended a Halloween dance party sponsored by the school. The party was held in the common area beside the school's cafeteria. During the party a 28-year-old male college dance student led Jessica away from the party to the college dorms. The college student took Jessica to his dorm room and raped her. Jessica was a virgin.

971. After that horrifying event, Jessica left the rapist's room and went back to her dorm room where she found blood on her panties. Jessica felt a wide range of emotions at that time, but mostly she was afraid.

972. Jessica eventually left UNCSA and gave up dancing.

973. The sexual abuse and exploitation Jessica suffered while a minor student at UNCSA haunts her to this day. It has taken a deep emotional toll on Jessica that can never be erased. Jessica has been in therapy for many years attempting to deal with the repercussions of being abused.

974. Like so many young students at UNCSA, Jessica was betrayed by the administrators and faculty who participated in and/or condoned a culture of sexual abuse and exploitation -- a culture that normalized the abnormal.

#### **FACTS SPECIFIC TO PLAINTIFF MARY "ALYSSA" LANG**

975. Alyssa enrolled at UNCSA for her freshman year of high school in 2005. She was 15 years old. She was to study ballet in the school of dance.

976. One of Alyssa's ballet instructors was Kee-Juan Han. Han was sexually, physically and psychologically abusive to Alyssa and her classmates. Han traumatized Elizabeth with his abuse. For example, Han repeatedly told Alyssa that she was "fat." Alyssa weighed 98 pounds. Han required Alyssa and the other students to keep a food journal and to weigh in daily. Han often called Alyssa a "piece of shit," told her that she was "worthless" and that she was "replaceable."

977. Han repeatedly touched Alyssa in a sexual manner that was totally inappropriate and completely unrelated to technique correction. Han would grab Alyssa's buttocks while making comments such as "what flavor of Jell-O is this?" He would touch Alyssa's stomach and he would grab her by the back of her leotard and pull it upwards with great force into her groin claiming it would make a jump higher. Han often pulled Alyssa's leotard up so high that it would expose her entire rear end to the class.

978. In one class Han yanked Alyssa's leotard so forcefully that it ripped. Han would not allow her to leave class to change.

979. Prior to enrolling at UNCSCA Alyssa had been homeschooled. Therefore, Alyssa had no point of reference as to how instructors should behave in a professional school setting. Alyssa was led to believe that the inappropriate sexualized touching that Han did repeatedly was normal because this was her first experience studying at such a school.

980. The culture at UNCSCA during the time Alyssa was there -- as it had been for the three decades prior -- normalized the abnormal. The culture condoned and even encouraged sexual, psychological and physical abuse.

981. UNCSCA provided no outlet for a student to complain, and the students feared that if they did complain they would not be invited back the next year to continue their dance education.

982. Han's classes were so abusive that at times Alyssa and some of the other students would start to cry. If a student cried Han would send them home and not allow them to come to class the next day. If the student did show up for class the next day, she would not allow the student to enter the studio.

983. At UNCSCA Alyssa also took classes under Raymond Serrano. Serrano was creepy and weird. It was well known that he had an alcohol addiction. Serrano also touched Alyssa and others in a highly sexualized and inappropriate manner. Serrano would require Alyssa and the other students to lay on the ground and he would come around and touch her hips and waist in a highly sexualized and inappropriate way. Alyssa felt totally vulnerable lying on the floor and being touched in this way by an adult male instructor. Alyssa can still remember the extreme discomfort she felt when he was touching her hips.

984. Alyssa was injured in her sophomore year and transferred to the modern dance program for her junior year. She was not invited back for her senior year. When she appealed that decision Han told her that she was useless and had no dance future.

985. During Alyssa's time at UNCOSA eating disorders among the students were rampant. Some of the instructors would come into the cafeteria and walk around and inspect what the young girls were eating. Many days Alyssa would go home and cry.

986. Like so many other students, the administrators and faculty at UNCOSA betrayed Alyssa and many other students through its culture of sexual abuse and exploitation.

#### **FACTS SPECIFIC TO PLAINTIFF KATHRYN BROWNELL**

987. Kathryn enrolled at UNCOSA in September 1978 as a 10th grader. She was 14 years old and was attending the school of music.

988. When she arrived at the school on the first day someone showed her to her dorm room and left her there. She was alone and nervous.

989. She had no bed linens, so she went with another new student to a department store recommended to them. The store was over a mile away and they got lost on their way back.

990. There was very little if any supervision in the dorms. Students could come and go as they pleased. There were no policies that were followed. Interactions between high school and college students in the dorm were common. There was a dorm office on the main floor but there was seldom anyone there to provide supervision.

991. Kathryn recalls that when Stephen Shipps arrived at UNCOSA he brought two young female students with him. Female students often seemed hesitant to go to their private lessons with Shipps.

992. In the spring of 1980 -- Kathryn's junior year in high school -- she went to an off-campus party with both high school, college students and some faculty in attendance. As would be expected, the students were drinking. At some point that evening Ronald Borrer -- a trombone teacher from New York -- led Kathryn into a dark room. Once alone in the room, Borrer unzipped his pants and raped Kathryn. Borrer finished quickly and then turned and left the room leaving Kathryn lying on the bed. Kathryn was 16 years old.

993. Kathryn dressed, left the party and returned to her dorm. She felt shame and worthlessness and those feelings started to bleed into every area of her life. Kathryn's feelings of shame caused her to wait several years before telling anyone what had happened to her.

994. After being sexually assaulted by Borrer similar experiences begin happening to Kathryn with male students. The trauma Kathryn experienced with Borrer was repeating itself.

995. After being sexually assaulted by Borrer, Kathryn began to drink heavily and lost interest in her academic and musical pursuits.

996. Kathryn's traumatic experience at UNCSCA has resulted in her having lifelong issues with anxiety, PTSD, pain, illness, depression, distrust and emotional triggers. It also resulted in Kathryn having difficulty with relationships.

997. Like so many others, Kathryn is a victim of the culture of sexual abuse and exploitation that has permeated UNCSCA for decades.

#### **FACTS SPECIFIC TO PLAINTIFF JANE DOE 4**

998. Jane 04 first attended UNCSCA in the summer of 1969. She then enrolled full-time in the high school program in the fall of 1969. She was studying ballet. Jane 04 was 12 years old.

999. Jane 04's experience in the summer program was positive. She studied under Joan Sanders who she found to be wonderful. Jane 04 was shocked at the difference between the summer program and the sex driven high school program.

1000. Jane 04 recalls her orientation on her first day. An administrator took her and others on a tour of the campus. As they were walking through the part of school where the academic classrooms were located, Jane 04 looked into one of the classrooms and saw two students having sex. She was shocked and pointed it out to the administrator who brushed it off. Later on that same tour she spotted two students smoking marijuana. Again the administrator seemed totally unconcerned.

1001. Jane 04 was shocked at UNCSA's culture that openly permitted and even encouraged sexual relationships between students and faculty members. For example, Philip Dunigan, Gyula Pandi and Job Sanders were all in open sexual relationships with students. Sanders eventually left the school with the student he was dating and went to Mexico. Sanders was in the relationship despite the fact that his wife, Joan Sanders, taught at the school. Sanders flaunted the relationship in front of the students and his wife.

1002. During her time at UNCSA Jane 04 took dance classes with Kuch and Gain. It was total culture shock to Jane 04 to be in their classes because they both used vulgar language and constantly made sexual remarks. For example they would say to these adolescent girls that they "need to have sex because you are too uptight." Kuch was verbally and emotionally abusive to Jane 04. Gain was sexually abusive. He would grab Jane 04's crotch and her breasts. Gain was vicious toward Jane 04's body and seemed to dislike females. It was common knowledge at the school how Kuch and Gain behaved in their classes and yet no one said a word. The language was so vulgar that on one occasion Jane 04 -- naïve based on her private Catholic

school upbringing -- had to ask one of the older girls in her class what one of the sexual terms used by Kuch and Gain meant.

1003. One day during Jane 04's sophomore year she was so upset about the anxiety that Kuch and Gain's class brought her that she called her mom and said "please don't ask any questions. I'm scared... Please come and get me." Her mom came and picked her up and Jane 04 spent a couple of days with her family. Jane 04 had to convince her parents to allow her to go back to UNCSEA. She told her parents that "some things scare me there, but I'm okay."

1004. Jane 04 was never invited to "The Farm" but everyone knew about it and what went on there. Before Kuch and Gain lived at the farm they lived on or near campus in a trailer. They were always hanging around common student areas and in the dorms. Jane 04 had a good friend who lived in Moore dorm in a single room. He confided in Jane 04 that he was terrified of Kuch and Gain. Her friend told Jane 04 that Kuch and Gain were always hanging out in the boy's bathroom in his dorm, particularly around the showers. The young boy became scared to take a shower because he was afraid of being sexually assaulted by Kuch and Gain. He asked Jane 04 to stay in his dorm room with him as he was afraid they would break into his room. It was Jane 04's belief that Kuch and Gain were sexually abusing boys in the dorm shower.

1005. Jane 04 became great friends with Plaintiff Frank Holliday. She and Frank shared with each other about the sexual abuse they experienced at UNCSEA. They are still close friends to this day.

1006. During her senior year, Jane 04 was so traumatized by the constant sexual harassment in Gain's class that she stopped going to his class for several weeks. That was unheard of at UNCSEA as you were never allowed to skip classes. You were expected to go to class even if you were sick or injured. At UNCSEA students were treated as things instead of as a

people. When Jane 04 finally returned to Gain's class he berated her and screamed at her in front of the entire class.

1007. One time while at UNCSCA Jane 04 witnessed Duncan Noble -- then a dance instructor and later the Interim Dean of the School of Dance -- sexually abusing a young boy. On that occasion, Jane 04 went to Studio A outside of class time to get some extra rehearsal in before a Nutcracker performance. The studio had big dividers and room screens to separate dancers when they were rehearsing. Jane 04 heard someone else in the studio and as she walked in to see who it was, she saw Noble with his hands in the little boy's leotard fondling him and kissing his neck. Jane 04 remembers the little boy had a blank stare in his eyes. Noble saw Jane 04 and knew she had witnessed what he was doing. The next day, Jane 04 had all of her performance roles taken away including her role as Snow Queen that she had earned. This was her punishment for witnessing noble abuse a young student and this was a warning to Jane 04 that she best not tell anyone what she saw.

1008. On one occasion while Jane 04 was a student at UNCSCA she was sick for a few weeks and missed some classes. She was called to Dean Robert Lindgren's office and when she arrived the entire dance faculty was present. Lindgren berated Jane 04 for missing classes. He screamed at her and shouted, "how dare you get sick."

1009. Jane 04's English and social studies teacher was Gary Burke. Burke was mean and cruel. He would make fun of Jane 04 and put her down daily. Burke had a horrible temper. One day he asked Jane 04 to stay after class. After the other students had left the room, Burke closed the door and locked it. He took out a bunch of papers from his briefcase and threw them at Jane 04. He said that her essays were "pieces of shit." He told Jane 04 she was worthless and would amount to nothing. He threw his briefcase at Jane 04 and then she began to cry and fell to

the ground scared. Burke continued to scream at Jane 04. Jane 04 can remember staring at the door wishing she could just run out. She stood up from the floor and Burke put his face directly on her face. Jane 04 continued to cry. Burke started groping and fondling Jane 04 and then Burke lifted Jane 04's skirt and digitally penetrated her vagina with his hands. When Jane 04 finally got away from Burke she ran down the hall and fell down the stairs. Some students saw Jane 04 was bleeding from the fall and asked her what happened. She didn't say anything.

1010. Following her senior year from UNCSCA, Jane 04 could not bring herself to tell her father about what happened to her while there. She did share some of her negative experiences with her mother. Her mother reminded Jane 04 that when she was 12 years old she essentially did not speak for an entire year because she was so emotionally devastated.

1011. Because of the sexual abuse and exploitation Jane 04 experienced and suffered while a minor student at UNCSCA, Jane 04 has struggled with a 30-year anxiety disorder. She has been through many, many years of therapy. Jane 04 has found a way to function despite this intense anxiety though every day is a struggle. Jane 04 has had significant difficulty establishing a sexual relationship because of her abuse.

1012. Jane 04 also developed frequent UTI's starting in her junior year at UNCSCA, that started after being sexually abused. They are frequent and painful, continuing to this day. She had to take massive amounts of antibiotics and eventually became allergic to almost all classes of antibiotics. She saw many doctors who found no anatomic abnormality which would cause the infections.

1013. From its inception and for decades since, the administrators, faculty and staff at UNCSCA participated in, condoned and/or promoted a culture of sexual abuse and exploitation of students. UNCSCA started betraying its students almost from the day it first opened its doors.

**FACTS SPECIFIC TO PLAINTIFF JANE DOE 05**

1014. Jane 05 attended UNCSA's summer drama program in 1975. She was 17 years old.

1015. That summer Jane 05 lived in an on-campus dorm. She had her own room with no roommate.

1016. One of Jane 05's instructors that summer was Jack Hill who was a pantomime teacher. Hill would often come to Jane 05's room and asked to come in so that he could "help with her audition in the fall." Jane 05 refused to invite him in on numerous occasions. Hill would tell Jane 05 that if she did well in his class she would go far because he was so well-respected and so well known.

1017. One night Hill came to Jane 05's dorm room sobbing about "technical problems" he had encountered during a performance at the school that night. Jane 05 opened the door slightly at which point Hill pushed his way into her room and forced himself on top of her. Hill told Jane 05 that he "needed and wanted her." Hill pulled off Jane 05's robe and began to penetrate Jane 05's vagina with his fingers. Jane 05 physically fought with him to stop, but Hill overpowered her, and continued until he ejaculated on her face.

1018. After the sexual assault, Jane 05 told Hill that she was going to tell his wife. Hill's wife was at UNCSA that summer performing with him. Hill threatened that if Jane 05 told anyone about what he had done she would not be accepted into the college program in the fall.

1019. Despite that threat, Jane 05 told Lesley Hunt, the drama teacher who was in charge of her class what had happened. Instead of helping Jane 05, Hunt said she did not believe Jane 05 because "Jack would never do that." Hunt went on to tell Jane 05 that even if it did

happen “this is what happens in the entertainment world” and that Jane 05 “should not be a crybaby.” Hunt, like Hill had done, threatened Jane 05 that if she did not stay quiet, she would not be accepted into the fall program.

1020. The confusion, disgust, humiliation and emotional turmoil that Jane 05 felt from the assault by her teacher Jack Hill, was compounded by the betrayal and inappropriateness of the very educational institution that was charged with protecting and supporting Jane 05 as a teen student.

1021. Jane 05 had an impressive audition for a spot in the fall drama class but was not accepted to the program. Undoubtedly Jane 05 was rejected because she had complained to Hunt about Hill’s sexual assault.

1022. As a result of the sexual assault and UNCSEA’s blatant cover up of Jane 05’s sexual assault, Jane 05 became extremely depressed, despondent and anorexic.

1023. For many years following the traumatizing events Jane 05’s physical and emotional health was severely affected. Jane 05’s schoolwork suffered. Jane 05 was no longer the well-adjusted happy person she had been before the disgusting and immoral sexual assault and cover up of Jane 05’s complaint by the UNCSEA.

1024. Only after intensive EMDR psychotherapy, many years later, did Jane 05 finally begin to slightly improve from the trauma. However, sadly the sexual assault and betrayal that Jane 05 encountered at UNCSEA has and will always be a part of Jane 05. It never fully disappears from Jane 05’s psyche. The trauma continually haunts Jane 05 and affects her life negatively.

### **FACTS SPECIFIC TO PLAINTIFF MARA PRENTICE**

1025. Mara, then known as Martha Ann Waters, enrolled full-time in the high school modern dance program in the fall of 1973. She was 14 years old.

1026. Mara was extremely uncomfortable and distraught to see UNCOSA's culture that openly permitted sexual relationships between students and faculty members. The culture was toxic and dysfunctional. There was also rampant recreational drug and alcohol use on the campus which included college and underage students partying together.

1027. During her entire three years at the UNCOSA modern dance department, Mara took dance classes with Kuch and Gain multiple times each week. Her classes with Kuch, in particular, were stressful, frightening, confusing and traumatizing to Mara. Kuch publicly spoke to Mara using sexually suggestive, at times explicit, and abusive language. Kuch would also inappropriately touch Mara during class. Although Gain did not do that behavior with Mara directly, she observed Gain do that behavior with other young male students. Kuch would repeatedly tell 14-year-old Mara that she "needed a good fuck" to be a better dancer. In class Kuch would repeatedly touch Mara between the legs when they were warming up at the barre. He would also make inappropriate comments about her weight, and her developing body that had nothing to do with technique correction.

1028. It was common knowledge at the school how Kuch and Gain behaved in their classes. Students didn't speak up for fear of getting kicked out, being emotionally abused or of damaging their future careers in the dance world. People in positions of power and authority at UNCOSA were supposed to be protecting and guiding the young students but were sexually abusing and exploiting them instead.

1029. It was widely known that Kuch and Gain pursued sexual relationships with minor students -- both male and female. Kuch and Gain had already earned the nicknames "Crotch and

Groin” when Mara came to the school in 1973. Those nicknames were used by UNCSA students for the next two decades.

1030. During Mara’s first year she was called into a student review with Kuch and dance school Dean Robert Lindgren. At the start of the interview Kuch looked at Mara and asked, “Are you a stoolie?” Mara was confused and asked Kuch what he meant. Kuch replied that he wanted to know if Mara was someone who would tell on people. Mara responded to Kuch that she was not a stoolie. Years later in therapy, Mara realized Kuch was asking her that question to begin the grooming process.

1031. In that same meeting, Kuch looked at Mara and said, “I wish I were 20 years younger because it’s springtime and you have a hot little body.” Kuch and Lindgren then started to laugh. Mara was 14 and alone in a room with these two men.

1032. Kuch propositioned Mara for sex on numerous occasions. He invited her to visit the house he shared with Gain on multiple occasions. Mara repeatedly refused these overtures. One time when he propositioned her, Mara sarcastically said to Kuch, “It is better to want than to have.” Kuch responded by saying, “You are right. All the excitement is in the chase. Once you get it, you don't want it anymore.” After repeated overtures, Mara considered having sex with Kuch simply because she believed it would make her life easier, however she knew that she would not be able to live with herself if she did. She would literally have to kill herself. She was having these thoughts as a 15-year-old girl.

1033. Kuch and Gain lived together at a farmhouse in East Bend. They had some farm animals. Kuch joked with Mara about having sex with farm animals.

1034. Mara's high school modern dance class was small, so the modern dance department combined the high school class with the level 1 college class. During the teacher

student review, the entire class was sitting on the floor and leaning against the walls. Kuch, Gain, and Marcia Plevin were all seated at the front of the room in chairs. One of the first students they reviewed was Jennifer, a 17-year-old student who was having a sexual relationship with Kuch. He told her, "You have a fat ass, get the weight off or you're out of here." Next, Kuch, who had been pressuring Mara to have sex with him said to Mara, "You might as well become a waitress, you give what's asked for. No more, no less. "The teachers basically went through the entire class verbally abusing some students and giving feedback that was absolutely NOT professional or constructive and feedback that had nothing to do with dance. Mara wanted to walk out of that abusive situation but was too afraid. The message was that Mara (and the other students) were worthless, the dance profession was cruel (so get used to it), and only they (Kuch, Gain, et al.) could provide the key to a successful future to the students who were in their favor.

1035. During her very last dance class with Kuch, in the middle of doing triplets across the floor, Kuch stopped the piano player, looked at Mara and yelled "Get out of my class. The sight of you makes me sick." Mara left the class and went to the restroom and cried. Another student came into the restroom and told Mara that Kuch wanted to see her. It took some convincing, but Mara eventually left the restroom and found Kuch standing in the hallway. Kuch grabbed Mara in his arms, picked her up and started crying and telling her how much he loved her and how much he would miss her.

1036. During the opening of the Agnes De Mille Theatre. Mara was in a performance that Kuch choreographed called Ancient Voices of Children. In one section of the dance, there were many women seated on the floor with their legs open. Kuch told Mara to go from woman to woman and lean down with her head and look between their legs at their vaginas like she was

looking for the vagina she had come out of. Mara was 16 at the time and extremely uncomfortable during those performances.

1037. During her time at UNCSA Mara was aware of numerous faculty members having sexual relationships with students. On one occasion a male student offered to give Mara a ride to the airport the next morning and told Mara that he would be spending the night with Duncan Noble, a dance instructor. When the student did not show up at his appointed time to pick Mara up for transport to the airport, Mara called Noble's home and asked to speak with the student. Noble answered the phone, paused, and then put the male student on the phone.

1038. Mara was also aware of Nolan Dingman having a sexual relationship with a UNCSA college student. Mara was confused because Nolan Dingman was married with five children. And it was uncomfortable because she interacted with Nolan Dingman's son Buddy.

1039. Mara frequently struggles with complex PTSD. In 1990, Mara was admitted to a five-week intensive psychotherapy program at The Meadows in Arizona for an eating disorder coupled with suicidal thoughts. With the help of the skilled professionals, Mara came to realize the sexual abuse and exploitation she experienced and suffered while a minor student at UNCSA has deeply impacted many aspects of her life. Her eating disorder and suicidal thoughts were only a portion of her problems. Like any child, she was simply NOT equipped to address the abuses she endured at UNCSA. This abuse during her formative years resulted in damages that persist today impacting her capacity to establish, maintain and sustain a consistent career path, develop trusting healthy relationships, and exercise healthy sustained self-care.

1040. In 1995, Mara received a call from a woman attorney for Richard Kuch and Richard Gain regarding a lawsuit filed against them by a student. The attorney said Kuch and Gain had recommended the attorney call Mara to ask her to testify on their behalf about what

great teachers and professionals they were. At that point Mara had been through therapy and told the attorney she was not able to testify on their behalf because of things they had said and done to her when she was ages 14-17 while at UNCSEA. The attorney asked Mara for details about what they had said and done. When Mara told the attorney what had happened to her, the attorney said, "We won't be needing your help. Thank you" and hung up. Mara was so upset she called UNCSEA and asked to speak to the Dean. The Dean called Mara back. He said the situation was taken care of and they didn't need anything from Mara. Mara found out later the case was dismissed and Kuch and Gain retired early with no accountability. UNCSEA did not have its young student's well-being as a priority in 1973 and getting this call in 1995 was extremely upsetting and re-traumatizing.

1041. From its inception and for decades since, the administrators, faculty and staff at UNCSEA participated in, condoned and/or promoted a culture of sexual abuse and exploitation of students. Mara was one of many victims. Mara was never aware of any disciplinary action by the administration to correct the abuse. There was no clear path to file complaints. There was no model that demonstrated these issues could be remediated. The collaborative abuses were so pervasive in the administration and faculty that any potential path to address the problems was sealed shut with the clear threat of a scorching backlash. Mara was literally trapped as a child, away from home, by sexual predators who had full control of her well-being.

#### **FACTS SPECIFIC TO PLAINTIFF JANE DOE 06**

1042. Jane 06 enrolled in UNCSEA's high school ballet program in the fall of 1983. She was in the 10<sup>th</sup> grade and was 15 years old.

1043. Jane 06, like so many other students, found UNCSEA's culture to be toxic and damaging. Sexual relationships between faculty/administrators and students were openly

condoned and bizarrely accepted. All the students understood that there were some things you just did not speak about.

1044. For example, it was well known that Kuch and Gain pursued sexual relationships with minor male dancers.

1045. UNCSA's culture that permitted and condoned the sexual relationships permeated not just the faculty and administration but also the school staff.

1046. When Jane 06 was 16 years old a 30-year-old member of the residence life staff began the process of grooming Jane 06. During that grooming process, this residence life staffer learned that Jane 06 was a virgin. Eventually this UNCSA staff member convinced Jane 06 to enter into a sexual relationship with him. These encounters happened in his apartment location in the dorm. He told her to sneak out of her room after curfew and walk down the back stairs to his apartment.

1047. He sexually abused and exploited Jane 06 for only a short time before he then began to tell Jane 06 to keep her mouth shut and tell no one. This threat was part of UNCSA's culture. All the students understood that there were some things you just did not speak about.

1048. Because of the sexual abuse and exploitation Jane 06 witnessed and experienced at UNCSA, she has endured years of therapy in an attempt to deal with the impact this had on her life. Her relationships have been plagued with trust issues and boundary issues that still cause pain today. The years at NCSA have been a dark and painful chapter in her life and she has been unable to shake the shame and fear that this culture caused.

### **FACTS SPECIFIC TO PLAINTIFF JOHN DOE 03**

1049. John 03 enrolled at UNCSA in 1976 as a 10th grader in the visual arts program as an escape from an emotionally, physically and sexually abusive home that had become

untenable. He soon switched to the modern dance program even though he had never danced modern or ballet a day in his life. His audition to join the modern dance program was conducted in front of Kuch.

1050. At the time, John 03 was the only male in his high school modern dance classes and the only male in his graduating class.

1051. Almost from the time John 03 joined the modern dance program, Kuch began to pursue John 03. Kuch was obsessed with John 03.

1052. For example, when in class doing floor exercises which involved pelvic thrusting, John 03 looked over at Kuch and Kuch was mouthing the words "you want to fuck?" over and over while articulating sexually suggestive gestures with his mouth to John 03 This was an almost daily routine practice. John 03 was 15 years old at the time.

1053. Eventually Kuch invited John 03 to visit The Farm. During one visit to The Farm, where John 03 was always offered wine or choice of alcohol, John 03 gave in to Kuch's pursuit and engaged in oral and anal sex with Kuch. John 03 was still only 15 years old.

1054. Sometime later, John 03 was eating lunch in the student union and Kuch came by and told John 03 to meet him in John 03's dorm room at 5:00 PM that day. When 5:00 PM arrived that day John 03 remained in the student union area and watched Kuch walk into John 03's dorm. Approximately 20 minutes later Kuch left John 03's dorm and walked-through the student union. Kuch ignored John 03 as he walked past him.

1055. The next day when John 03 went to class, he was informed that he could no longer take the modern dance classes and was forbidden from entering any of the required classes in the modern dance department regardless of who was teaching the class. No one would offer John 03 an explanation for this ban other than "ask Kuch". Realizing Kuch was being

allowed to weaponize his position as department chair without question or inquiry by other faculty and that this could result in failing all his required arts classes which would result in expulsion unless he gave in immediately to Kuch's insistence for sex on demand, John 03 went to see Duncan Noble and requested that he be allowed to switch to the ballet program. Noble did not ask John 03 a single question about why he wanted to switch, and simply gave his permission for John 03 to make the switch.

1056. Kuch was brutal to the students in his classes. One day Kuch was horribly berating everyone to which John 03 responded by laughing. John 03 then noticed that all the other students were visibly shaking and crying and trying to hold it in. At that point Kuch picked up a metal folding chair and threw it at John 03 missing him by inches before it went crashing with considerable force into the wall. At his first dance composition class which Koch instructed, John 03 watched as various students were asked to assume various sexually suggestive positions on floor and others were arranged in mounted positions on them. After a brief thoughtful pause Kuch asked that they all hump, actual phrase he used was "now hump".

1057. During his time at UNCSA John 03 witnessed many aspects of the sexually abusive and exploitive culture among the administrators and faculty. In addition to Kuch in open pursuit of young males, John 03 was also aware of Kuch having sexual relationships with at least two of the female dance instructors and at least one female college student and he also was aware Gain's pursuit of at least one freshman high school ballet dancer.

1058. Like so many other students, the administrators and faculty at UNCSA betrayed John 03 and their responsibility to him.

### **FACTS SPECIFIC TO PLAINTIFF VERONIKA SLABYJ**

1059. Veronika Slabyj enrolled in high school at UNCSA in 1981. She was 16 years old. She was admitted to the school of music to study violin.

1060. Defendant Shipps conducted Veronika's audition to attend the school.

1061. After her audition, Defendant Shipps said he would take her as a student "only if you don't have a boyfriend." She informed Defendant Shipps that she did not have a boyfriend and then he asked if she had ever had a boyfriend. Veronika replied she had at which point Shipps stated that the only way he would take her as a student was if he had a chance at being her boyfriend.

1062. When she was accepted into UNCSA Defendant Shipps told her she needed to stay at his house so he could give her violin lessons because she was behind most of the other students. Veronika agreed to move in for a month.

1063. During her first night at Defendant Shipps house, Veronika was told to sleep in a small room that appeared to be in office. During the night, defendant Shipps came into the room and woke Veronika up by fondling her.

1064. Defendant Shipps then told Veronika that he and his wife had an open marriage that they were swingers. Veronika had no idea what he was talking about.

1065. Defendant Shipps then proceeded to remove Veronika's clothes and raped her.

1066. At some point after this sexual assault, Defendant Shipps promoted Veronika to the position of head of second violin even though she had not earned a role.

1067. Veronika refused all future suggestions by Defendant Shipps that they have sexual intercourse. Defendant Shipps continued to hug and grope Veronika throughout the entire school year.

1068. In November or December of that year, Defendant Shipps stopped giving Veronika lessons. Upon information and belief, this was due to her refusal to have sex with him.

1069. Veronika went to the Dean of the school of music to complain that Defendant Shipps was not giving her lessons.

1070. When Veronika returned to school in January after the holiday break she was asked to go to Defendant Shipps. When she entered the office Defendant Shipps began screaming at her because she had gone to the Dean. He began throwing chairs and paper and push Veronika against the wall and threatened to slap her. Defendant Shipps then began to touch himself and attempted to have sex with Veronika. Veronika dropped to the floor and did not move.

1071. Before she left Shipps' office, Defendant Shipps told Veronika that her days were numbered. He eventually kicked her out of UNCSCA but was later allowed to audition again and was readmitted to the school and took lessons under Elaine Ritchie.

#### **FACTS SPECIFIC TO PLAINTIFF ROSLEA RINEHART SALEEBY**

1072. Roslea enrolled in UNCSCA's school of music in 1974 as a 14-year-old ninth grader. She was to study the flute.

1073. One of Roslea's principal flute instructors Philip Dunigan. Unbeknownst to Roslea, Dunigan was known to prey upon and seek sexual relationships with students attending UNCSCA.

1074. Roslea would have a weekly private lesson with Dunigan. That lesson was behind closed doors. At every lesson, Dunigan would constantly comment on Roslea's body and her breasts. It made Roslea incredibly uncomfortable.

1075. As a result of this flute instructor's constantly commenting on Roslea's body, she developed an eating disorder and became anorexic. Her weight dropped to 85 pounds. Dunigan was commenting about Roslea's body when Roslea was only 14 years old.

1076. Dunigan's inappropriate behavior continued throughout Roslea's first two years at UNCOSA.

1077. At one point during Roslea's junior year, Dunigan invited her to his apartment for a private rehearsal. Roslea had been to Dunigan's apartment before to take lessons from Dunigan's then-wife. At the time he invited Roslea to his apartment, Dunigan was divorced.

1078. Dunigan served Roslea wine and initiated physical contact with Roslea. Roslea was a virgin. Dunigan and Roslea were on Dunigan's couch and he started to kiss and touch Roslea. He then moved Roslea to his bedroom where the kissing, touching and groping continued. Roslea stopped Dunigan before it proceeded to sexual intercourse.

1079. After this sexual abuse, Roslea dropped out of UNCOSA during the second semester of her junior year and attended another school. The environment in that school was completely different from what she experienced at UNCOSA. At that school there were boundaries between the instructors and the students.

1080. Roslea returned to UNCOSA for her senior year and when she returned Dunigan did not attempt to initiate the sexual advances.

1081. Following graduation Roslea decided not to pursue music. Dunigan had ruined music for her.

1082. During Roslea's time at UNCOSA, the school's administrators, faculty and staff knew that Dunigan pursued sexual relationships with students, including minors, and still condoned such unconscionable conduct.

1083. UNCSA betrayed Roslea.

**FACTS SPECIFIC TO PLAINTIFF STEVEN FRANK**

1084. Steve started at UNCSA as a high school student in 1980. He was 14 years old. Steve was attending UNCSA to study classical ballet and modern dance.

1085. Steve was from El Paso, Texas and had started dancing at age 10. His first teacher was Ingaborge Hauser who was the founding director of the El Paso Ballet. She was from the famous company, The Ballet Russe de Monte Carlo. He immediately demonstrated tremendous talent and spent the summer prior to going to high school with the Joffrey Ballet in New York City where he earned a full scholarship to attend that school beginning in the fall of 1980. Steve's parents did not want him to go to New York out of concerns for his safety, instead they allowed him to move to Winston Salem, North Carolina and enroll at UNCSA with no idea of the predators lurking on that campus.

1086.

1087. Steve's first six months at UNCSA were nothing out of the ordinary. After that, however he began to have classes with Kuch and Gain and his experience at the school changed dramatically.

1088. Every class with Kuch and Gain involved daily harassment, sexually explicit directions and discussions about sex. Being only 14 years old, Steve thought this was strange, but everyone seemed to accept this as the norm so he did not question the conduct.

1089. During many stretching routines Kuch and Gain propositioned him for sex. Kuch and Gain would continuously make comments to Steve about how they could "stretch him out or help him with his stretching" They would inappropriately touch him with the guise of "correcting" his form or posture. It became a daily struggle to attend class with these two

monsters and Steve began to question his decision to attend UNCA but there was no one to turn to for help. Steve's parents had supported him in attending the school and he was confused and hurting. These horrible propositions caused 14-year-old Steve to cry. Steve began dreading going to Kuch and Gain's classes. Steve would hear of students going to "Crotch and Groin's" farm, but Steve was never invited. Steve could not imagine why anyone would want to go visit Kuch and Gain after class.

1090. One day during his junior year of high school at UNCSA Steve hit the breaking point with Kuch and Gain's sexual propositions, touching and harassment. Steve went downstairs to the office of Dean Robert Lindgren to report to him what was happening. Steve was not aware of any other students reporting Kuch and Gain's inappropriate sexual conduct, but he could take it no longer. Steve told Lindgren how Kuch and Gain were touching him in an inappropriate and unnecessary sexual way and constantly harassing him. Lindgren's response was "that's just part of the dance world." Lindgren never intervened on behalf of Steve.

1091. After graduation, Steve auditioned for the North Carolina Dance Theater, which was part of the UNCSA umbrella. Salvatore Aiello was the director of the North Carolina Dance Theater and Aiello was very good friends with Kuch and Gain. Hundreds of students auditioned to join the North Carolina Dance Theater but only four were accepted after graduating from high school. Steve was the only male accepted.

1092. Aiello immediately started to pursue Steve. He called Steve's parents and told them not to worry about Steve because he would personally watch out for him. Aiello offered to allow Steve to live with him and Steve accepted because he had no other option. Soon, Aiello began to sexually pursue and sexually abuse Steve. Steve felt powerless to resist Aiello. Aiello repeatedly coerced Steve into allowing Aiello to perform oral sex on him.

1093. Steve believes that Kuch and Gain had something to do with Steve being accepted into the North Carolina Dance Theater so that he could be preyed upon by Aiello.

1094. Aiello was known to have had sex with other male students. Aiello later died of AIDS.

1095. This sexual abuse was devastating to Steve. He moved to another theater company in Ohio but was so emotionally destroyed by what he had gone through at UNCSA that he quit dancing altogether.

1096. As demonstrated by Lindgren's indifference to the unconscionable conduct that Kuch and Gain repeatedly forced upon Steve, the administrators, faculty and staff at UNCSA openly condoned and even encouraged a culture of sexual abuse and exploitation. Steve was a victim of that toxic culture.

#### **FACTS SPECIFIC TO PLAINTIFF CONSTANCE "CONNIE" L. HILLARD WERLE**

1097. Connie first attended UNCSA as a 14-year-old ninth grader participating in their summer drama program. Connie later enrolled at UNCSA for her senior year of high school in 1975 when she was 17 years old.

1098. During her time at UNCSA, Connie had the misfortune of interacting with Defendant Murray.

1099. During the summer program when Connie was only 14 years old, Murray was teaching stage fighting and working on core strength with gymnastics techniques. Murray had the students working on upper body strength using gymnastics rings. Connie had poor upper body strength and struggled with lifting her body up onto the rings. As she struggled, unbeknown to Connie, Murray put both his hands into the chalk, walked up behind Connie, but both hands on Connie's buttocks and aggressively shoved her up. Murray left large chalk

handprints on Connie's rear end which caused the other students to laugh. Connie was humiliated and thought her classmates were laughing at her inability to perform the activity. A girl in the class finally told Connie that Murray had left hand prints on her bottom.

1100. Three years later in 1975 when Connie entered the high school drama program she was again placed in Murray's class. Murray often made sexual advances toward and flirted with Connie.

1101. At the beginning of that high school year Connie was warned by an upper-class student that Murray usually chose one girl from every class to make sexual advances toward.

1102. At that same time Murray was believed to be in a sexual relationship with a college freshman student.

1103. Murray put Connie in a class with all boys. Murray then chose an all-male play called "Fortune and Men's Eyes" -- a play about homosexuality and incarcerated rape. There was no part for Connie to play. Instead, Murray forced Connie to work on a monologue alone, but she was required to remain in the room with the boys who were working on the play.

1104. Murray required all of the boys to strip down completely naked to perform the parts in this play while interacting sexually. Connie was extremely uncomfortable but required to sit in the room and watch. At one point Murray came over to Connie and said, "Does this make you feel uncomfortable?" This was all part of Murray's attempt to either humiliate and/or groom Connie.

1105. During this same time, Murray asked Connie to meet him after class to talk about her monologue. Class took place in a building that Connie thought was perhaps an old church. The building was within walking distance of campus but was off campus. It was very isolated.

Murray dismissed the class and only he and Connie remained in the building. Given all of Murray's prior propositions of Connie, this made her extremely uncomfortable.

1106. Murray placed his hand on Connie's knee and began by telling Connie that she would never be an actress and that she needed to find something else to do with her life. He told Connie she needed to leave UNCSA. This was devastating news to Connie and she began to cry. Murray was cold and unaffected.

1107. Shortly after this Connie had a review with Lesley Hunt, then the speech teacher. Hunt told Connie that she was a "social butterfly and not serious enough to be an actress." Connie believes that Murray had discussed with Hunt that Murray wanted Connie to leave UNCSA.

1108. Connie is convinced that because she rebuffed Murray's numerous sexual advances he chose to push her out of the school.

1109. Connie told her parents about Murray's inappropriate sexual advances and actions. Following Connie's high school graduation, her mother made an appointment with Murray and the Dean of Drama Donald Pollock. Connie's mother went to UNCSA and confronted Murray. Nothing came of the meeting as Pollock soon retired and Murray got what he wanted by not inviting Connie to return to UNCSA.

1110. Murray's treatment of Connie had a devastating impact on her self-esteem. Connie did continue to pursue her acting education and career. When Connie would audition or perform, Murray's words that she would never become an actress would race through her mind and often derail her performance. Connie tried to deal with this by thinking of Murray as "old BM," referencing a bowel movement and using Murray's initials as an acronym. Connie was

able to achieve some success as an actress, but Murray's actions toward Connie when she was so young and vulnerable had a negative impact on her career.

### **FACTS SPECIFIC TO PLAINTIFF MEREDITH "ALEX" CARRINGTON**

1111. Alex first enrolled at UNCSA in the high school dance program in the fall of 2008. Alex was 14 years old.

1112. It was during her first semester at UNCSA that Alex met Nigel Burley. It was not long after first meeting Alex that Burley began grooming her.

1113. Alex started taking Burley's Pilates classes and Burley would invite Alex to his office after class to "talk". Eventually Burley started to comment on Alex and her looks. Burley would tell Alex how special she was and started sending Alex emails about how to get into the best dance schools. Alex felt charmed by Burley's actions.

1114. In the spring of 2009 Alex was cast in the school's production of Swan Lake. Burley was working on the production.

1115. In the winter of 2009 Alex was in the school's production of the Nutcracker. Burley was also working on that production, and this meant that Alex was around him a lot. That fall Alex was also aware that Burley was dating another UNCSA dance student.

1116. One of Alex's friends began to ask her why she was around Burley so often. Alex, like other students, thought it was cool to be with Burley because he was charming. She later learned that he is also manipulative.

1117. When Alex was 15 years old another UNCSA teacher messaged Alex asking her to go on a date with him.

1118. Burley continued his grooming by doing such things as taking long walks with Alex and telling her that she was better than UNCSEA and should be at another school. Burley's efforts worked and made Alex obsessed with him.

1119. In the summer of 2010 Alex was at the San Francisco Ballet. Burley came to train her in San Jose. He would fly down from Seattle where he was living with a former UNCSEA dance student.

1120. Things between Burley and Alex got physical during this time. Burley told Alex that he was frustrated watching her dance because he had been attracted to her since he first saw her. When Burley first saw Alex, she was 14 years old. Burley began to touch Alex in sexual ways during her Pilates classes. He began to tell her what he wanted to do to her. Burley told Alex that she was wasting her talent because she was not using her sexuality.

1121. As soon as Alex turned 18 years old, she and Burley started dating. The relationship lasted 8 to 9 months and was very unpleasant.

1122. Burley was at UNCSEA for approximately two years and during that time groomed and/or had sex with several female students who were under his care and supervision. Alex is one of several UNCSEA students who were victims of Burley's sexual abuse and exploitation.

**CLAIMS AGAINST THE FORMER UNCSEA ADMINISTRATORS NAMED  
INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITIES**

**FIRST CLAIM FOR RELIEF:**  
**NEGLIGENCE and NEGLIGENT RETENTION AND/OR SUPERVISION**  
**AGAINST THE DEFENDANT ADMINISTRATORS**

1123. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

1124. The Defendant Administrators, when they knew and/or should have known of the culture of sexual abuse and exploitation that permeated life at UNCSCA, had a duty to take reasonable and necessary actions to protect Plaintiffs from foreseeable harm when Plaintiffs were in their care, custody, control and under their supervision as minor students attending UNCSCA.

1125. When hiring and/or retaining and/or utilizing and/or supervising employees, agents, faculty members and/or representatives of UNCSCA, the Defendant Administrators -- when they knew and/or should have known of the culture of sexual abuse and exploitation that permeated life at UNCSCA -- owed Plaintiffs a duty to act as an ordinary, prudent and reasonable employer and/or supervisor of the faculty, staff and administrators with whom Plaintiffs and other students would be interacting and relying upon for a safe and protected environment in which Plaintiffs and other students could learn and grow.

1126. The Defendant Administrators -- when they knew and/or should have known of the culture of sexual abuse and exploitation that permeated life at UNCSCA -- had a duty and an obligation to take reasonable actions to prevent any and all members of UNCSCA's 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/or sexually abuse and exploit students in their care and entrusted to them, including Plaintiffs.

1127. The Defendant Administrators -- when they knew and/or should have known of the culture of sexual abuse and exploitation that permeated life at UNCSCA -- 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 Plaintiffs. The Defendant Administrators had a further duty and obligation to see that those policies and procedures were implemented, followed and enforced.

1128. The Defendant Administrators -- when they knew and/or should have known of the culture of sexual abuse and exploitation that permeated life at UNCSEA -- had a duty under N.C. Gen. Stat. § 115C-400 to report that child abuse to the Forsyth County Director of Social Services.

1129. N.C. Gen. Stat. § 115C-400 is a health and safety statute that specifically applies to the minor Plaintiffs named in this action. Breach of this statutory duty constitutes *negligence per se*.

1130. The duty to report established by N.C. Gen. Stat. § 115C-400 involved no deliberation or discretionary consideration by any Defendant Administrator but, instead, was a duty imposed by statute.

1131. The Defendant Administrators -- when they knew and/or should have known of the culture of sexual abuse and exploitation that permeated life at UNCSEA -- 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. The Defendant Administrators had a further duty and obligation to see that those policies and procedures were implemented, followed and enforced.

1132. The Defendant Administrators -- when they knew and/or should have known of the culture of sexual abuse and exploitation that permeated life at UNCSEA -- 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. The Defendant Administrators had a further duty and obligation to see that those policies and procedures were implemented, followed and enforced.

1133. The Defendant Administrators negligently and recklessly breached each of their foregoing duties by failing to exercise reasonable care and by failing to take any action of any kind to prevent UNCOSA's 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 breaching this duty as to one or more of the Plaintiffs named herein.

1134. The Defendant Administrators by acting and/or failing to act when they knew and/or should have known of the culture of sexual abuse and exploitation that permeated life at UNCOSA negligently and recklessly breached each of their foregoing duties by participating in, condoning and/or encouraging an institutional culture that permitted sexual abuse and exploitation of the students entrusted to their care and supervision, including Plaintiffs.

1135. In breaching their duties the Defendant Administrators failed to create a safe and secure environment for Plaintiffs and other students entrusted to its supervision and in their care, custody, and control, and instead created, allowed, ignored and/or perpetuated a dangerous culture and environment that ignored, condoned and/or encouraged sexual abuse and exploitation of UNCOSA's students. In breaching these duties, the Defendant Administrators created a real and foreseeable risk that Plaintiffs and other minor students at UNCOSA would be sexually abused and/or exploited.

1136. As a direct and proximate result of the above-described willful and wanton negligence of the Defendant Administrators, Plaintiffs have suffered and continue to suffer physical, mental and emotional injuries and has incurred and continues to incur medical and other expenses and have incurred a loss of wages and income and suffered a loss of earning capacity causing her 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).

**SECOND CLAIM FOR RELIEF:**  
**NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**  
**AGAINST THE DEFENDANT ADMINISTRATORS**

1137. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

1138. As alleged above, the Defendant Administrators' actions and/or failures to act related to Plaintiffs were negligent.

1139. These negligent acts or failures to act did, in fact, cause Plaintiffs severe emotional distress.

1140. The Defendant Administrators knew or should have known, and it was reasonably foreseeable that, the Defendant Administrators' acts and/or failures to act would cause Plaintiffs severe emotional distress.

1141. The Defendant Administrators knew or should have known, and it was reasonably foreseeable that their failure to properly supervise and to intervene and stop the sexual abuse and exploitation of its students, including Plaintiffs, when it was or should have been clear that such harmful conduct was occurring and would cause Plaintiffs severe emotional distress.

1142. As a result of the Defendant Administrators' negligent acts and/or failures to act, Plaintiffs have suffered greatly and most have required and/or sought professional medical treatment.

1143. As a proximate and foreseeable result of the negligence of the Defendant Administrators as alleged herein, Plaintiffs 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.

1144. As a direct and proximate result of the above-described negligence of the Defendant Administrators, Plaintiffs have suffered and continue to suffer physical, mental and emotional injuries and have incurred and continue to incur medical and other expenses and Plaintiffs have incurred a loss of wages and income and suffered a loss of earning capacity causing them 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).

**THIRD CLAIM FOR RELIEF:**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
**AGAINST DEFENDANT GAIN**

**(Plaintiffs Alloways-Ramsey, John Doe 01, Brown, Carrick, Frank, Gilliam, Handsman, Holliday, Johnson, Jane Doe 03, Jane Doe 04, Pearce, Prentice, Price, Rayher, Rodriguez, Romeo-Fromm, John Doe 02, Soderlund, Steiner, Trost, White and Wilson)**

1145. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

1146. Defendant Gain engaged in conduct rising to the level of intentional infliction of emotional distress against the above-listed Plaintiffs, in that he:

- a. engaged in conduct which a reasonable prudent person would find extreme and outrageous;
- b. engaged in conduct amounting to extreme and outrageous conduct with the specific intent to cause severe emotional distress to another person;
- c. engaged in conduct amounting to extreme and outrageous conduct which he knew or should have known would cause another person severe emotional distress;

- d. engaged in conduct amounting to extreme and outrageous conduct that caused another person to suffer severe and emotional distress;
- e. engaged in conduct not set out herein which may be revealed in discovery; and engaged in conduct rising to the level of severe infliction of emotional distress in other and further ways as the evidence will show and to be proven at trial.

1147. The conduct of the Defendant Gain, as specifically alleged above, constitutes extreme and outrageous conduct which caused Plaintiffs severe emotional distress or otherwise indicated a reckless indifference to the likelihood that such conduct would cause severe emotional distress to Plaintiffs.

1148. The acts and/or omissions of Defendant Gain as alleged herein were willful and wanton and exhibited a conscious disregard of and indifference to the rights and safety of Plaintiffs and of its duties to him.

1149. As a result of Defendant Gain's extreme and outrageous conduct, Plaintiffs have sought professional medical treatment.

1150. As a direct and proximate result of the above-described conduct of Defendant Gain, Plaintiffs have suffered and continue to suffer physical, mental and emotional injuries and have incurred and continue to incur medical and other expenses and Plaintiffs have incurred a loss of wages and income and suffered a loss of earning capacity causing them 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).

**FOURTH CLAIM FOR RELIEF:**  
**BATTERY AGAINST DEFENDANT GAIN**

**(Plaintiffs Alloways-Ramsey, John Doe 01, Brown, Carrick, Frank, Gilliam, Handsman, Holliday, Johnson, Jane Doe 03, Jane Doe 04, Pearce, Prentice, Price, Rayher, Rodriguez, Romeo-Fromm, John Doe 02, Soderlund, Steiner, Trost, White and Wilson)**

1151. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

1152. Defendant Gain's conduct as alleged above constitutes a battery upon Plaintiffs, in that he intentionally and in wanton disregard for the safety and well-being of Plaintiffs and without consent touched Plaintiffs in a harmful and offensive way.

**FIFTH CLAIM FOR RELIEF:**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
**AGAINST DEFENDANT SHIPPS**

**(Plaintiffs Vana, Jane Doe 01 and Slabyj)**

1153. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

1154. Defendant Shipps engaged in conduct rising to the level of intentional infliction of emotional distress against Plaintiffs, in that he:

- a. engaged in conduct which a reasonable prudent person would find extreme and outrageous;
- b. engaged in conduct amounting to extreme and outrageous conduct with the specific intent to cause severe emotional distress to another person;
- c. engaged in conduct amounting to extreme and outrageous conduct which he knew or should have known would cause another person severe emotional distress;
- d. engaged in conduct amounting to extreme and outrageous conduct that caused another person to suffer severe and emotional distress;
- e. engaged in conduct not set out herein which may be revealed in discovery; and

engaged in conduct rising to the level of severe infliction of emotional distress in other and further ways as the evidence will show and to be proven at trial.

1155. The conduct of the Defendant Gain, as specifically alleged above, constitutes extreme and outrageous conduct which caused Plaintiffs severe emotional distress or otherwise indicated a reckless indifference to the likelihood that such conduct would cause severe emotional distress to Plaintiffs.

1156. The acts and/or omissions of Defendant Shipps as alleged herein were willful and wanton and exhibited a conscious disregard of and indifference to the rights and safety of Plaintiffs and of its duties to him.

1157. As a result of Defendant Shipps's extreme and outrageous conduct, Plaintiffs have sought professional medical treatment.

1158. As a direct and proximate result of the above-described conduct of Defendant Shipps, Plaintiffs have suffered and continue to suffer physical, mental and emotional injuries and have incurred and continue to incur medical and other expenses and Plaintiffs have incurred a loss of wages and income and suffered a loss of earning capacity causing them 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).

**SIXTH CLAIM FOR RELIEF:**  
**BATTERY AGAINST DEFENDANT SHIPPS**

**(Plaintiffs Vana, Jane Doe 01 and Slabyj)**

1159. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

1160. Defendant Shipps's conduct as alleged above constitutes a battery upon Plaintiffs, in that he intentionally and in wanton disregard for the safety and well-being of Plaintiffs and without consent touched Plaintiffs in a harmful and offensive way.

**SEVENTH CLAIM FOR RELIEF:**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
**AGAINST DEFENDANT MURRAY**

**(Plaintiffs Dooley, Fuller and Werle)**

1161. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

1162. Defendant Murray engaged in conduct rising to the level of intentional infliction of emotional distress against Plaintiffs, in that he:

- a. engaged in conduct which a reasonable prudent person would find extreme and outrageous;
- b. engaged in conduct amounting to extreme and outrageous conduct with the specific intent to cause severe emotional distress to another person;
- c. engaged in conduct amounting to extreme and outrageous conduct which he knew or should have known would cause another person severe emotional distress;
- d. engaged in conduct amounting to extreme and outrageous conduct that caused another person to suffer severe and emotional distress;
- e. engaged in conduct not set out herein which may be revealed in discovery; and engaged in conduct rising to the level of severe infliction of emotional distress in other and further ways as the evidence will show and to be proven at trial.

1163. The conduct of the Defendant Murray, as specifically alleged above, constitutes extreme and outrageous conduct which caused Plaintiffs severe emotional distress or otherwise

indicated a reckless indifference to the likelihood that such conduct would cause severe emotional distress to Plaintiffs.

1164. The acts and/or omissions of Defendant Murray as alleged herein were willful and wanton and exhibited a conscious disregard of and indifference to the rights and safety of Plaintiffs and of its duties to him.

1165. As a result of Defendant Murray's extreme and outrageous conduct, Plaintiffs have sought professional medical treatment.

1166. As a direct and proximate result of the above-described conduct of Defendant Murray, Plaintiffs have suffered and continue to suffer physical, mental and emotional injuries and have incurred and continue to incur medical and other expenses and Plaintiffs have incurred a loss of wages and income and suffered a loss of earning capacity causing them 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).

**EIGHTH CLAIM FOR RELIEF:**  
**BATTERY AGAINST DEFENDANT MURRAY**

**(Plaintiff Dooley and Werle)**

1167. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

1168. Defendant Murray's conduct as alleged above constitutes a battery upon Plaintiffs, in that he intentionally and in wanton disregard for the safety and well-being of Plaintiffs and without consent touched Plaintiffs in a harmful and offensive way.

**NINTH CLAIM FOR RELIEF:**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
**AGAINST DEFENDANT PANDI**

**(Plaintiff Jane Doe 02)**

1169. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

1170. Defendant Pandi engaged in conduct rising to the level of intentional infliction of emotional distress against Plaintiffs, in that he:

- a. engaged in conduct which a reasonable prudent person would find extreme and outrageous;
- b. engaged in conduct amounting to extreme and outrageous conduct with the specific intent to cause severe emotional distress to another person;
- c. engaged in conduct amounting to extreme and outrageous conduct which he knew or should have known would cause another person severe emotional distress;
- d. engaged in conduct amounting to extreme and outrageous conduct that caused another person to suffer severe and emotional distress;
- e. engaged in conduct not set out herein which may be revealed in discovery; and engaged in conduct rising to the level of severe infliction of emotional distress in other and further ways as the evidence will show and to be proven at trial.

1171. The conduct of the Defendant Pandi, as specifically alleged above, constitutes extreme and outrageous conduct which caused Plaintiffs severe emotional distress or otherwise indicated a reckless indifference to the likelihood that such conduct would cause severe emotional distress to Plaintiffs.

1172. The acts and/or omissions of Defendant Pandi as alleged herein were willful and wanton and exhibited a conscious disregard of and indifference to the rights and safety of Plaintiffs and of its duties to him.

1173. As a result of Defendant Pandi's extreme and outrageous conduct, Plaintiff has sought professional medical treatment.

1174. As a direct and proximate result of the above-described conduct of Defendant Pandi, Plaintiffs have suffered and continue to suffer physical, mental and emotional injuries and have incurred and continue to incur medical and other expenses and Plaintiffs have incurred a loss of wages and income and suffered a loss of earning capacity causing them 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).

**TENTH CLAIM FOR RELIEF:**  
**BATTERY AGAINST DEFENDANT PANDI**

**(Plaintiff Jane Doe 02)**

1175. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

1176. Defendant Pandi's conduct as alleged above constitutes a battery upon Plaintiff, in that he intentionally and in wanton disregard for the safety and well-being of Plaintiff and without consent touched Plaintiff in a harmful and offensive way.

**ELEVENTH CLAIM FOR RELIEF: INTENTIONAL INFLICTION OF**  
**EMOTIONAL DISTRESS AGAINST DEFENDANT BURLEY**

**(Plaintiffs Irwin and Carrington)**

1177. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

1178. Defendant Burley engaged in conduct rising to the level of intentional infliction of emotional distress against Plaintiffs, in that he:

- a. engaged in conduct which a reasonable prudent person would find extreme and outrageous;
- b. engaged in conduct amounting to extreme and outrageous conduct with the specific intent to cause severe emotional distress to another person;
- c. engaged in conduct amounting to extreme and outrageous conduct which he knew or should have known would cause another person severe emotional distress;
- d. engaged in conduct amounting to extreme and outrageous conduct that caused another person to suffer severe and emotional distress;
- e. engaged in conduct not set out herein which may be revealed in discovery; and engaged in conduct rising to the level of severe infliction of emotional distress in other and further ways as the evidence will show and to be proven at trial.

1179. The conduct of the Defendant Burley, as specifically alleged above, constitutes extreme and outrageous conduct which caused Plaintiffs severe emotional distress or otherwise indicated a reckless indifference to the likelihood that such conduct would cause severe emotional distress to Plaintiffs.

1180. The acts and/or omissions of Defendant Burley as alleged herein were willful and wanton and exhibited a conscious disregard of and indifference to the rights and safety of Plaintiffs and of its duties to him.

1181. As a result of Defendant Burley's extreme and outrageous conduct, Plaintiffs have sought professional medical treatment.

1182. As a direct and proximate result of the above-described conduct of Defendant Burley, Plaintiffs have suffered and continue to suffer physical, mental and emotional injuries and have incurred and continue to incur medical and other expenses and Plaintiffs have incurred

a loss of wages and income and suffered a loss of earning capacity causing them 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).

**TWELFTH CLAIM FOR RELIEF: BATTERY AGAINST DEFENDANT BURLEY**

**(Plaintiffs Irwin and Carrington)**

1183. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

1184. Defendant Burley's conduct as alleged above constitutes a battery upon Plaintiffs, in that he intentionally and in wanton disregard for the safety and well-being of Plaintiffs and without consent touched Plaintiffs in a harmful and offensive way.

**THIRTEENTH CLAIM FOR RELIEF: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AGAINST DEFENDANT MAXNER**

**(Plaintiffs Hall and Sosa)**

1185. Plaintiff refers to and hereby realleges and incorporates by reference all previous paragraphs of this Complaint.

1186. Defendant Maxner engaged in conduct rising to the level of intentional infliction of emotional distress against Plaintiffs, in that he:

- a. engaged in conduct which a reasonable prudent person would find extreme and outrageous;
- b. engaged in conduct amounting to extreme and outrageous conduct with the specific intent to cause severe emotional distress to another person;
- c. engaged in conduct amounting to extreme and outrageous conduct which he knew or should have known would cause another person severe emotional distress;

- d. engaged in conduct amounting to extreme and outrageous conduct that caused another person to suffer severe and emotional distress;
- e. engaged in conduct not set out herein which may be revealed in discovery; and engaged in conduct rising to the level of severe infliction of emotional distress in other and further ways as the evidence will show and to be proven at trial.

1187. The conduct of the Defendant Maxner, as specifically alleged above, constitutes extreme and outrageous conduct which caused Plaintiffs severe emotional distress or otherwise indicated a reckless indifference to the likelihood that such conduct would cause severe emotional distress to Plaintiffs.

1188. The acts and/or omissions of Defendant Maxner as alleged herein were willful and wanton and exhibited a conscious disregard of and indifference to the rights and safety of Plaintiffs and of its duties to him.

1189. As a result of Defendant Maxner's extreme and outrageous conduct, Plaintiffs have sought professional medical treatment.

1190. As a direct and proximate result of the above-described conduct of Defendant Maxner, Plaintiffs have suffered and continue to suffer physical, mental and emotional injuries and have incurred and continue to incur medical and other expenses and Plaintiffs have incurred a loss of wages and income and suffered a loss of earning capacity causing them 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).

**FOURTEENTH CLAIM FOR RELIEF: BATTERY AGAINST DEFENDANT MAXNER**

**(Plaintiffs Hall and Sosa)**

1191. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

1192. Defendant Maxner's conduct as alleged above constitutes a battery upon Plaintiffs, in that he intentionally and in wanton disregard for the safety and well-being of Plaintiffs and without consent touched Plaintiffs in a harmful and offensive way.

**FIFTEENTH CLAIM FOR RELIEF: INTENTIONAL INFLICTION OF EMOTIONAL  
DISTRESS AGAINST DEFENDANT CARLTON**

**(Plaintiff Louise Debreczeny)**

1193. Plaintiff Louise Debreczeny refers to and hereby realleges and incorporates by reference all previous paragraphs of this Complaint.

1194. As alleged above, Defendant Carlton engaged in conduct rising to the level of intentional infliction of emotional distress against Plaintiff Louise, in that he:

- a. engaged in conduct which a reasonable prudent person would find extreme and outrageous;
- b. engaged in conduct amounting to extreme and outrageous conduct with the specific intent to cause severe emotional distress to another person;
- c. engaged in conduct amounting to extreme and outrageous conduct which he knew or should have known would cause another person severe emotional distress;
- d. engaged in conduct amounting to extreme and outrageous conduct that caused another person to suffer severe and emotional distress;
- e. engaged in conduct not set out herein which may be revealed in discovery; and engaged in conduct rising to the level of severe infliction of emotional distress in other and further ways as the evidence will show and to be proven at trial.

1195. The conduct of the Defendant Carlton, as specifically alleged above, constitutes extreme and outrageous conduct which caused Plaintiff Louise severe emotional distress or otherwise indicated a reckless indifference to the likelihood that such conduct would cause severe emotional distress to Plaintiff Louise.

1196. The acts and/or omissions of Defendant Carlton as alleged herein were willful and wanton and exhibited a conscious disregard of and indifference to the rights and safety of Plaintiff Louise and of his duties to her.

1197. As a result of Defendant Carlton's extreme and outrageous conduct, Plaintiff Louise has sought professional medical treatment.

1198. As a direct and proximate result of the above-described conduct of Defendant Carlton, Plaintiff Louise has suffered and continues to suffer physical, mental and emotional injuries and has incurred and may continue to incur medical and other expenses and Plaintiff has incurred a loss of wages and income and suffered a loss of earning in an amount in excess of twenty-five thousand dollars (\$25,000.00).

**SIXTEENTH CLAIM FOR RELIEF: BATTERY AGAINST DEFENDANT CARLTON**

**(Plaintiff Louise Debeczeny)**

1199. Plaintiff Louise Debeczeny refers to and hereby realleges and incorporates by reference all previous paragraphs of this Complaint.

1200. Defendant Carlton's conduct as alleged above constitutes a battery upon Plaintiff Louise in that he intentionally and in wanton disregard for the safety and well-being of Plaintiff and without consent touched Plaintiff in a harmful and offensive way.

**SEVENTEENTH CLAIM FOR RELIEF: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AGAINST DEFENDANT DUNIGAN**

**(Plaintiffs Tindal, Saleeby and Debreczeny)**

1201. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

1202. Defendant Dunigan engaged in conduct rising to the level of intentional infliction of emotional distress against Plaintiffs, in that he:

- a. engaged in conduct which a reasonable prudent person would find extreme and outrageous;
- b. engaged in conduct amounting to extreme and outrageous conduct with the specific intent to cause severe emotional distress to another person;
- c. engaged in conduct amounting to extreme and outrageous conduct which he knew or should have known would cause another person severe emotional distress;
- d. engaged in conduct amounting to extreme and outrageous conduct that caused another person to suffer severe and emotional distress;
- e. engaged in conduct not set out herein which may be revealed in discovery; and engaged in conduct rising to the level of severe infliction of emotional distress in other and further ways as the evidence will show and to be proven at trial.

1203. The conduct of the Defendant Dunigan, as specifically alleged above, constitutes extreme and outrageous conduct which caused Plaintiffs severe emotional distress or otherwise indicated a reckless indifference to the likelihood that such conduct would cause severe emotional distress to Plaintiffs.

1204. The acts and/or omissions of Defendant Dunigan as alleged herein were willful and wanton and exhibited a conscious disregard of and indifference to the rights and safety of Plaintiffs and of his duties to them.

1205. As a result of Defendant Dunigan's extreme and outrageous conduct, Plaintiffs have sought professional medical treatment.

1206. As a direct and proximate result of the above-described conduct of Defendant Carlton, Plaintiffs have suffered and continue to suffer physical, mental and emotional injuries and have incurred and continue to incur medical and other expenses and Plaintiffs have incurred a loss of wages and income and suffered a loss of earning capacity causing them 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).

**EIGHTEENTH CLAIM FOR RELIEF: BATTERY AGAINST DEFENDANT CARLTON**

**(Plaintiffs Tindall, Saleeby and Debeczeny)**

1207. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

1208. Defendant Dunigan's conduct as alleged above constitutes a battery upon Plaintiffs, in that he intentionally and in wanton disregard for the safety and well-being of Plaintiffs and without consent touched Plaintiffs in a harmful and offensive way.

**NINETEENTH CLAIM FOR RELIEF:  
PUNITIVE DAMAGES AGAINST ALL INDIVIDUALLY NAMED DEFENDANTS**

1209. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

1210. The conduct of the Defendants fully set forth herein was willful, wanton and/or reckless and done in conscious and flagrant disregard of and indifference to the rights and safety of the students under the care and supervision of the individually named Defendants and UNCSA, specifically including the rights and safety of Plaintiffs.

1211. As a result of this willful, wanton and/or reckless conduct and misconduct by the individual Defendants, each individual Defendant is liable to Plaintiffs for punitive damages.

1212. The amount of punitive damages to be assessed by the jury against each Defendant should be an amount sufficient to deter each Defendant from such willful and wanton conduct in the future and to deter others similarly situated from engaging in such willful, wanton and reckless behavior.

### **CLAIM AGAINST UNCSA**

#### **VIOLATION OF ARTICLE I, SECTION 15 AND ARTICLE IX, SECTION 2 OF THE NORTH CAROLINA CONSTITUTION**

1213. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

1214. Article I, Section 15 and Article IX, Section 2 of the North Carolina State Constitution jointly guarantee every child the right to a "sound basic education." *Leandro v. North Carolina*, 346 N.C. 336 (1997).

1215. Article I, Section 15 of the North Carolina Constitution placed an affirmative duty on Defendant UNCSA "to guard and maintain that right." N.C. Const. art. I, § 15.

1216. Taken together, Article I, Section 15 and Article IX, Section 2 of the North Carolina Constitution required that Defendant UNCSA to provide the minor students under its care and supervision an opportunity to learn that was free from continual sexual intimidation, abuse, exploitation and harassment.

1217. Due to its willful and deliberate indifference to the sexual intimidation, abuse, exploitation and harassment being perpetrated upon Plaintiffs and others, Defendant UNCSA

failed in its constitutional duty and obligation to provide a safe environment where Plaintiffs could learn and grow.

1218. Due to its willful and deliberate indifference to the sexual intimidation, abuse, exploitation and harassment being perpetrated upon Plaintiffs and others, Defendant UNCSCA failed in its constitutional duty and obligation to prepare Plaintiffs and others to participate and compete in the society in which they would live and work.

1219. Defendant UNCSCA knew about the sexual intimidation, abuse, exploitation and harassment being perpetrated upon Plaintiffs and that was infringing the Plaintiff-students' constitutional right and failed to take any action to this egregious and outrageous conduct.

1220. The named Plaintiffs were all students whose care, safety and supervision was entrusted to and an obligation of Defendant UNCSCA.

1221. The Plaintiffs were each denied their individual right to a sound basic education as guaranteed by the North Carolina Constitution as a result of being in a hostile environment where sexual abuse and exploitation of minor students was ignored and condoned and Defendant UNCSCA's deliberate indifference to that egregious, outrageous and harmful conduct.

1222. The Plaintiffs were each subjected to egregious and unconscionable verbal and physical sexual harassment and exploitation while under the purported trust, care and supervision of Defendant UNCSCA.

1223. Defendant UNCSCA had substantial control over the abusive and exploitative sexual conduct.

1224. The abusive and exploitative sexual conduct was severe and discriminatory. Defendant UNCSCA, by and through its employees, agents and administrators had actual knowledge of the abusive and exploitative sexual conduct.

1225. Defendant UNCSA exhibited willful and deliberate indifference to the sexually abusive, exploitative and harassing conduct.

1226. The academic performance of and the personal lives of the Plaintiffs suffered greatly as a result of the perpetually chaotic school environment created by the pervasive sexual abuse and exploitation that Defendant UNCSA permitted and condoned and the then-minor Plaintiffs each suffered substantially adverse educational consequences.

1227. Despite the actual knowledge of the pervasive sexual abuse and exploitation of its minor students, Defendant UNCSA exhibited deliberate indifference to the abusive and exploitative conduct and the horrible impact it would have on the minor students forced to endure it.

1228. As a direct and proximate result of the above-described actions and/or failures to act of Defendant UNCSA, the Plaintiffs have suffered and/or continue to suffer physical, mental and emotional injuries and have incurred and continues to incur medical and other expenses and have incurred a loss of wages and income and suffered a loss of earning capacity causing her 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).

#### **EQUITABLE ESTOPPEL**

1229. Article I, § 15 of the North Carolina Constitution provides as follows: **Education.** The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right.

1230. Article IX, § 1 of the North Carolina Constitution provides as follows: **Education encouraged.** Religion, morality, and knowledge being necessary to good government and the

happiness of mankind, schools, libraries, and the means of education shall forever be encouraged.

1231. For decades, the administrators, faculty and staff at UNCSCA permitted, condoned, ignored, encouraged and/or participated in widespread sexual abuse and exploitation of the students attending the school and entrusted to their care.

1232. During those same decades, the administrators, faculty and staff at UNCSCA permitted, condoned, ignored, encouraged and/or participated in widespread physical, mental, emotional and psychological abuse that made the students attending the school and entrusted to the school's care vulnerable to the sexual advances of the predators in their midst.

1233. Instead of guarding and maintaining the right to the privilege of education as required under the North Carolina Constitution, the State, through UNCSCA, instead betrayed so many of the students attending the school and entrusted to its care.

1234. The North Carolina Constitution also establishes that religion, morality, and knowledge are necessary to good government and the happiness of the people. For decades, the administrators, faculty and staff at UNCSCA permitted, condoned, ignored, encouraged and/or participated in sexually abusive and exploitative conduct that was immoral and/or amoral and that served to deprive many of the students attending the school and entrusted to its care of the privilege of the education and training they sought.

1235. For decades, the administrators, faculty and staff willfully turned a blind eye to the immoral and/or amoral conduct, continually failing to address the conduct, to intervene on behalf of the students being victimized or to discipline the predators despite full knowledge of the immoral and/or amoral conduct being carried out in plain sight.

1236. For decades, UNCSEA continued to recruit students to its high school and college programs and to promise those students that UNCSEA would guard and maintain their privilege to receive an education knowing all the while that while recruiting students to its high school and college programs it would be subjecting those students to a culture of sexual, physical, emotional, mental and psychological abuse that would damage and/or destroy many of the students.

1237. For decades, UNCSEA continued to recruit students to its high school and college programs and to promise those students that UNCSEA would guard and maintain their privilege to receive an education knowing all the while that while recruiting students to its high school and college programs UNCSEA would be subjecting those students to a culture that permitted and condoned immoral and amoral sexual abuse and exploitation.

1238. For decades, UNCSEA and its administrators, faculty and staff perpetuated and condoned a culture that led many of the students entrusted to their care to believe that abnormal was normal. In so doing, UNCSEA and its administrators, faculty and staff ensured that the students who were victims of sexual abuse and exploitation would not realize what happened to them for many years. UNCSEA and its administrators, faculty and staff, by failing to take any steps to intervene to protect the students under their care, led many students to believe that the immoral was moral and that the students deserved the abuse inflicted upon them.

1239. Under North Carolina law, equitable estoppel may be invoked in a proper case to bar a defendant from relying upon the statute of limitations.

1240. Under North Carolina law the doctrine of equitable estoppel is based on an application of the golden rule to the everyday affairs of people. Equitable estoppel requires that

one should do unto others as, in equity and good conscience, he/she would have them do unto him/her, if their positions were reversed.... Its compulsion is one of fair play.

1241. Under North Carolina law equitable estoppel will deny a defendant the right to assert a statute of limitations defense when the plaintiff's delay in bringing his/her claims has been induced by acts, representations, or conduct of the defendant, the repudiation of which would amount to a breach of good faith.

1242. It was grossly unfair of UNCSCA and its administrators, faculty and staff to openly recruit and encourage students to attend UNCSCA when those administrators, faculty and staff knew of the immoral and/or amoral culture that permeated the school. UNCSCA and its administrators, faculty and staff knew and/or should have known that the students subjected to the immoral and/or amoral sexual abuse could suffer emotionally and psychologically for years before they could even consider attempting to hold UNCSCA and its administrators, faculty and staff accountable.

1243. UNCSCA and its administrators, faculty and staff betrayed so many innocent, naïve and vulnerable students who came to the school to pursue their dream. UNCSCA and its administrators, faculty and staff knew that many of these young students would be subjected to the grossly inappropriate culture that ruled the campus.

1244. Much of the sexual abuse and exploitation that was permitted and condoned by UNCSCA through its administrators, faculty and staff constitutes criminal felonies under North Carolina law. UNCSCA did nothing to stop such abuse from occurring and instead actively recruited high school and college students to attend the school all the while knowing the students had no concept of the culture to which they would be subjected.

1245. For the foregoing reasons and based on the allegations herein, Defendants UNCSA and the individually named former administrators, faculty and staff are estopped from asserting any statute of limitations as a defense to any claim brought by any victim.

1246. It would violate the most basic concepts of decency, fair play, justice and the golden rule to permit UNCSA and the individually named former administrators, faculty and staff to assert any statute of limitations and thereby attempt to dodge liability and accountability for their decades of knowingly failing to protect the school's students.

**The Plaintiffs respectfully request a trial by jury on all issues of fact so triable.**

WHEREFORE, Plaintiffs respectfully pray the Court as follows:

1. That the Plaintiffs have and recover directly of the individual Defendants named in their individual capacities, jointly and severally when applicable, an amount to be determined by a jury and in excess of the jurisdictional limit of this Court as provided by law;
2. That the Plaintiffs have and recover of Defendant UNCSA an amount to be determined by a jury and in excess of the jurisdictional limit of this Court as provided by law;
3. That Plaintiffs individually each have and recover from the individual Defendants named in their individual capacities punitive damages as allowed by law and determined by a jury;
4. That Plaintiff be awarded pre-judgment interest as by law allowed beginning from the date of the filing of this action;
5. That Plaintiffs be awarded attorney's fees and costs as allowed by law; and

6. For all such other and further relief as the Court may deem just and proper.

This the 29 day of December, 2021.

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