

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 LARSEN, JANE DOE 01, JANE  
DOE 02, JANE DOE 03, JOHN DOE  
01 and JOHN DOE 02 each individually

Plaintiffs

v.

JANE ELIZABETH MILLEY,  
individually and in her official capacity,  
LARRY ALAN SMITH, individually and  
in his official capacity, PEGGY  
DODSON, individually and in her official  
capacity, WILLIAM TRIBBY,  
individually and in his official capacity,  
DIANNE MARKHAM, individually and  
in her official capacity, ALAN RUST,

COMPLAINT

FORSYTH CO. C.S.C.  
BY *J. Calloway*

2021 NOV 29 P 3:29

FILED

individually and in his official capacity, )  
 RICHARD GAIN, individually and in his )  
 official capacity, NIGEL BURLEY, )  
 individually and in his official capacity, )  
 KELLY PAUL MAXNER a/k/a Kelly )  
 Paul Parsley, individually and in his )  
 official capacity, STEPHEN SHIPPS, )  
 individually and in his official capacity, E. )  
 WADE HOBGOOD, individually and in )  
 his official capacity, GRETCHEN )  
 BATAILLE individually and in her )  
 official capacity, JOHN FRANCIS )  
 MAUCERI individually and in his official )  
 capacity, ROBERT YEKOVICH )  
 individually and in his official capacity, )  
 ROBERT FRANCESCONI individually )  
 and in his official capacity, SAM GROGG )  
 individually and in his official capacity, )  
 SUSAN McCULLOUGH individually and )  
 in his official capacity, ETHAN STIEFEL )  
 individually and in his official capacity, )  
 ROBERT MURRAY individually and in )  
 his official capacity, PHILLIP DUNIGAN )  
 individually and in his official capacity, )  
 GYULA PANDI individually and in his )  
 official capacity, ROBERT CARLTON )  
 individually and in his official capacity, )  
 RONALD BRUCE MOSS, individually )  
 and in his official capacity, JOSEPH )  
 ROBINSON, individually and in his )  
 official capacity, and the UNIVERSITY )  
 OF NORTH CAROLINA SCHOOL OF )  
 THE ARTS (*FKA* North Carolina School )  
 of the Arts) )

Defendants

NOW COME 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 and belief 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 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.

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 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.

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 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.

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 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.

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 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.

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 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.

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 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.

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 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.

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 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.

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 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.

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 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.

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 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.

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.

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 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.

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 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.

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 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.

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 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.

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 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.

60. 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.

61. 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 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.

62. 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.

63. 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.

64. 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. He brings this claim under a pseudonym out of concern that using his real

identity in this action. Defendants will be made aware of plaintiff's identity through the discovery process.

65. 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.

66. 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. She brings this claim under a pseudonym out of concern that using her real identity in this action. Defendants will be made aware of Plaintiff's identity through the discovery process.

67. 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 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. 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. She brings this claim under a pseudonym out of concern that using her real identity in this action. Defendants will be made aware of plaintiff's identity through the discovery

process.

69. 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 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.

70. 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. She brings this claim under a pseudonym out of concern that using her real identity in this action. Defendants will be made aware of plaintiff’s identity through the discovery process.

71. 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 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.

72. 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.

73. 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.

74. 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. He brings this claim under a pseudonym out of concern that using his real identity in this action. Defendants will be made aware of Plaintiff’s identity through the discovery process.

75. 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.

76. 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.

77. 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.

78. Plaintiff Louise 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 Vermont.

79. 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 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. 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.

81. At times relevant to the sexual abuse and exploitation alleged herein, all Defendants named individually and in their official capacities were administrators, instructors and/or employees of UNCSA 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 UNCSA.

82. At times relevant to the sexual abuse and exploitation alleged herein, all Defendants named individually and in their official capacities were administrators and/or instructors and/or an employee at UNCSA and perpetuated, condoned and/or participated in the

abuse and exploitation and of the students entrusted to their care and permitted, perpetuated and/or condoned UNCSA's institutional betrayal of the students entrusted to it care.

83. 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.

84. Upon information and belief, Defendant Jane Elizabeth Milley (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.

85. 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.

86. 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.

87. Upon information and belief, Defendant Larry Alan Smith (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.

88. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Smith was Dean of the UNCSA School of Music.

89. 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.

90. Upon information and belief, Defendant Peggy Dodson (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.

91. 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.

92. 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.

93. Upon information and belief, Defendant William “Bill” Tribby (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.

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

95. 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.

96. Upon information and belief, Defendant Diane Markham (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.

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

98. 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.

99. Upon information and belief, Defendant Alan Rust (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.

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

101. 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.

102. Upon information and belief, Defendant Richard Gain (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.

103. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Gain – 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.

104. Upon information and belief, Defendant Nigel Burley (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.

105. 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.

106. Upon information and belief, Defendant Kelly Paul Maxner (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 Defendants in this action as “Defendants”) is a citizen and resident of North Carolina.

107. 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.

108. Upon information and belief, Defendant Stephen Shipps (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.

109. 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.

110. 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).

111. 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.”

112. 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.

113. Upon information and belief, Defendant Robert Murray (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.

114. 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.

115. Upon information and belief, Defendant Phillip Dunigan (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.

116. 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.

117. Upon information and belief, Defendant Gyula Pandi (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.

118. Upon information and belief, Defendant Robert Carlton (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.

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

120. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Pandi – 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.

121. Upon information and belief, Defendant E. Wade Hobgood (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.

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

123. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Hobgood – 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.

124. Upon information and belief, Defendant Gretchen Bataille (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.

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

126. At times relevant to the sexual abuse and exploitation alleged herein, Defendant Bataille – 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.

127. Upon information and belief, Defendant John Francis Mauceri (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.

128. 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.

129. 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.

130. Upon information and belief, Defendant Robert Yekovich (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.

131. 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.

132. 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.

133. Upon information and belief, Defendant Robert Francesconi (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.

134. 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.

135. 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.

136. Upon information and belief, Defendant Grogg (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.

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

138. 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 her care.

139. Upon information and belief, Defendant Susan McCullough (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.

140. 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 Music.

141. 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.

142. Upon information and belief, Defendant Ethan Stiefel (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.

143. 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.

144. 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 her care.

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

146. Upon information and belief, Defendant Ronald Bruce Moss (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.

147. 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.

148. Upon information and belief, Defendant Joseph Robinson (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.

149. 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.

150. At 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 and Ethan Stiefel were administrators at UNCSA.

151. 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 and Ethan Stiefel shall hereinafter be referred to collectively as the “Defendant Administrators.”

152. 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.

153. 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.

154. 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.

155. 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.

156. 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.

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

158. 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.

159. 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.

160. 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.

161. 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.

162. 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.

163. 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.

164. 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.

165. 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.

166. 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.

167. 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.

168. 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.

169. 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.

170. 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.

171. 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.

172. 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.

173. 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.

174. 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.

175. 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.

176. 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.

177. 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.

178. 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.

179. 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.

180. 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.

181. 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.

182. 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**

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

184. 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.

185. 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.

186. 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.

187. Despite the clear obligation to the boys and girls who chose to attend the school, UNCOSA and the Defendant Administrators instead 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. 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.

188. Despite the clear obligation to the boys and girls who chose to attend the school, UNCOSA and the Defendant Administrators instead 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 and in the process permitted the institution to betray the very young people it was supposed to support and serve.

189. Despite the clear obligation to the boys and girls who chose to attend the school, Defendant UNCSEA'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.

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

191. Upon information and belief, throughout the late 1960s, 1970s, 1980s, 1990s, 2000s 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 UNCSEA -- 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 UNCSEA. 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.

192. Throughout the late 1960s, 1970s, 1980s, 1990s, 2000s 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.

193. UNCOSA'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 UNCOSA faculty or administration that you likely would not be invited back for the next year – a decision that would derail their hopes and aspirations.

194. Many of the sexual predators among the UNCOSA 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.

195. 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.

196. 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 before initiating physical sexual abuse and exploitation in hopes of avoiding civil and or criminal accountability.

197. The grossly sexualized culture at UNCOSA 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 UNCSEA led the young students to believe that such behavior was normal and acceptable.

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

199. Kuch and Gain made no secret of their efforts to have sexual relationships with UNCSEA’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.

200. 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.”

201. 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.”

202. 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 Plaintiffs and other students at UNCSEA victimized by Kuch and Gain from these open and notorious predators.

203. 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 UNCSA victimized by other open and notorious predators.

204. 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 students for sexual abuse and exploitation. As such, UNCSA students, faculty and administrators referred to the Kuch and Gain property as “The Fuck Farm.”

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

206. 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.

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

208. 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 UNCSEA 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.

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

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

211. 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.

212. 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.

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

214. 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.

215. 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.

216. 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.

217. 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.

218. 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.

219. 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.

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

221. 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.”

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

223. Sexual relationships between faculty members and high school age students were widely known by UNCOSA 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.

224. At all relevant times the Defendant Administrators knew or should have known of the repeated and ongoing sexual abuse and exploitation of UNCOSA’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 UNCOSA from these sexual predators who populated the faculty and/or administration.

225. 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 these sexual predators who populated the faculty and/or administration.

226. 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.

227. 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.

228. 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 culture regarding such conduct that existed at the institution.

229. 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 UNCSA'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.

230. 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 regarding such conduct that existed at the institution.

231. 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**

232. 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.

233. After the 1984 summer program Heidi auditioned to become a fulltime student at UNCOSA. 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.”

234. 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.

235. 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.

236. 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.

237. Heidi was invited back to UNCSCA 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.

238. 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.

239. 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.

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

240. Chris first attended UNCSA in the summer of 1984. He was sixteen (16) years old.

241. 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 Defendant Gain.

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

243. 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.

244. During a technique class that Noble taught, Noble began touching Chris' body in a 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. 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

245. 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.

246. 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.

247. 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.

248. 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.

249. Chris went to Noble’s home a second time in the Spring of 1986 to pick up books. When he arrived Noble was drunk and he forced himself on Chris, leaving bite marks and bruises around Chris’ nipples.

250. In addition to the sexual abuse described above, Chris was also subjected to a harsh and exploitative sexual environment in his modern dance class taught by Kuch and Defendant Gain. During his junior and senior year, while in class, Kuch and Defendant Gain regularly engaged in grossly inappropriate sexual behavior telling the students, “You must get fucked – and often, if you want to become great artists.” This mantra was repeated in nearly every class Chris took from Kuch and Defendant Gain.

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

251. 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 14 year old high school freshman in the fall of 1984.

252. 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.

253. 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.

254. 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.

255. 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.

256. 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.

257. 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**

258. Elizabeth J. 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.

259. Although she was a student of classical ballet, ballet students were required to take modern dance classes. Elizabeth J. 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 J. had heard that Gain and Kuch were referred to as “Crotch” and “Groin.”

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

261. During class, Defendant Gain and Kuch repeatedly told their young students that until they got “fucked” they would never be real artists. Elizabeth J. began questioning whether she would be able to succeed at her craft. It was also commonplace for both Defendant Gain and Kuch to use inappropriate language when referring to the body, including “tits” and “ass” when referring to female anatomy. Elizabeth J. 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.

262. Elizabeth J. was particularly distressed by the stories she heard from friends about Defendant 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 Defendant Gain and Kuch had sex with underage boys.

263. Elizabeth J.’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.

264. 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. It was not until 1988 that she re-enrolled in college and eventually graduated from George Mason in 1994. Elizabeth J. 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 J. had 3 young children. She ultimately left her marriage and divorced.

265. When Elizabeth J. 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 J. 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 Defendant Gainesville. Elizabeth J. has been in therapy for many years. She has been diagnosed with Post Traumatic

Stress Disorder, depression and anxiety. Elizabeth J. continues to suffer from low self-esteem and self-doubt, the direct result of the abuse she was subjected to a UNCSA.

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

266. 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.

267. 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.

268. 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.

269. 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.

270. 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.

271. 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.

272. 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."

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

274. 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.

275. 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.

276. 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.

277. 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.

278. 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."

279. 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 Buspar for anxiety, Paxil for depression, Remeron for insomnia and Clonidine for PTSD.

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

280. Elizabeth W. 14 years old in 1985 when she attended the summer program at UNCSA. Elizabeth W., 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 W.'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 W. 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 W. that she should apply to the modern dance program instead of ballet.

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

282. In her first year at UNCSCA, Kuch started making sexual advances on Elizabeth W. when she took his technique class. While Elizabeth W. was performing a certain exercise that required her to stand with her feet spread wide apart, Kuch pressed his pelvis against her backside, 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 W. during class and touch her body provocatively. While Elizabeth W. 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 W. on a near-daily basis in his technique class. She also witnessed classmates being touched in this manner by Kuch, Defendant Gain and Dianne Markham.

283. Richard Kuch also pressured Elizabeth W. to spend time with him alone outside of class. He repeatedly invited her to come to his office, which she politely declined. He also invited Elizabeth W. to be a guest at The Farm, which was considered a "badge of honor."

During her visit, Kuch provided alcohol to the underaged minors. Several students became drunk, including one classmate who lost consciousness.

284. Later, Kuch taught Elizabeth W. in his improvisation class. Once, while Elizabeth W. was performing during class, Kuch loudly demanded that Elizabeth W. 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 W.’s classmate who was African American, and told him to “help” her. Kuch then forced the two students to dance together seductively in front of the entire class.

285. At the completion of her sophomore year, Elizabeth W. was not invited to return to UNCSA. She believed the decision in part was because she had rebuffed Kuch’s advances. Elizabeth W. was devastated. She auditioned again after completing the summer intensive and UNCSA 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.

286. The remainder of her time at UNCSA Elizabeth W. felt isolated and alone. Kuch ignored her, and she felt abandoned and worthless. In 1988, Elizabeth W. started college at UNCSA because she felt she had no other choice. By then, her confidence had been completely shattered. She was convinced that she would never dance professionally and became suicidal. She dropped out of UNCSA 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 major depressive disorder

and an anxiety disorder. For decades, Elizabeth W. has struggled with suicidal ideation and depression, and she continues to take anti-depressants to help her manage her illness.

**FACTS SPECIFIC TO PLAINTIFF CHRISTOPHER SODERLUND**

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

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

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

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

291. 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.

292. 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.

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

294. 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.

295. 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.

296. 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.

297. 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.

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

299. 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.

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

301. 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.

302. 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.

303. 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.

304. 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.

305. Arthur Ballard, a member of UNCSCA'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.

306. 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.

307. 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.

308. 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. UNCOSA'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 UNCOSA.

309. 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.

310. 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.

311. 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 UNCOSA. His decision was arbitrary, capricious and tainted by his own conflict of interest.

312. 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.

313. 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 UNCUSA.

314. 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.

315. 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.

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

317. 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.

318. 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."

319. Because of the open sexual relationships between teachers and students at UNCSCA 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 UNCSCA.

320. At the end of the summer session, Kuch refused to invite Christopher back to UNCSCA 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 UNCSCA.

321. 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.

322. 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.

323. 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.

324. 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.

325. 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**

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

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

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

329. 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.

330. 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 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.

331. 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.

332. 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.

333. 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.

334. 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**

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

336. 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.

337. 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.

338. UNCSA was like a grocery store for Kuch and Gain who everyone called “Crotch and Groin.”

339. 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 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 exploitation of Blair continued throughout that trip. The relationship between Blair and Philip Dunigan spanned off and on over a period of four years.

340. 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.

341. 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.

342. 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.

343. 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**

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

345. 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.

346. 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.

347. 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.

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

349. 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.

350. 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.

351. 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**

352. 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.

353. Amanda auditioned to attend UNCSA 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.

354. 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.

355. 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.

356. 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.

357. 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.

358. After the sexual assault by Defendant Burley, Amanda went to speak with Christine Spizo, another UNCSA 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.

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

360. Amanda reported Burley to administrators at UNCSCA. Burley continue to teach at UNCSCA for another six months for he left the school and moved in with another UNCSCA student.

**FACTS SPECIFIC TO PLAINTIFF JANE DOE 02**

361. Jane 02 enrolled at UNCSCA as a high school student in January 1969 and graduated from high school in June 1971. She was 15 years old when she started at the school.

362. When Jane 02 enrolled at UNCSCA 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 UNCSCA they never would have allowed her to attend the school. Jane 02 was pretty insistent that she attend UNCSCA 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 UNCSCA at the hands of one of her teachers.

363. Jane 02 was in the School of Dance studying ballet. One of her instructors was Defendant Pandi. He was a married man at least 10 years older than Jane 02.

364. During her Sophomore year at the school, 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. He became more than just her teacher. He made sure she felt

that he was her friend, and that she could trust him. It made it possible for him to use his position of authority over her. He used a slow, calculated evil plan that she was not even aware was happening at that time.

365. She would be invited over to Pandi's house. In the beginning his wife, Gina, would always be there. This would help Jane 02 to become comfortable in that setting.

366. In summer 1969, at the age of 16, Jane 02 went on a UNCSEA sponsored trip to Italy. Defendant Pandi and his wife, Gina, were on this trip as faculty members and dancers. On this trip Defendant Pandi began to touch Jane 02 in a sexual manner. The first sexual touching occurred while riding on the tour bus. It was at night, with the other 24 people from UNCSEA on board. 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. Defendant Pandi put his hand up under Jane 02's dress. Jane 02 was shocked by his actions and horrified that his wife would see what was happening in the seat right in front of her.

367. 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 were staying in Asolo.

368. 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 a nice hotel nearby in Asolo. Defendant Pandi and his wife invited her to stay with them in their room to escape the bugs that night. Jane 02 was given some medication 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 and assuming 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.

369. The sexual touching continued and escalated after they returned to UNCSA. Pandi would pick her up at her dorm and drive around so that he could fondle and grope her, including touching her under her clothes.

370. 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. 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.

371. The second time Jane 02 was invited to stay at the Defendants house, he became more bold. This time Jane 02 was staying in a basement room. She does not know how he accessed that 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.

372. 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 and grope 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.

373. After graduating from UNCSCA, Jane 02 attended the School of American Ballet in New York City. 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 invitations. A few days later he came to Jane 02's apartment and again tried to make sexual advances but she shut it down and asked him to leave.

374. Like most child victims of sexual abuse and exploitation, Jane 02 for years believed that what happened was somehow her fault and she experienced enormous guilt.

375. In January of 1996, during therapy sessions, Jane 02 finally came to know the truth of what happened to her so long ago. This was 27 years after the abuse began. Twenty-seven years of heartache, pain, confusion and so much suffering. 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 lasted for 52 years. The sexual abuse sent her down a road she never would have chosen for herself and affected many decisions and choices made going forward.

376. Unfortunately, her therapist became sick just months later and died of cancer. Counseling stopped and has never resumed. Jane 02 has suffered immeasurable harm from the effects of the sexual abuse and exploitation her entire adult life. With the support of her husband of 45 years, she is seeking professional counseling to help heal from the long-lasting effects of the abuse and to help her go through the process of this case.

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

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

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

379. 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.”

380. 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.

381. 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.

382. 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.

383. 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 on more than once. She 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.

384. 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.

385. At 17 years old, Jennifer was raped and had her virginity stolen by a 21-year-old UNCSCA 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.

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

387. Jennifer has dealt with depression and an eating disorder as result of the abuse she experienced at UNCSCA. 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 UNCSCA, 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**

388. 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.

389. 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.

390. 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.

391. 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.

392. 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.

393. 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**

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

395. 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.

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

397. 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.

398. Because of the highly sexualized nature of the culture at UNCSEA, 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.

399. 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.

400. Following UNCSEA, Jane 03 went to the Richmond Ballet but was not able to cope given the trauma she had experienced at UNCSEA. 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.

401. 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**

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

403. 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.

404. 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.

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

406. 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.

407. 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.

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

409. 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.

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

411. 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.

412. 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.

413. 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.

414. 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.

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

**FACTS SPECIFIC TO PLAINTIFF TALBOT HALL**

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

417. The director of the UNCSA high school drama program was Defendant Maxner.

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

419. 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.

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

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

422. 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.

423. 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.

424. 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.

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

426. 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.

427. 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.

428. 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.

429. 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."

430. 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."

431. Maxner held great sway over Talbot and the other students because not only was he the director of the UNCSA 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.

432. 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.

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

434. After leaving UNCSA, 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, UNCOSA administrators did nothing to deal with this inappropriate behavior and instead allowed Maxner to retaliate against the students whose parents had complained about him.

435. As a result of the abuse and exploitation Talbot experienced as a 16-year-old at UNCOSA, after graduating from UNCOSA'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**

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

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

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

439. 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.

440. 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.

441. 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.

442. 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.

443. 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.

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

445. 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.”

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

447. 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 UNCSA was abuse and exploitation that had had a significant and damaging impact on his life.

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

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

449. John 02 enrolled in the UNCSA 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.

450. 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.

451. 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”.

452. 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.

453. 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.

454. 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 UNCSA was normalizing the abnormal.

455. 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.

456. John 02 was groomed by Clyde Fowler (now deceased), a teacher in the visual arts program, during this period. 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.

457. 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.

458. 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.

459. 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 manipulative.

460. 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.

461. 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.

462. 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.

463. 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.

464. 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.

465. When John 02 enrolled at UNCSCA 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 UNCSCA 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.

466. 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.

467. 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.

468. Though John 02 is confident in the efforts he has made in addressing the abuse he suffered at UNCSA, he continues to understand the residual effects of his time there on his life and vigorously believes that no one should ever have to endure the kind of abuse and violence that he did in the pursuit of an education. Demanding accountability from UNCSA for its participation in and protection of abusive behavior is one step towards securing that goal for future generations.

#### **FACTS SPECIFIC TO PLAINTIFF SUSAN SKRZYCKI**

469. Susan enrolled at UNCSA 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.

470. Susan stayed at UNCSA for only one year. It was the worst year of her life.

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

472. One of Susan's instructors was Richard Kuch. In one class, Kuch would require the students to do all of their movements on the floor. Kuch would walk around the studio and repositioned the students' legs, sometimes moving their legs into positions that were completely unnatural.

473. 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.

474. In one class Kuch told Susan that she needed to "fuck a 300-pound man to break her pelvis open." In another class Kuch turned to Susan and said "what the fuck is your problem? You look like your c -- t is trying to photograph the floor."

475. 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.

476. 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.

477. Kuch, Gain and Hayden spent a lot of time together and you could often hear them snickering at struggling students.

478. In one class, Susan witnessed Hayden slap another student on the back so hard that it not that student off her feet and left a bright red handprint on the center of the students upper back that was still visible that evening in the dorm.

479. 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.

480. Because of Hayden's hugely successful professional career, no one at UNCSA dared question her in any way. The faculty treated her like she was a god.

481. The culture at UNCSA was so damaging that Susan came to believe she deserved such abusive treatment.

482. Susan's parents once received a report from UNCSCA that labeled Susan as "grossly overweight" and untalented. Susan was 5'8" tall and weighed 136 pounds.

483. 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 bald and rode a skateboard to the school. The students called him "Crow."

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

485. 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 UNCSCA ever uttered a word to the students about what happened with Zach.

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

487. The students at UNCSCA 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.

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

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

490. UNCSEA and its administrators betrayed Susan.

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

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

492. 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.

493. UNCSEA 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 UNCSEA 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.

494. 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.

495. While a high school student and still a minor, Jinny was raped by Keith Darby, who was then a college student at UNCSCA. Jinny did not report the sexual assault because UNCSCA 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.

496. At the end of the summer prior to what would have been her senior year at UNCSCA, Jinny and her family had loaded her things into the car and she was within the driveway getting ready to leave to return to UNCSCA. 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.

497. UNCSCA 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 UNCSCA, her experiences there were a poisonous legacy.

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

498. Katie attended UNCSCA from 1992 until 1997.

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

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

501. Katie was among those that Coleman would pick up at the UNCSCA campus and take them to his home.

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

503. At the Hayden/Coleman home, Coleman would give the student significant amount of alcohol and once they were intoxicated would course 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.

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

505. 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.

506. On one occasion Coleman coerced a female student and a male student to engage in oral sex in front of groups 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 Don.

507. While on campus, Coleman approached Katie and Melissa and asked them to make a nude photo album for him. Both students refused.

508. 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 that lurid request.

509. Along with Melissa Cummings, Katie reported the Hayden/Coleman incidents to UNCSCA and the police. They were told that he was given an order to remain off campus and

away from them by the UNCSCA Chancellor, however he 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, they immediately reported this to campus police who told them there was nothing they could do because Coleman had already left.

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

511. 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**

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

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

514. 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.

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

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

517. 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 was also a privilege to use the good pianos in those studios.

518. 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.

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

520. Many years later Jerry Horner conspired with Defendant Shipps to contrive 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.

521. 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.

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

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

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

524. For Spring Break, 1988, Defendant Shipps invited Lisa Marie to his home, as the UNCSA campus would be closed, and Lisamarie was playing with the Winston-Salem Symphony that week, as was 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.

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

526. 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 utilize a great violin. Zweig was a famous and notable violin teacher who was affiliated with the Indiana University music department. During his visit to UNCSA 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."

527. 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 UNCSA 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.

528. Following the meetings with Horner at UNCSA, 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.

529. Upon arrival in Milwaukee, Lisamarie was met at the airport by Horne alone. Horner also 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.

530. 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.

531. 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.

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

533. 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 UNCSA.

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

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

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

537. 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.

538. 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.

539. 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 LUCIUS ROMEO-FROMM**

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

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

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

543. 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 have been made by either Kuch or Gain toward Lucius.

544. 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.

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

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

547. At the same time this was taking place, but Lucius was still in the ballet program and was in during the cost of 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.

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

549. During his time at UNCSCA, 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, UNCSCA allowed him to accompany Lucius to London as the only chaperone from UNCSCA.

550. 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.

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

552. 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.

553. 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.

554. 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.

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

556. As a result of the sexual abuse and exploitation he experienced at UNCSA, 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**

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

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

559. At the Hayden/Coleman home, Coleman would give the student significant amount of alcohol and once they were intoxicated would course the entire group into getting naked. Coleman would also get naked and "dance" around.

560. 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.

561. 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.

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

563. During her time at UNCSCA Megan was subjected to and saw an institutional culture that anticipated 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.

564. 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.

565. 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.

566. 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.

567. 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**

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

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

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

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

572. 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.

573. 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.

574. As the 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. UNCSCA 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.

575. 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.

576. 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.

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

578. 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.

579. 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.

580. 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.

581. 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.

582. 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.

583. 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.

584. 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.

585. 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.

586. 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.

587. In spring 1997 during her senior year of high school at UNCSCA, 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.

588. 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 UNCSCA. Melissa was reluctant to report what happened with Hayden and Coleman believing she would be there for another year in the dance department.

589. 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.

590. After informing her parents, Melissa reported the situation to UNCSCA 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.

591. 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 UNCSCA and that anything that soiled her reputation would be damaging to the school. The administrators said they would handle the situation.

592. 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.

593. 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.

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

595. 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.”

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

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

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

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

600. As a direct and proximate result of the sexual trauma and abuse at UNCSCA, 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 UNCSCA.

601. UNCSCA and the dance department sacrificed Melissa and others in order to protect Hayden’s reputation and the reputation of UNCSCA.

**FACTS SPECIFIC TO PLAINTIFF REBECCA FULLER**

602. Rebecca first attended UNCSCA through a summer program in 1983. She was 14 years old.

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

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

605. After enrolling at UNCSCA, 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.

606. 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.

607. 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.

608. While at UNCSA, 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.

609. 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.

610. 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.

611. 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.

612. 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.

613. 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.

614. 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.

615. 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.

616. 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.

617. 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.

618. During Rebecca's time at UNCSA, 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.

619. In the summer of 1986 between her junior and senior years of high school, Rebecca took a break from dance to attend the UNCSA summer drama session. She was introduced to Defendant Murray, who was the movement teacher in the drama department.

620. It was well known that Defendant Murray preyed upon the young students at UNCSA.

621. On various occasions Rebecca joined other students in drinking at off-campus houses with Defendant Murray in attendance.

622. Defendant Murray knew Rebecca was considering auditioning for drama schools and he encouraged her to audition at UNCSA.

623. 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.

624. 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.

625. 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**

626. John 01 was a student at UNCSCA for only two months -- from September 1986 to November 1986. He was in the School of Dance modern program.

627. John 01 auditioned to attend UNCSCA when he was 17 years old.

628. 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.

629. 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.

630. 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.

631. 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 UNCSCA.

632. 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 UNCSCA he never went back. John 01 could not bear to tell his parents the reason he was not going back to UNCSCA, and

his parents were disappointed in John 01 because they thought he was simply dropping out of school.

633. John 01's parents drove down to UNCOSA to pack up his things and retrieve his personal belongings. John 01 could not bear to go back to UNCOSA even for that purpose.

634. As result of the sexual abuse and exploitation John 01 experience, he spent many years battling depression and even attempted suicide on multiple occasions.

635. John 01 left the dance world and his dreams as a result of this trauma.

### **FACTS SPECIFIC TO PLAINTIFF JANE DOE 01**

636. Jane Doe 01 enrolled at UNCOSA 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.

637. Defendant Shipps spent the fall of 1985 grooming Jane. Within her first semester at UNCOSA, Jane began babysitting for Shipps. Shipps continued to groom Jane making her feel special and making her feel like she was falling for him.

638. 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.

639. 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 UNCOSA campus during lesson times.

640. 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.

641. 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 UNCOSA. Shipps had sexually abused and exploited another minor student resulting in what was rumored as that student becoming pregnant.

642. 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.

643. At the time Shipps was sexually abusing and exploiting Jane, it was widely known among the faculty and administrators at UNCOSA that Shipps was a predator.

644. 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.

645. Jane attempted suicide when she was 18 years old, shortly after graduating from the school.

646. Jane has spent an entire lifetime trying to keep her shame secret.

647. Rather than directly address the fact that Shipps was known to prey on minor students, UNCOSA at some point simply allowed Shipps to leave UNCOSA and go to the University of Michigan the next year. Upon information and belief, some members of the faculty and administration at UNCOSA gave Shipps favorable recommendations for the job at the University of Michigan.

648. 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.

649. 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.

650. 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 LOUISE DEBRECZENY**

651. Louise enrolled at UNCOSA as a high school student in 1978. She was 15 years old.

652. Louise was a member of the music department and played the bassoon.

653. During her first year at UNCOSA, 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."

654. While in high school, Louise was groomed and coerced into having a sexual relationship with a UNCOSA security officer and his wife. This couple convinced Louise to spend a night with them 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.

655. 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.

656. This abusive and exploitative sexual experienced caused Louise to experience significant guilt.

657. UNCOSA'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 UNCOSA and in the music world as a whole was so bad that Louise left music.

658. Louise was and is a lesbian and never had any interest in a sexual experience with the security guard or the two college students.

659. In the mid-1990s, Louise received a letter from UNCOSA 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**

660. Page Whitty Borger enrolled at UNCOSA in 1984 at 15 years old. She was there to study ballet.

661. When Page first started at UNCOSA she was filled with excitement. There was an energy to the campus and she felt special to be there. That excitement soon gave way to the stark reality of the culture of the school.

662. During her time at UNCOSA, Page experienced psychological, mental, emotional, physical and sexual abuse as well as constant humiliation and body shaming.

663. One of her instructors was Melissa Hayden. Hayden was horrible. Hayden exhibited a deranged and erratic demeanor and was physically abusive, often overworking them to the point of injury. Her moods were unpredictable, and she verbally abused, demeaned, and humiliated students daily.

664. Fanchon Cordell was also one of Page's primary instructors. She exhibited unpredictable moods, yelling and screaming frequently, and was psychologically manipulative toward Page and her classmates.

665. During her time at UNCSCA Page took classes with 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 sexual way that he claimed was a necessary teaching method.

666. 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.

667. 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.

668. 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 UNCSA. 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, eventually decided to pursue veterinary medicine as a career, and graduated from The Ohio State University College of Veterinary medicine in 1996.

669. 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**

670. Eric Handsman enrolled as a freshman in high school at UNCSA in 1985. He was there to study dance.

671. During his freshman year Mindy Lawrence and Duncan Noble were his primary teachers. Lawrence sexualized every dance move.

672. During his entire freshman year Noble repeatedly touched Eric in an inappropriate sexual way on his buttocks and in and around his genitals.

673. At the time Eric had no idea that Noble was a notorious predator.

674. During Eric's sophomore year his name instructors were Frank Smith, Duncan Noble and Gyula Pandi. For the second year in a row Noble repeatedly touched Eric and an inappropriate sexual way.

675. 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.

676. 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.

677. Eric also experienced inappropriate sexual touching in classes taught by guest instructor and UNCSCA alumni Mel Tomlinson.

678. 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**

679. Ryan was a high school student at UNCSCA in 1994 - 1995 and was studying ballet in the school of dance.

680. Ryan also was a victim of Hayden and Coleman’s depravity and the betrayal by UNCSCA described by Melissa, Katie and Megan above.

681. Ryan was among those that Coleman would pick up at the UNCSCA campus and take them to his home.

682. On one occasion, Hayden was present for dinner but fell asleep due to excessive alcohol consumption.

683. At the Hayden/Coleman home, Coleman would give the student significant amount of alcohol and once they were intoxicated would coerce the entire group into getting naked. Coleman would also get naked and “dance” around.

684. 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.

685. Ryan would go to the Hayden/Coleman home with his then-girlfriend Plaintiff Megan Dant.

686. On one occasion, Coleman pressured Megan and Ryan into having sex, provided them with a condom and showed them the room to use.

687. On another occasion, after losing a striptease game encouraged by Coleman, Coleman pulled out a ballet bar and forced Ryan and Melissa to perform naked at the bar for him to watch.

688. Coleman would groom Ryan and others by buying them things such as cigarettes.

689. 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.

690. 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.

691. 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 him. This was the first of numerous times Ryan entered into a sexual relationship with older students.

692. The high school dorms purportedly were sexually segregated - meaning girls and boys were not allowed in each other's room except during specific time 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 approx 18-20. Ryan was 14-15 at the time.

693. This damaging culture of sexual abuse and exploitation at UNCSEA carried on beyond the campus of the school. Mel Tomlinson, a former UNCSEA 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 UNCSEA.

694. As a direct and proximate result of the sexual trauma and abuse at UNCSEA, Ryan has suffered from extended periods of anxiety and depression and has struggled emotionally and psychologically.

695. Like Melissa Cummings, Katie Ryan and Megan Dant, UNCSEA and the dance department sacrificed Ryan to protect the reputation of Hayden and the reputation of the institution.

#### **FACTS SPECIFIC TO PLAINTIFF SHANNON DOOLEY**

696. In 1994 at age 17, Shannon Dooley auditioned to attend UNCSEA in Winston-Salem.

697. Shannon was accepted and enrolled in the UNCSEA college of drama program for the fall semester of 1994.

698. Defendant Murray was Shannon's teacher at UNCSEA. Murray was the "faculty mentor" assigned to Shannon and her classmates in 1995. Under his tutelage, they had just completed the process of exhaustively rehearsing scenes from plays and presenting them to the

drama faculty and fellow classmates. This would determine if they would be invited to return to the school the following year for training

699. In the fall of 1995, Shannon attended an off-campus party with around ten (10) of her classmates.

700. As would be expected the college students were drinking and dancing. Shannon had two glasses of wine.

701. 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.

702. Defendant 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. 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 classmates and one of the renters of the apartment -- turned off the water and declined his offer.

703. 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. 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.

704. Shannon repeatedly said, "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 other people in the room when Defendant Murray committed this horrible assault against Shannon, but that did not stop Defendant Murray. Horrified, the students gathered in a bedroom to strategize a way to get Defendant Murray off of Shannon. Eventually, a few of the male students attending the party physically pulled Defendant

Murray off of Shannon's body and lured 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. After Shannon left the apartment, Sarah spoke frankly with Defendant Murray. Sarah asked Murray, "What's wrong with you?" Defendant Murray replied, "What is wrong with YOU? You need to relax. You're a PRUDE!"

705. 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 at the time. 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 would give Defendant Murray a "stern talking to." Realizing that Hunt intended to do nothing, other than cover up for Defendant Murray who was a known predator, they later reported the incident to Bob Moyer. Moyer was another faculty member at UNCOSA. Moyer told Dean Gerald Freedman.

706. 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 was told the school could do nothing at all unless someone was willing to file a formal complaint against him.

707. UNCOSA purported to give Shannon an attorney to advise her, whom she does not remember meeting in person, but that attorney did little other than tell her not speak of this to anyone.

708. At one point Shannon received a call at her on-campus apartment from the schools' attorney, saying that Defendant Murrays' attorney wanted her 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. 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.

709. As rumors of the sexual assault spread, Shannon became an outcast.

710. The schools' culture of permitting and condoning widespread sexual abuse and exploitation led many to side with Defendant Murray. Many were angered when the notorious predator Murray was quietly asked to resign. However, several female students 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."

711. 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.

712. Despite knowing that Murray was a sexual predator and asking him to resign, UNCSA and the Defendant Administrators invited and allowed him to continue to attend events at UNCSA.

713. After Shannon left UNCSA she never acted again.

## **FACTS SPECIFIC TO PLAINTIFF VANDY MARTIN**

714. 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.

715. 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.

716. 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.

717. At the time of this faculty member's sexual abuse and exploitation of Vandy, he was 33 years older than Vandy.

718. Upon information and belief, this faculty member had a strategy of preying and grooming girls when they were 17 and as soon as they turn legal age consent he would sexualize the "relationship."

719. 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.

720. 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.

721. 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.

722. 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 UNCOSA faculty and administrators. Such relationships were open and accepted by administrators, staff and faculty at that time.

723. When Vandy enrolled at UNCOSA she had no family upon which to lean. She had been emancipated at age 17 and estranged from her family since age 14. The administrators and faculty at UNCOSA 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 UNCOSA did nothing. They were fully aware of this instructor's grooming, seducing and viciously verbally abusing and humiliating Vandy.

724. During her time at UNCOSA, 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.

725. At one point during her time at UNCOSA, 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.

726. Vandy again addressed this issue with Dodson in 1995 after the Sonderland lawsuit was filed against UNCOSA. Vandy asked Dodson why the school was being sued and

Dodson replied quote 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.”

727. Given the culture of complacency, and action and acceptance at UNCSEA, Vandy came to believe that sexual relationships were susceptible 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 exploitation of relationships between minors and their dance instructors were threatened with being cut from the UNCSEA program or, if an adult, being blackballed in the business.

728. 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 about whether Vandy needed protection from the faculty. 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.

729. Vandy, like so many of her fellow classmates, was made even more vulnerable applied 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.

730. Additionally, Vandy and other students were made vulnerable by the requirement that every nine weeks they undergo “jury” reviews to determine if they can continue at school. Every semester Vandy would seal the students discharge from the school. The stress often lead to

eating disorders, drug addictions and emotional distress. Coupling this with the pervasive sexual misconduct from faculty toward students led to a culture of grotesque abuse of power and influence over the students who were preyed upon. In short it was a culture of rape.

731. At UNCSA 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.

732. The UNCSA administrators failed Vandy and so many others. The Defendant Administrators' willingness to turn a blind eye to what was going on aloud 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.

733. As a direct result of the sexual abuse and exploitation and the trauma Vandy endured an experienced at UNCSA, 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 UNCSA. To this day Vandy continues to have intensive therapy in an attempt to deal with what happened to her while at UNCSA.

#### **FACTS SPECIFIC TO PLAINTIFF MARGARET "MARNIE" PRICE**

734. Marnie enrolled in UNCSA as a high school dancer 1982. She was 12 years old and in the seventh grade.

735. During her time at UNCSA, 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.

736. 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 our eye level.

737. As a 12-year-old, warming up for pointe class, Kutch or Gain would be in studio 614 or 615. 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."

738. Marine's first class with Melissa Hayden was her first year at UNCSA 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.

739. Throughout her time at UNCSA, Hayden was physically, emotionally, psychologically and sexually abusive toward Marnie and many other students in her classes.

740. Hayden repeatedly touched Marnie in an inappropriate sexual manner, unnecessarily touching Marnie's buttocks, and her upper and inner thigh adjacent to her crotch.

741. 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.

742. 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?"

743. 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.

744. Like Hayden, Kuch and Gain would tell these adolescent female dancers that they needed to "get laid" because they were so stiff.

745. 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.

746. 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."

747. When Marnie was 15 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.

748. 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.

749. 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.

750. The abuse Marnie suffered at UNCSCA 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.

751. Therapy Marty underwent many years ago revealed to her that the abuse she endured at UNCSCA played a huge role in her accepting and tolerating sexual, verbal emotional and physical abuse later in life.

752. While Marnie was at UNCSCA she knew that Hayden could make or break her career, so she was willing to with anything.

#### **FACTS SPECIFIC TO PLAINTIFF KERRY QUAKENBUSH**

753. Kerry first attended UNCSCA 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.

754. 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.

755. 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.

756. 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.

757. After this incident occurred with Fowler, Kerry began struggling with his identity and did so throughout the summer of 1986. He eventually dropped out of UNCSA for a trimester but eventually returned to finish.

758. 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."

759. Kerry has learned that the abuse and exploitation he suffered from Fowler was not unique and may have been a common activity for Fowler.

760. 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 LARSEN**

761. Louise L. enrolled full-time in the UNCSA drama program in 1978 at the age of 17. She had attended the school summer program the year before.

762. 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.

763. Rader would make humiliating and suggestive comments to Louise L. including asking Louise L. about her virginity.

764. 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.

765. After Louise L. declined Defendant Murray, he entered into a sexual relationship with Louise L.'s roommate.

766. 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.

767. 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.

768. 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.

769. 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.

770. 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.

771. This may have been Rader's way of punishing Louise L. for rebuffing his sexual advances to years earlier.

772. 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.

773. 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.

774. 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.

775. Louise L. then went to speak with UNCSEA'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.

776. 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."

777. 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 rise and simulate sex with her. Louise L. was told to "fuck like it was real."

778. 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.

779. 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.

780. 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.

781. 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.

**CLAIMS AGAINST THE FORMER UNCOSA ADMINISTRATORS NAMED INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITIES**

**FIRST CLAIM FOR RELIEF:**  
**NEGLIGENCE and NEGLIGENT RETENTION AND/OR SUPERVISION**  
**AGAINST THE DEFENDANT ADMINISTRATORS**

782. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

783. The Defendant Administrators, when they knew and/or should have known of the culture of sexual abuse and exploitation that permeated life at UNCOSA, had a duty to take the 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 UNCOSA.

784. When hiring and/or retaining and/or utilizing and/or supervising employees, agents, faculty members and/or representatives of UNCOSA, the Defendant Administrators -- when they knew and/or should have known of the culture of sexual abuse and exploitation that

permeated life at UNCSA -- 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.

785. The Defendant Administrators -- when they knew and/or should have known of the culture of sexual abuse and exploitation that permeated life at UNCSA -- had a duty and an obligation to take reasonable actions to prevent any and all members of UNCSA'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.

786. The Defendant Administrators -- when they knew and/or should have known of the culture of sexual abuse and exploitation that permeated life at UNCSA -- had a duty to have in place policies and procedures that would prohibit adult faculty, staff and administrators from engaging in any form of sexual contact with any student at the school, specifically including Plaintiffs. The Defendant Administrators had a further duty and obligation to see that those policies and procedures were implemented, followed and enforced.

787. The Defendant Administrators -- when they knew and/or should have known of the culture of sexual abuse and exploitation that permeated life at UNCSA -- had a duty under N.C. Gen. Stat. § 115C-400 to report that child abuse to the Forsyth County Director of Social Services. 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*.

788. 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.

789. 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.

790. 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.

791. 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 UNCSEA'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.

792. 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 UNCSEA 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.

793. 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.

794. 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**

795. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

796. As alleged above, the Defendant Administrators' actions and/or failures to act related to Plaintiffs were negligent.

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

798. 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.

799. 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.

800. 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.

801. 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.

802. 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, Benedict, Handesman, Holliday, Johnson, McLellan, Pearce, Price, Rayher, Romeo-Fromm, Schwartz, Soderlund, Steiner, Trost, White and Wilson)**

803. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

804. Defendant Gain 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.

805. 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.

806. 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.

807. As a result of Defendant Gain's extreme and outrageous conduct, Plaintiffs have sought professional medical treatment.

808. 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, Benedict, Handesman, Holliday, Johnson, McLellan, Pearce, Price, Rayher, Romeo-Fromm, Schwartz, Soderlund, Steiner, Trost, White and Wilson)**

809. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

810. 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 and Jane Doe 01)**

811. Plaintiffs refer to and hereby reallege and incorporate by reference all previous

paragraphs of this Complaint.

812. 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.

813. 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.

814. 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.

815. As a result of Defendant Shipps's extreme and outrageous conduct, Plaintiffs have sought professional medical treatment.

816. 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 and Jane Doe 01)**

817. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

818. 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 and Fuller)**

819. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

820. Defendant Gain 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.

821. 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.

822. 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.

823. As a result of Defendant Gain's extreme and outrageous conduct, Plaintiffs have sought professional medical treatment.

824. 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).

**EIGHTH CLAIM FOR RELIEF:**  
**BATTERY AGAINST DEFENDANT MURRAY**

**(Plaintiff Dooley)**

825. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

826. 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)**

827. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

828. 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.

829. 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.

830. 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.

831. As a result of Defendant Pandi's extreme and outrageous conduct, Plaintiff has sought professional medical treatment.

832. 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)**

833. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

834. 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 INFLECTION OF  
EMOTIONAL DISTRESS AGAINST DEFENDANT BURLEY**

**(Plaintiff Irwin)**

835. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

836. 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.

837. 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.

838. 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.

839. As a result of Defendant Burley's extreme and outrageous conduct, Plaintiffs have sought professional medical treatment.

840. 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**

**(Plaintiff Irwin)**

841. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

842. 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**

**(Plaintiff Hall)**

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

844. 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.

845. 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.

846. 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.

847. As a result of Defendant Maxner's extreme and outrageous conduct, Plaintiffs have sought professional medical treatment.

848. 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**

**(Plaintiff Hall)**

849. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

850. 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)**

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

852. 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.

853. 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.

854. 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.

855. As a result of Defendant Carlton's extreme and outrageous conduct, Plaintiff Louise has sought professional medical treatment.

856. 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)**

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

858. 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 and Debeczeny)**

859. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

860. 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.

861. 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.

862. 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.

863. As a result of Defendant Dunigan's extreme and outrageous conduct, Plaintiffs have sought professional medical treatment.

864. 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 and Debeczeny)**

865. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

866. 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**

867. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

868. 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 UNCSEA, specifically including the rights and safety of Plaintiffs.

869. As a result of this willful, wanton and/or reckless conduct and misconduct by the Defendants, the Defendants are liable to Plaintiffs for punitive damages.

870. 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 UNCSEA**

**VIOLATION OF ARTICLE I, SECTION 15 AND ARTICLE IX, SECTION 2**  
**OF THE NORTH CAROLINA CONSTITUTION**

871. Plaintiffs refer to and hereby reallege and incorporate by reference all previous paragraphs of this Complaint.

872. 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).

873. Article I, Section 15 of the North Carolina Constitution placed an affirmative duty on Defendant UNCSEA "to guard and maintain that right." N.C. Const. art. I, § 15.

874. Taken together, Article I, Section 15 and Article IX, Section 2 of the North Carolina Constitution required that Defendant UNCSEA 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.

875. Due to its willful and deliberate indifference to the sexual intimidation, abuse, exploitation and harassment being perpetrated upon Plaintiffs and others, Defendant UNCSEA failed in its constitutional duty and obligation to provide a safe environment where Plaintiffs could learn and grow.

876. Due to its willful and deliberate indifference to the sexual intimidation, abuse, exploitation and harassment being perpetrated upon Plaintiffs and others, Defendant UNCSEA 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.

877. Defendant UNCSEA 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.

878. The named Plaintiffs were all students whose care, safety and supervision was entrusted to and an obligation of Defendant UNCSEA.

879. 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 UNCOSA's deliberate indifference to that egregious, outrageous and harmful conduct.

880. 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 UNCOSA.

881. Defendant UNCOSA had substantial control over the abusive and exploitative sexual conduct.

882. The abusive and exploitative sexual conduct was severe and discriminatory. Defendant UNCOSA, by and through its employees, agents and administrators had actual knowledge of the abusive and exploitative sexual conduct.

883. Defendant UNCOSA exhibited willful and deliberate indifference to the sexually abusive, exploitative and harassing conduct.

884. 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 UNCOSA permitted and condoned and the then-minor Plaintiffs each suffered substantially adverse educational consequences.

885. Despite the actual knowledge of the pervasive sexual abuse and exploitation of its minor students, Defendant UNCOSA exhibited deliberate indifference to the abusive and exploitative conduct and the horrible impact it would have on the minor students forced to endure it.

886. 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**

887. 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.

888. 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.

889. For decades, the administrators, faculty and staff at UNCSA permitted, condoned, ignored, encouraged and/or participated in widespread sexual abuse and exploitation of the students attending the school and entrusted to their care.

890. During those same decades, the administrators, faculty and staff at UNCSA 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.

891. Instead of guarding and maintaining the right to the privilege of education as required under the North Carolina Constitution, the State, through UNCSEA, instead betrayed so many of the students attending the school and entrusted to its care.

892. 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 UNCSEA 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.

893. 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.

894. 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.

895. 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 UNCOSA would be subjecting those students to a culture that permitted and condoned immoral and amoral sexual abuse and exploitation.

896. For decades, UNCOSA 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, UNCOSA 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. UNCOSA 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.

897. Under North Carolina law, equitable estoppel may be invoked in a proper case to bar a defendant from relying upon the statute of limitations.

898. 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.

899. 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.

900. It was grossly unfair of UNCOSA and its administrators, faculty and staff to openly recruit and encourage students to attend UNCOSA when those administrators, faculty and staff knew of the immoral and/or amoral culture that permeated the school. UNCOSA 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 UNCSEA and its administrators, faculty and staff accountable.

901. UNCSEA and its administrators, faculty and staff betrayed so many innocent, naïve and vulnerable students who came to the school to pursue their dream. UNCSEA 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.

902. Much of the sexual abuse and exploitation that was permitted and condoned by UNCSEA through its administrators, faculty and staff constitutes criminal felonies under North Carolina law. UNCSEA 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.

903. For the foregoing reasons and based on the allegations herein, Defendants UNCSEA 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.

904. It would violate the most basic concepts of decency, fair play, justice and the golden rule to permit UNCSEA 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 29th day of November, 2021.

**LANIER LAW GROUP, P.A.**

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