

NORTH CAROLINA INDUSTRIAL COMMISSION
I.C. File No.

ELIZABETH WILSON)
) Plaintiff)
))
v.)
))
UNIVERSITY OF NORTH CAROLINA)
SCHOOL OF THE ARTS (*FKA* North)
Carolina School of the Arts) and THE)
UNIVERSITY OF NORTH CAROLINA)
) Defendants)

COMPLAINT

COPY FILED
SEP 29 2021
NCIC Clerk

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

INTRODUCTION

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

PARTIES AND JURISDICTION

2. Plaintiff Elizabeth Wilson (hereinafter “Elizabeth ” and/or “Plaintiff”) is a citizen and resident of Watauga County, North Carolina. Her mailing address is in care of Lisa Lanier, Lanier Law Group, 6518 Airport Center Drive, Greensboro, NC 27409.

3. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff was a minor student at the University of North Carolina School of the Arts and relied upon and was dependent upon the faculty, staff and administrators of the school to provide for her care, safety and supervision. The negligent conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts located at 1533 South Main Street, Winston-Salem, North Carolina 27127 and occurred during the years 1985-1988.

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

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

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

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

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

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

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

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

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

FACTUAL BACKGROUND

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

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

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

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

15. Despite the clear obligation to the boys and girls who chose to attend the school, some faculty, staff and the administrators of Defendant UNCSA instead allowed there to develop a culture of sexual abuse and exploitation of the young students in its care. Upon information

and belief, this dangerous culture of accepted sexual abuse and exploitation continued for two decades or more and negatively impacted potentially hundreds of students, including Plaintiff.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FACTS SPECIFIC TO PLAINTIFF ELIZABETH WILSON

32. Elizabeth Wilson was 14 years old in 1985 when she attended the summer program at UNCSA. Elizabeth, who loved dance, hoped to attend UNCSA for high school. She believed that attending UNCSA was her only pathway to achieving her dream of becoming a professional ballet dancer. The summer program was Elizabeth's opportunity to get to know and impress the faculty who would decide if she would be invited into this elite school. Like others, Elizabeth was elated when Richard Kuch took a special interest in her during the summer program. By the end of the summer, Kuch had convinced Elizabeth that she should apply to the modern dance program instead of ballet.

33. Elizabeth was invited to attend UNCSA's modern dance program and began as a sophomore, in the fall of 1985. She was excited to be able to learn from Richard Gain and Richard Kuch, both of whom were well-respected professional dancers. Elizabeth was one of

five (5) high school students accepted into the modern dance program that year, the rest being college freshmen.

34. In her first year at UNCSEA, Kuch started making sexual advances on Elizabeth when she took his technique class. While Elizabeth was performing a certain exercise that required her to stand with her feet spread wide apart, Kuch pressed his pelvis against her 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 during class and touch her body provocatively. While Elizabeth was doing floor exercises Kuch would squat and put his crotch in her face. He also would forcefully push his clasped hands between her legs into her crotch to “help” her jump higher. Kuch inappropriately touched Elizabeth on a near-daily basis in his technique class. She also witnessed classmates being touched in this manner by Kuch, Gain and Dianne Markham.

35. Richard Kuch also pressured Elizabeth 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 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.

36. Later, Kuch taught Elizabeth in his improvisation class. Once, while Elizabeth was performing during class, Kuch loudly demanded that Elizabeth make her movements “more sexual.” Further, he announced to the class that she obviously didn’t understand what a real sexual experience was and that she “needed to get fucked by a big, black man.” Kuch then

pointed to Boris, Elizabeth's classmate who was African American, and told him to "help" her. Kuch then forced the two students to dance together seductively in front of the entire class.

37. The humiliation was particularly extreme during the required semester of "bikini class," where all students were required to wear virtually nothing but bathing suits--bikinis and speedos, with a belt cinched tightly around their waists. The sole purpose was to sexually humiliate them.

38. During one particular bikini class, Kuch screamed at Elizabeth, demanding that she look at herself in the mirror to see how disgusting she was. Elizabeth still remembers his exact words: "Look in the mirror, goddamn it. You should be ashamed of what you see. You're fat and ugly and just filling a quota."

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

40. The remainder of her time at UNCSA Elizabeth felt isolated and alone. Kuch ignored her, and she felt abandoned and worthless. In 1988, Elizabeth 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 has struggled with suicidal ideation and depression, and she continues to take anti-depressants to help her manage her illness.

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

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

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

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

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

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

46. Defendant 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, specifically including Plaintiff. Defendant UNCSEA had a further duty and obligation to see that those policies and procedures were implemented, followed and enforced.

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

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

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

50. As a direct and proximate result of the above-described negligence of Defendant UNCSEA, Plaintiff has suffered and continues to suffer physical, mental and emotional injuries and has incurred and continues to incur medical and other expenses and the Plaintiff has incurred a loss of wages and income and suffered a loss of earning capacity causing her to continue to

incur lost earnings in the future and the inability to earn wages at her 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).

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

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

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

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

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

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

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

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

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

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

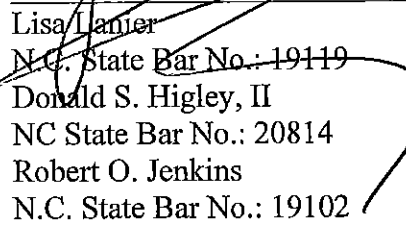
60. The acts and/or omissions of Defendant UNCSEA as alleged herein are imputed to Defendant UNC through the doctrine of agency and/or *respondeat superior*.

WHEREFORE, Plaintiff respectfully prays the Court as follows:

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

This the 29th day of September, 2021.

LANIER LAW GROUP, P.A.



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Appearing Pro Hac Vice – Motions Pending

Attorneys for Plaintiff

VERIFICATION

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

Elizabeth Wilson Date: 9-23-2021
Elizabeth Wilson
Claimant
Email: elwrenn@yahoo.com

Sworn to and subscribed before me,
this the 23 day of September, 2021.

Notary Public

Virginia C Moser Virginia C Moser
Printed Name

My Commission expires: 7/27/2022

