

PARTIES AND JURISDICTION

2. Plaintiff Heidi Rayher (hereinafter “Heidi” and/or “Plaintiff”) is a citizen and resident of Alameda County, California. Her mailing address is in care of Lanier Law Group, 6518 Airport Center Drive, Greensboro, NC 27409.

3. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff was a minor student at the University of North Carolina School of the Arts and relied upon and was dependent upon the faculty, staff and administrators of the school to provide for 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 1983 – 1987.

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

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

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

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

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

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

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

10. The employees and/or agents of Defendant UNCSEA 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 UNCSEA 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 UNCSEA offered middle school, high school and college age students specialized training in the performing and visual arts. When it first began operating, Defendant UNCSEA's middle and high school was the country's only state-supported boarding school for the arts.

13. From its beginning, Defendant UNCSEA actively recruited boys and girls as young as 12 years old to come live at Defendant UNCSEA 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 UNCSEA 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 UNCSEA 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 UNCOSA 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 UNCOSA -- 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 UNCOSA 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 UNCSCA 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 UNCSCA, 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 UNCSCA, 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 UNCSCA, 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 UNCSCA, 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 HEIDI RAYHER

32. Heidi Rayher's introduction to UNCSCA 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.

33. After the 1984 summer program Heidi auditioned to become a fulltime student at UNCSCA. It was a dream come true when she was accepted, and Heidi began her junior year with great hope. In addition to ballet classes, Heidi was required to take modern dance classes with

Gain and Kuch. By now she knew them by their nicknames, “Groin” and “Crotch” or the “Two Dicks.”

34. 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.

35. 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.

36. 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.

37. 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 increasingly disengaged from the program. She was not invited back for her sophomore year of college.

38. After leaving UNCSCA, Heidi gave up dance and her dream of becoming a professional career. She felt lost and alone, moved away, and waited tables. She also started smoking marijuana to help dull the pain of her experiences at UNCSCA. 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.

39. 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 UNCSCA. 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.

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

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

41. Defendant UNCSCA 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 UNCSCA.

42. When hiring and/or retaining and/or utilizing employees, agents and/or representatives, Defendant UNCSCA 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.

43. The Defendant UNCSEA 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.

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

45. 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.

46. 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.

47. 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.

48. 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 UNCOSA created a real and foreseeable risk that Plaintiff and other students would be sexually abused and/or exploited.

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

50. The acts and/or omissions of Defendant UNCOSA 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 UNCOSA and UNC

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

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

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

54. Defendant UNCOSA knew or should have known, and it was reasonably

foreseeable that, Defendant UNCSCA's conduct would cause the Plaintiff severe emotional distress.

55. Defendant UNCSCA knew of should have known and it was reasonably foreseeable that the failure of the employees, administrators and/or agents of Defendant UNCSCA 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.

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

57. As a proximate and foreseeable result of the negligence of Defendant UNCSCA 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.

58. As a direct and proximate result of the above-described negligence of Defendant UNCSCA, 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 his full potential all damages in an amount in excess of twenty-five thousand dollars (\$25,000.00).

59. The acts and/or omissions of Defendant UNCSCA 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, Heidi Rayher, 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.



Date: 9.23.21

Heidi Rayher.
Claimant
Email: heidi.rayher@gmail.com

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



Notary Public

EDERLYN R LUGUE

Printed Name

My Commission expires: 06/19/25

