

NORTH CAROLINA INDUSTRIAL COMMISSION
I.C. File No.

CHRISTOPHER ALLOWAYS-
RAMSEY, Individually and on behalf of)
all others similarly situated)
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

FILED
SEP 29 2021
NCIC Clerk

COPY

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

INTRODUCTION

1. Plaintiff Christopher Alloways-Ramsey brings this class action Complaint on behalf of himself individually and on behalf of all other current or former students at the University of North Carolina School of the Arts who were victims of sexual abuse and/or exploitation as minor students who were 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 years, the administrators at the University of North Carolina School of the Arts 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 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 and others similarly situated. 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 Christopher Allows-Ramsey (hereinafter “Chris” and/or “Plaintiff”) is a citizen and resident of Utah. His mailing address is in care of Lanier Law Group, 6518 Airport Center Drive, Greensboro, NC 27409.

3. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff was a minor student at the University of North Carolina School of the Arts and relied upon and was dependent upon the faculty, staff and administrators of the school to provide for his care, safety and supervision. The negligent conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts located at 1533 South Main Street, Winston-Salem, North Carolina 27127 and occurred during the years 1984 – 1986.

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 a constituent institution of the University of North Carolina system, with its principal place of business located in Winston-Salem, Forsyth County, North Carolina. UNCSA is a state institution and/or agency.

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 a state institution.

6. The NCIC has subject matter jurisdiction over Plaintiff's claims in that the claims are tort claims against a state institution that arose under the substantive law of North Carolina.

7. Defendant University of North Carolina (hereinafter "UNC" and/or collectively with Defendant UNCSCA 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 a state agency/institution.

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

10. The employees and/or agents of Defendant UNCOSA 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 UNCOSA 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 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.

13. From its beginning, Defendant UNCOSA actively recruited boys and girls as young as twelve (12) years old to come live at Defendant UNCOSA 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 duty and 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 with potentially hundreds of students being victims of sexual abuse and exploitation, including the named 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 or to stop this horrific conduct. 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 UNCSA was home of two faculty members who were openly notorious for their sexual abuse and exploitation – Richard Kuch (deceased) and Richard Gain.

19. Kuch and Gain made no secret of their efforts to groom boys as young as twelve (12) and thirteen (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 abuse and 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 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."

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 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 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 UNCSCA 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 the school could no longer teach male ballet technique or other dance curriculum for boys 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. Upon information and belief, if a male faculty member had sex with a minor student that resulted in the

young girl becoming pregnant the only help the school might offer would be to provide the young girl with information about getting an abortion.

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

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

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

31. Defendant UNCSEA, through its agents, employees and/or representatives, knew or should have known that it's 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 CHRISTOPHER ALLOWAYS-RAMSEY

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

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

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

35. 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.

36. 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.

37. 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 UNCSA in his senior year.

38. 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.

39. 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.

40. 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.

41. 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.

42. 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 Gain. During his junior and senior year, while in class, Kuch and 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 Gain.

CLASS ACTION ALLEGATIONS

43. Plaintiff brings this action pursuant to Rule 23 of the North Carolina Rules of Civil Procedure, on behalf of himself and all other current and former students at the University of North Carolina School of the Arts who were victims of sexual abuse and/or exploitation by members of the faculty, staff and/or administration at the University of North Carolina School of the Arts while minor students attending that school and as students who were entrusted to the purported oversight, care, safety and supervision of the faculty, staff and administration at the University of North Carolina School of the Arts.

44. The named and unnamed members of the class have an interest in the same issues of fact and law, and these issues predominate over issues affecting only individual class members.

45. The named Plaintiff and the unnamed class members have an actual controversy with Defendants UNCSEA and UNC.

46. The named Plaintiff and the unnamed class members have a genuine personal interest in the outcome of this litigation because they all suffered sexual abuse and exploitation as young students at UNCOSA due to the negligence of the administration in knowingly permitting such egregious conduct to continue for an extended period of time.

47. Because of the gross negligence of the UNCOSA administrators as alleged herein, the named Plaintiff and the similarly situated unnamed class members have suffered physical, mental, emotional and psychological damage and the named Plaintiff and the unnamed class members are each entitled to recover from UNCOSA and UNC pursuant to the North Carolina State Tort Claims Act.

48. The named Plaintiff will fairly and adequately represent the interest of all potential class members in that the named Plaintiff has a genuine, personal, substantial and direct interest in successfully pursuing this case and is situated similarly to the unnamed class members with respect to his claims against UNCOSA and UNC. The named Plaintiff is committed to prosecuting this action and has retained counsel competent and experienced in litigation involving claims of sexual abuse and exploitation. The named Plaintiff will adequately represent members of the class located outside of North Carolina.

49. There is no conflict of interest existing between the named Plaintiff and any potential class members as to the issues raised in this action.

50. There are over 1000 potential class members; therefore, the class is so numerous that it is impractical to bring them all before the Court except pursuant to a Rule 23 class action designation or certification.

51. The prosecution of separate actions by individual members of the Class would create the risk of inconsistent or varying adjudications with respect to individual members of the

Class which would, as a practical matter, be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests

52. For the reasons stated above, proceeding as a class action will provide a fair and efficient adjudication of this controversy without the need for a multiplicity of lawsuits. This matter should proceed as a class action.

53. UNCSA and UNC are not immune from this suit or the relief sought hereunder by any claim of sovereign/governmental immunity.

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

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

55. Defendant UNCSA had a duty to take reasonable steps to protect Plaintiff and others similarly situated from foreseeable harm when he/they was/were in its care, custody, control and under their supervision as students attending UNCSA.

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

57. The Defendant UNCSA had a duty and an obligation to supervise and take reasonable and necessary 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 and/or exploit students in their care and entrusted to them, including Plaintiff and others similarly situated.

58. The Defendant UNCSA had a duty and an obligation to take reasonable and necessary steps to intervene, stop and discipline 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 and/or exploit students in their care and entrusted to them when it knew or should have known that such sexual abuse and exploitation was occurring.

59. 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, abuse and/or exploitation with any student at the school, specifically including Plaintiff and others similarly situated. Defendant UNCSA had a further duty and obligation to see that such policies and procedures were implemented, followed and fully enforced.

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

61. Defendant UNCSA 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 from sexually abusing and/or exploiting the students entrusted to their care and supervision, including Plaintiff and others similarly situated.

62. 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 and others similarly situated.

63. 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 its 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 similarly situated would be sexually abused and/or exploited.

64. As a direct and proximate result of the above-described negligence of Defendant UNCSEA, Plaintiff and others similarly situated have suffered and continue to suffer physical, mental and emotional injuries and has incurred and/or continue to incur expenses that may include medical, loss of wages and income and/or a loss of earning capacity in an amount in excess of twenty-five thousand dollars (\$25,000.00).

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

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

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

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

68. These negligent acts or failures to act did, in fact, cause Plaintiff and others similarly situated severe emotional distress.

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

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

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

72. As a direct and proximate result of the above-described negligence of Defendant UNCSEA, Plaintiff and others similarly situated have suffered and continue to suffer physical, mental and emotional injuries and has incurred and/or continue to incur expenses that may include medical, loss of wages and income and/or a loss of earning capacity in an amount in excess of twenty-five thousand dollars (\$25,000.00).

73. 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 and each other person similarly situated each 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.

Lisa Lanier
N.C. State Bar No. 19119
Donald S. Higley, II
NC State Bar No. 20814
Robert O. Jenkins
N.C. State Bar No. 19102
6518 Airport Center Drive
Greensboro, NC 27409
Tel: 336-506-1041
Fax: 866-905-8741
llanier@lanierlawgroup.com
dhigley@lanierlawgroup.com
rjenkins@lanierlawgroup.com

For NCRCP 5 email service please use:
service@lanierlawgroup.com

Gloria R. Allred
CA Bar No. 65033
Nathan Goldberg
CA Bar No. 61292
Renee Mochkatel
CA Bar No. 106049

ALLRED, MAROKO & GOLDBERG

Wilshire Boulevard, Suite 1500

Los Angeles, CA 90048

Tel: 323-653-6530

Fax: 323-653-1660

gallred@amglaw.com

ngoldberg@amglaw.com

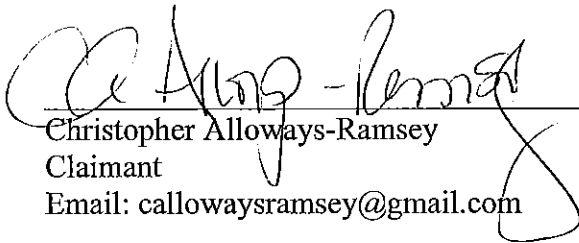
rmochkatel@amglaw.com

Appearing Pro Hac Vice – Motions Pending

Attorneys for Plaintiff

VERIFICATION

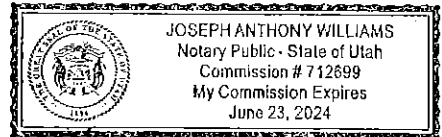
I, Christopher Alloways-Ramsey, have reviewed the allegations made in this Complaint, and to those allegations of which I have personal knowledge, I believe them to be true. As to those allegations of which I do not have personal knowledge, I rely on information and I believe them to be true.

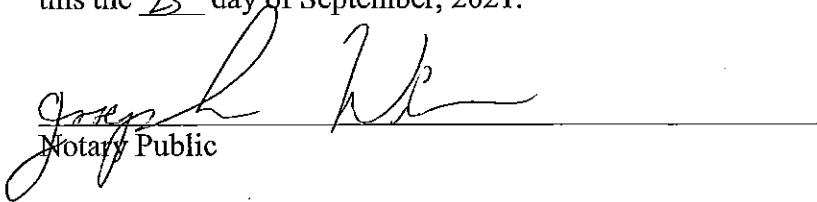


Christopher Alloways-Ramsey
Claimant
Email: callowaysramsey@gmail.com

Date: 9.25.2021

Sworn to and subscribed before me,
this the 25 day of September, 2021.





Notary Public

JOSEPH A. WILLIAMS
Printed Name

My Commission expires: JUNE 23, 2024