

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

13-CVS-008873

WAKE COUNTY

Jane Doe 192 as Attorney-in-Fact for )  
Natural Parent, under Power of Attorney, )

Plaintiff, )

v. )

NC Corporation of the President of The )  
Church of Jesus Christ of Latter-Day Saints; )  
NC Corporation of the Presiding Bishop of )  
The Church of Jesus Christ of Latter-Day )  
Saints; )

Matthew Harding, President of the Raleigh )  
Stake; )

Ken Carlile, present Bishop of the Raleigh )  
4<sup>th</sup> Ward; )

Bryan Cope, former Bishop of the Raleigh )  
4<sup>th</sup> Ward, )

Defendants. )  
\_\_\_\_\_ )

**FIRST AMENDED COMPLAINT**

THE PLAINTIFF, complaining of the Defendants, says and alleges:

1. Jane Doe 192 is a pseudonym which refers to a resident of Wake County who holds power of attorney for purposes of this litigation on behalf of the natural parent of children sexually assaulted in Wake County by a former member of the Church of Jesus Christ of Latter Days Saints. The natural parent is also a citizen and resident of Wake County, and the claim made is on her behalf. In this complaint a reference to the Plaintiff is a reference to the mother on whose behalf this complaint is brought as well as to the person holding power of attorney to prosecute this suit on the mother's behalf.

2. A pseudonym is used to protect the privacy of the Plaintiff's children. Those children were victims of sexual battery as a result of the conduct of the Defendants. The Plaintiff's identity, and the identity of her children, will be voluntarily disclosed to the Defendants upon their collective agreement to keep that identity out of the public record, or, if agreement is refused in writing, upon motion to the court for that approval.

3. The NC Corporation of the President of The Church of Jesus Christ of Latter-Day Saints is a foreign corporation incorporated in the state of Utah, is registered in North Carolina as a non-profit corporation, and has an agent in North Carolina designated to receive service of process. It is referred to in this Complaint as President Corp.

4. President Corp. does business in Wake County through operation of, among other things, the NC Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-Day Saints, referred to in this Complaint as Bishop Corp.

5. In addition to operating Bishop Corp, President Corp. also owns and operates a number of business concerns, including (1) Intellectual Reserve, (2) Polynesian Cultural Center, (3) Deseret Trust Company, (4) an education division which owns and operates Brigham Young University, Brigham Young University Provo, Brigham Young University Idaho, Brigham Young University Hawaii, and LDS Business College (5) Beneficial Life Insurance Company, and (6) Utah Property Management Associates.

6. The NC Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-Day Saints is a foreign corporation incorporated in the state of Utah, is registered in North Carolina as a non-profit corporation, and has an agent in North Carolina designated to receive

service of process. As noted above, in this Complaint it is referred to as Bishop Corp. It does business in Wake County through operation of, among other things, the Raleigh NC Stake of the North America Southeast Area of the Church of Jesus Christ of Latter-Day Saints, referred to in this Complaint as the Raleigh Stake.

7. The Raleigh 4<sup>th</sup> Ward is a subdivision of the Raleigh Stake. Each is a subdivision of Bishop Corp., which is itself a subdivision of President Corp. In that manner each of Bishop Corp. and President Corp. does business in Wake County, and is responsible for the operations of its agents, Defendants Harding, Carlile, and Cope.

8. In addition to operating the Raleigh Stake, Bishop Corp., also owns and operates a number of business concerns, including (1) Ensign Peak Advisors, (2) Deseret Management Corporation, which in turn owns and operates entities known as, among others (a) Deseret Digital Media, (b) Beneficial Financial Group, (c) Temple Square Hospitality, (d) Bonneville International Corporation, (e) Deseret Book Company, and (f) Deseret News Publishing Co., (3) Suburban Land Reserve, and (4) Farmland Reserve.

9. Upon information and belief, Bishop Corp. and/or President Corp. own and operate a high-end, 700,000 sq. ft. shopping mall, City Creek Center, in Salt Lake City, with over 16 million annual visits and 98% occupancy.

10. Matthew Harding is a citizen of North Carolina and a resident of Wake County. He is the current President of the Raleigh Stake. In this Complaint he is alleged to have acted in a grossly negligent manner. He is sued individually, as agent of Bishop Corp. and President Corp.

11. Ken Carlile is a citizen of North Carolina and a resident of Wake County. He is the present Bishop of the Raleigh 4<sup>th</sup> Ward within the Raleigh Stake. He held the position of Second Counselor to the prior Bishop, Bryan Cope. He is sued individually, as an agent of Bishop Corp. and President Corp., in his capacity as former Second Counselor. He is sued in his capacity as current Bishop of the Raleigh 4<sup>th</sup> Ward as a party necessary for complete relief. In this Complaint he is alleged to have acted in a grossly negligent manner as Second Counselor.

12. Bryan Cope is a citizen of North Carolina and a resident of Wake County. He is the past Bishop of the Raleigh 4<sup>th</sup> Ward within the Raleigh Stake. He was Bishop in 2008, when the events giving rise to this litigation began. He no longer presides as Bishop but retains the title of Bishop. He is sued individually, as an agent of Bishop Corp. and President Corp from his role as former Bishop of the Raleigh 4<sup>th</sup> Ward. In this Complaint he is alleged to have acted in a grossly negligent manner.

13. This complaint concerns actions and inactions by the Defendants within the course and scope of their roles within Wake County as agents for both President Corp. and Bishop Corp., which actions and inactions violated North Carolina law and resulted in the sexual abuse of the Plaintiff's children, the oldest of whom was born in 2003 and is presently nine years old. Plaintiff's other children who were molested were born in 2005 and 2007, and are presently eight and five years old. Upon information and belief, the abuse began at least as early as 2010.

14. The allegations of the Complaint do not involve religious belief, and in this complaint the Court is not called upon to involve itself in, or interpret, religious beliefs of the Church of Jesus Christ of Latter-Day Saints or any of the Defendants, but to assess their actions

and inactions against the requirements of North Carolina law, and to enjoin conduct which fails to comply with North Carolina law.

15. The Court has both subject matter jurisdiction and personal jurisdiction over the entities and individuals who are named as parties to this action.

### **Nature of Wrongdoing**

16. Bishop Corp. and President Corp. employ a hierarchical, or top-down, corporate structure.

17. Bishop Corp. and President Corp. require all stake presidents and bishops to work to ensure that the image of Bishop Corp. to the outside world is positive and free from scandal.

18. The Raleigh 4<sup>th</sup> Ward is a subdivision of the Raleigh Stake, which is a subdivision of the North America Southeast Area, which is wholly owned and operated by Bishop Corp., which is itself wholly owned and operated by President Corp.

19. In addition to their commercial activities, President Corp. and Bishop Corp. operate the Church of Jesus Christ of Latter-Day Saints, referred to in this Complaint as the Mormon Church.

20. The Mormon Church is worldwide, and is divided into geographic areas.

21. President Corp. and Bishop Corp. operate the Mormon Church through the First Presidency, which is the highest governing body of the Mormon Church.

22. Beneath the First Presidency in authority is the Quorum of the Twelve Apostles.

23. Beneath the Quorum of the Twelve Apostles in authority is the Presidency of the Seventy.

24. Beneath the Presidency of the Seventy in authority are the First and Second Quorums of the Seventy.

25. Beneath the First and Second Quorums of the Seventy in authority is the Presiding Bishopric.

26. The First Presidency has assigned the Presidency of the Seventy to preside over areas in the United States, including the North America Southeast Area.

27. The Mormon Church is divided into “stakes,” which usually consist of five to twelve congregations called “wards” or “branches.”

28. The Raleigh Stake is part of the operational area known as the North American Southeast Area of the Church of Jesus Christ of Latter-Day Saints. The Raleigh Stake is comprised of a number of different “wards” within a geographic boundary

29. A “ward” is typically a congregation with 300-600 members.

30. Each ward has a bishop who has authority over the members of the ward, and who operates in that role as an agent of Bishop Corp. and President Corp.

31. The Bishop is assisted by a First Counselor and Second Counselor, who are also agents of Bishop Corp. and President Corp.

32. A Bishop has no formal educational training as a clergyman, is not compensated by Bishop Corp. or President Corp., and performs his Mormon Church duties in addition to his vocation.

33. The Raleigh Stake includes the Raleigh 4<sup>th</sup> Ward. The Plaintiff and her family were at one time members assigned by Defendants to the Raleigh 4<sup>th</sup> Ward.

34. Each “stake” has a President who has authority over the member of the wards within the stake. The stake president is assisted by two counselors. The stake president and his counselors are all, each and severally, agents of both Defendant Bishop Corp. and Defendant President Corp.

35. A stake president is the presiding High Priest within a stake, but has no formal educational training as a clergyman, is not compensated by Bishop Corp. or President Corp., and performs his Mormon Church duties in addition to his vocation.

36. This case is about sexual battery against the Plaintiff’s children committed over an extended period of time by a person (“the pedophile”) known by the Defendants to have a sexual interest in children, known by the Defendants to have sexually battered one or more children before the Plaintiff’s children were battered, and known by the Defendants to have access to the Plaintiff’s children by virtue of living with them and being their parent.

37. Before she discovered that her children had been sexually battered by the pedophile, Plaintiff was married to the pedophile.

38. Upon information and belief, for a period of years before Plaintiff discovered that the pedophile had battered her children, the Defendants were aware that the pedophile had sexually battered one or more other children within the Raleigh Stake.

39. The Defendants obtained that information first from the pedophile himself, who reported himself in 2008 or 2009 to Bishop Cope. Beginning in or about 2008 or 2009 Defendant Cope informed others within the Raleigh Stake about the pedophile's activities. Later, Defendant Cope informed President Harding and Second Counselor Carlile of the nature of the

pedophile's conduct. The pedophile admitted to the Defendants that he had sexually battered a child who was not related to him and one of Plaintiff's children. The pedophile has corresponded with the Defendant Harding.

40. The Defendants knew, or should have known, that the pedophile had used his various Raleigh 4<sup>th</sup> Ward positions within the Raleigh Stake of the Mormon Church to groom children for sexual assault. Those positions included Ward Sunday school teacher for children ages 3-12, Ward Sunday School President, Ward Music Chairman, and Ward Missionary.

41. The Defendants knew, should have known, and did know that the pedophile, having admitted to sexually battering a young minor child and having admitted to a sexual attraction to young minor children, was dangerous to children in his presence and that it was necessary to prevent him from having access to young minor children.

42. After Bishop Cope was told that the pedophile had a sexual interest in children, Bishop Cope made numerous monthly home visits to the family and made no disclosure to the Plaintiff that a pedophile had access to her children.

43. After Bishop Cope was told that the pedophile had a sexual interest in children, Bishop Cope made numerous monthly home visits to the family in their home and never warned Plaintiff her children were at risk from a pedophile who had access to them.

44. After Bishop Cope was told that the pedophile had a sexual interest in children, Bishop Cope made numerous monthly home visits to the family in their home and failed to alert Plaintiff that her children needed protection from sexual battery because a person they knew to be a pedophile had access to her children.



45. After Bishop Cope was told that the pedophile had a sexual interest in children, Bishop Cope made numerous monthly home visits to the family in their home and never warned any member of the family that Plaintiff's children needed protection from a pedophile known to have access to those children.

46. After Bishop Cope was told that the pedophile had a sexual interest in children, Bishop Cope made numerous monthly home visits to the family in their home and never warned any member of the family that a known pedophile had access to her children.

47. In response to the admissions by the pedophile, the Defendants adjusted their own internal practices to protect the Defendants and certain children other than Plaintiff's children.

Among other things,

(A) The authorized activities of the known pedophile, including his activities with children, on behalf of Bishop Corp. were changed within the Raleigh Stake.

(B) The defendants adjusted their internal supervision to require priesthood members to walk the halls to monitor the known pedophile.

(C) Other leaders within the Raleigh Stake were informed about the known pedophile for the purpose of monitoring his activities.

48. At no time did any of the Defendants notify law enforcement that the pedophile had sexually battered any child, or had admitted to having sexually battered one or more children, or that children for whom the pedophile was a parent were at risk of being sexually battered by the pedophile.

49. At no time did any of the Defendants notify the Plaintiff, so she could protect her

own children from the pedophile. Defendants had ample opportunity to notify the Plaintiff of the pedophile's conduct. Defendants knew the Plaintiff's family well, knew where they lived, and had regular access to them through church activities.

50. At no time did the Defendants notify other parents within the Raleigh Stake, so other parents could protect their own children.

51. N.C. Stat. § 7B-301 states in its first sentence, with emphases added:

*Any person or institution* who has cause to suspect that any juvenile is abused, neglected, or dependent, as defined by G.S. 7B-101, or has died as the result of maltreatment, *shall report* the case of that juvenile to the director of the department of social services in the county where the juvenile resides or is found.

52. N.C. Stat. § 7B-101(1) defines an abused juvenile to include any juvenile whose parent “[i]nflicts . . . a serious physical injury by other than accidental means” or “[c]reates or allows to be created a substantial risk of serious physical injury . . . by other than accidental means.”

53. Therefore, sections 301 and 101 imposed on each Defendant an “affirmative duty” to report that there was cause to suspect sexual abuse of a child and cause to suspect that a parent had created a substantial risk of serious physical injury to a child.

54. Failure by each of the Defendants to report the admitted pedophile violated North Carolina law and breached a duty to the Plaintiff. This is especially true since the pedophile admitted to the Defendants that he sexually battered one of Plaintiff's children, as well as a child who was not related to him and was the same or similar age as Plaintiff's children. This knowledge constitutes cause to suspect sexual abuse or a substantial risk of such abuse.

55. For a period of years before Plaintiff discovered that the pedophile had sexually

battered her children, the Defendants were aware that the pedophile had ready access to the Plaintiff's children and that the pedophile had previously assaulted children.

56. Despite their knowing that the pedophile admitted his sexual interest in children, and his having acted on his sexual interest with one or more children within the Raleigh Stake, at no time in those three years did any of the Defendants warn the Plaintiff about the pedophile so she could protect her children from him.

57. Defendants have implemented and enforced policies that endanger children at risk from pedophiles.

58. Upon learning that the pedophile had sexually battered children, Defendants Cope, Carlile and Harding consulted with Mormon Church officials, themselves agents of Bishop Corp. and President Corp., on the telephone "hotline" maintained by Bishop Corp. and President Corp. for direction on how to respond. No Defendant was advised to report the pedophile to law enforcement. If they were so advised the advice was ignored, and nothing was done by those consulted to require that reporting or by those consulted for themselves to make that reporting. Nor was any Defendant advised to alert the Plaintiff to the danger presented by the pedophile to herself or her children. If they were so advised they ignored the advice.

59. The Defendants took no action to give Plaintiff or other parents notice of their knowledge of the pedophile's sexual attacks on children. The only child protection measures taken by Defendants were ineffective, including reassigning the pedophile from his teaching position within Bishop Corp. to other activities, monitoring the pedophile from a hallway, and notifying other leaders within the Stake.

60. Defendants Cope, Carlile and Harding were each grossly negligent and failed to act in good faith to the Plaintiff and her children.

61. Even after he was aware that his gross negligence had resulted in the sexual assault of the Plaintiff's children, Defendant Cope stated he had done "everything he was supposed to do." As all Defendants followed the same procedures and gross negligence path, they were all doing what they were "supposed to do" in failing to disclose the pedophile's misconduct.

62. After the Plaintiff's children were abused, Stake President Harding acknowledged the extreme pain inflicted on Plaintiff and her children and apologized to the Plaintiff for not doing enough to protect her children, but told her to "forgive and forget." He told her that his "only hope of [the pain going away] is to encourage you to move forward or press forward in Christ and to avoid dwelling in the past."

63. Defendant Harding feared Plaintiff was no longer influenced by the Bishop Corp. actions of the Raleigh Stake of the Mormon Church and further stated, "I feel you are drifting away + I want to invite you back."

64. The Plaintiff reported to the authorities that her children were sexually battered, and the pedophile was charged and convicted of sexual battery of one of the Plaintiff's children (four counts of indecent liberties with that child) and of another child (two counts of indecent liberties with another child).

65. The nature of the sexual abuse as to the oldest child was penile on vaginal contact, both inside and outside of the oldest child's clothing.

66. The Plaintiff has cause to believe that the pedophile sexually battered three of her four children.

67. In August 2011, Stake President Harding, concerned that the Plaintiff might insist on accountability among Defendants, met with the Plaintiff and threatened her by saying that he would report her for abusing her children so as to try to prevent her from making the Defendants accountable for the pedophile's sexual battery of her child.

68. In making that threat to the Plaintiff, Defendant Harding stated he had a "legal obligation to report child abuse," even though at no time did Harding report the pedophile's known sexual abuse of multiple children.

69. The actions of Harding, Carlile, and Cope are part of the long history of Mormon Church activity within Bishop Corp. and President Corp. of failing to report to civil authorities known child abuse, and of creating the conditions for pedophiles to abuse numerous children. Each Defendant failed to take action to ensure that known child abuse would be reported in the future, or to adequately protect children, and each Defendant will do so only if a court order compels the Defendant to do so.

70. Defendants have ignored the problem of known child abuse so as to protect the considerable finances of each of President Corp. and Bishop Corp., so as to maintain secrecy about the sexual abuse of children known to occur within Bishop Corp. and President Corp., to protect the image of both the Bishop Corp. and President Corp. to the outside world, and so victims of sexual abuse will not seek to hold the Defendants accountable for their action and inaction under North Carolina and federal law.

71. Defendants have a long history of endangering children known to be at risk for sexual abuse. There are hundreds of instances where the Defendants Bishop Corp. and President Corp. failed to report known child abuse. Policies to require reporting to civil authorities, to the extent they exist, are not followed. Abuse is, as in this instance, concealed despite the plain provisions of state law, which require reporting.

72. The Defendants will continue their refusal to report childhood sexual abuse unless the Defendants are enjoined from doing so.

73. The Defendants will continue to take actions that put children at risk of known pedophiles unless the Defendants are enjoined from doing so.

74. Unless enjoined from doing so, the Defendants will continue to conceal from parents the dangers to which parents and their children are unwittingly exposed from participating in activities associated with President Corp. and Bishop Corp.

75. Sexual contact between the pedophile and the Plaintiff's children was unwanted and constituted battery.

76. No child younger than the age of consent can consent to sexual contact. None of the Plaintiff's children consented to sexual contact with the pedophile. Each of her children was much younger than the age of consent at the time the child was sexually abused by the pedophile known to the Defendants.

77. Defendants routinely met with the pedophile and negligently supervised the pedophile after each of them was aware of his sexual interest in children. Defendants Cope, Carlile and Harding were grossly negligent in doing so.

78. As a result of the Defendants' conduct, the Plaintiff's children were sexually assaulted.

79. Defendants negligently investigated information regarding the pedophile, and failed to warn the Plaintiff so she could protect her children.

80. Defendants knew Plaintiff and her children, because they were active members of the Bishop Corp. within the Raleigh Stake and the Raleigh 4<sup>th</sup> Ward at the time of the events described in this Complaint.

81. As leaders of the Raleigh 4<sup>th</sup> Ward, Defendants and their agents had a special relationship with Plaintiff and her minor children, having invited them and welcomed them onto their premises.

82. The special relationship between Defendants and Plaintiff and her minor children required Defendants to take affirmative steps to protect Plaintiff and her minor children from known dangers and to warn her of hidden dangers.

83. Defendants knew the pedophile, because he was a member of the Bishop Corp. within the Raleigh Stake and the Raleigh 4<sup>th</sup> Ward.

84. It was reasonably foreseeable to each Defendant that the known pedophile had, and continues to have, a sexual interest in children and that he posed a danger to the Plaintiff's children.

85. Defendants each knew, or should have known, that each of them needed to protect children from the known pedophile by supervising the pedophile's conduct both within the Raleigh 4<sup>th</sup> Ward and outside the Raleigh 4<sup>th</sup> Ward. Defendants had the authority and ability to

do so.

86. Defendants each knew, or should have known, that each needed to report the pedophile to law enforcement.

87. Defendants each knew, or should have known, that the pedophile had ready access to the Plaintiff's children.

88. Defendants each knew, or should have known, that each needed to warn the Plaintiff of the danger the pedophile presented to the Plaintiff's children.

89. Defendants had the ability to prevent the pedophile from sexually battering Plaintiff's children by informing Plaintiff of the pedophile's abusive behavior toward other children, and of his abusive tendencies, of which Defendants were fully aware.

90. Defendants had a duty to safeguard Plaintiff and her minor children from the criminal acts of the pedophile, as they were well aware of his criminal and dangerous tendencies.

91. Defendant Cope was grossly negligent in failing to properly supervise the pedophile, report the pedophile, or warn the Plaintiff about the pedophile. Cope acted in reckless disregard of the rights of the Plaintiff and her children.

92. Defendant Harding was grossly negligent in failing to properly supervise the pedophile, report the pedophile, or warn the Plaintiff about the pedophile, and acted in reckless disregard of the rights of the Plaintiff and her children.

93. Defendant Harding acted recklessly and with malice in attempting to threaten the Plaintiff so as to dissuade her from reporting the sexual assault of her children and attempting to hold the Defendants accountable for their actions and inactions which led to the harm of her



children.

94. As a result of the sexual assault on the Plaintiff's children, both the Plaintiff and her children have sustained permanent injury.

95. Unless enjoined, Defendants Carlile and Harding will continue the grossly negligent practices of Bishop Corp. and President Corp.

96. Defendants each owed an affirmative duty to the Plaintiff to warn her about the known danger the pedophile posed to the Plaintiff's children.

97. Defendants each breached that duty to warn the Plaintiff about the known danger the pedophile presented to the Plaintiff's children.

98. The pedophile was a member of the Raleigh Stake and the Raleigh 4<sup>th</sup> Ward, subject to the authority of the Defendants both within and without the Raleigh Stake and the Raleigh 4<sup>th</sup> Ward.

99. Defendants owed a duty to warn the Plaintiff from multiple, independent sources. First, because that duty is inherent in operating an organization which purports to act in the best interest of the Plaintiff. Second, because that duty is inherent in operating an organization which purports to act in the best interest of the Plaintiff's children. Third, because that duty is imposed on each of the Defendants by N.C. Stat. § 7B-301, which requires any person or institution to report if there exists cause to suspect any juvenile is at serious risk of harm.

100. Each Defendant knew, or should have known, the name and address of the Plaintiff's children who were at risk; the name and address of the Plaintiff; the names and ages of other children also exposed to the risk of sexual battery posed by the known pedophile, yet no

Defendant made any report to law enforcement about the known pedophile.

101. President Corp. failed to adequately oversee the behavior of its agents, which included the agents of Bishop Corp., which President Corp. owns, including specifically the Defendants Cope, Carlile and Harding.

102. Bishop Corp. failed to adequately oversee the behavior of its agents, which included the agents of Raleigh Stake and Raleigh 4<sup>th</sup> Ward, which Bishop Corp. owns, including specifically the Defendants Cope, Carlile and Harding.

103. Defendants Cope, Carlile and Harding failed to adequately oversee the behavior of the known pedophile, and each Defendant performed his duties in a grossly negligent manner. Harding then acted with malice in attempting to threaten the Plaintiff and to intimidate her from reporting and otherwise seeking to hold the Defendants accountable.

104. No Defendant took effective steps to impede the known pedophile from acting on his sexual attraction to children, and from sexually battering the Plaintiff's children.

105. The Plaintiff reasonably relied on the Defendants to act in a responsible manner to protect her children, or to enable her to protect her children. Until 2011, the Plaintiff was unaware that the Defendants President Corp. and Bishop Corp. had a long history of failing to report child abuse.

106. As a result of Defendants' failure to adequately act, the Plaintiff's children were sexually battered and the Plaintiff has suffered her own injuries related to her children having been sexually battered.

107. Plaintiff learned no earlier than June 29, 2010, that Defendants had concealed

from her and had failed to inform her of the pedophile's conduct in sexually assaulting minor children.

108. As soon as Plaintiff learned that the pedophile had sexually assaulted children, she blocked him from having any further access to her children.

109. Had the Defendants taken appropriate steps to protect the Plaintiff's children or to warn the Plaintiff, the Plaintiff's children would not have been sexually abused and the Plaintiff would not have been injured from her children having been sexually abused.

110. Defendants instead provided the known pedophile secrecy in which to continue to exercise his known pedophilia. That secrecy was what the known pedophile needed to batter the Plaintiff's children. Each Defendant failed to warn the Plaintiff about the known pedophile so as to enable her to protect her children. After they learned of the pedophile's sexual attraction to children, each Defendant, by failing to report or take effective action, created the conditions that enabled the pedophile to groom and sexually assault more children.

111. As a proximate result of the actions and inactions by each of the Defendants, the Plaintiff was harmed. The Plaintiff is entitled to actual and punitive damages in an amount in excess of \$10,000.00, to be established by the finder of fact.

### **First Claim for Relief: Negligence**

112. Allegations above are incorporated into this cause of action as if fully stated herein.

113. Plaintiff's children were sexually battered because the Defendants each failed to

protect her children from the dangers each Defendant knew were presented to each of the Plaintiff's children and the Plaintiff by the access the known pedophile had to her children.

114. The known pedophile would not have had access to the Plaintiff's children had the Defendants not each been negligent, reckless, willful and wanton in (a) handling the information they each held, but did not share, about the known pedophile's sexual interest in children, and (b) in investigating the known pedophile and his sexual interest in children. Defendants Cope, Carlile and Harding were each grossly negligent in doing so.

115. Prior to the Plaintiff's children being battered, Defendants each had information that the known pedophile had a sexual interest in children and had sexually battered one or more other children within the Raleigh Stake. Each Defendant was negligent in supervising the known pedophile, failed to inform the Plaintiff that the individual was known by each of them to be a pedophile, posed a danger to the Plaintiff's children and the Plaintiff, and each Defendant operated as if there was no duty to protect the Plaintiff's children or the Plaintiff.

116. As a result of her children being subjected to unwanted sexual assault, the Plaintiff's children suffered damage, will be exposed to increased risks of future harm, and those problems have impeded and burdened the relationship between the Plaintiff and each of her sexually battered children, caused the Plaintiff to incur expenses in caring for her children, will likely cause future expense in caring for her children, and resulted in a loss of services of each of her children.

117. As a proximate result of the negligent actions and inactions by each of the Defendants, and the grossly negligent and reckless conduct of Defendants Cope, Carlile and

Harding, the Plaintiff was harmed, and is entitled to actual and punitive damages in an amount in excess of \$10,000.00 to be established by the finder of fact.

### **Second Claim for Relief: Breach of Fiduciary Duty**

118. Allegations above are incorporated into this case of action as if fully stated herein.

119. Defendants each owed the Plaintiff a fiduciary duty.

120. Defendants each owed that duty because the Plaintiff is (a) a parent within reasonable scope of persons who would rely on the Defendants' judgment to make decisions about supervision and the safety of children from persons known by the Defendants to have a sexual interest in children, and (b) because each Defendant had access to, and right of access to, information superior (compared to the Plaintiff's information) about the pedophile's demonstrated sexual interest in children and (c) the danger the known pedophile posed to the Plaintiff's children and the Plaintiff from the access he had to the Plaintiff's children and from the inappropriate sexual contact with children the known pedophile had demonstrated. The Defendants each chose not to disclose to the Plaintiff any of that information before her children were sexually battered by the known pedophile.

121. The Defendants each breached their respective fiduciary duties to the Plaintiff by failing to restrict the known pedophile's access to her children, and by failing to inform the Plaintiff of the known pedophile's inappropriate sexual interest in children so she could restrict his access to her children.

122. Each of those breaches has caused damage to the Plaintiff.

123. As a proximate result of the actions and inactions by the defendants, the Plaintiff

was harmed, and is entitled to actual and punitive damages in an amount in excess of \$10,000.00 to be established by the finder of fact.

### **Third Claim for Relief: Loss of A Child's Services**

124. Allegations above are incorporated into this cause of action as if fully stated herein.

125. As a direct and proximate result of the sexual battery by the known pedophile, the Plaintiff and her children were each affected. The Plaintiff's children required intervention by one or more mental health professionals, law enforcement, medical services and the courts to protect her and her children from the danger the Defendants might have enabled the Plaintiff and her children to avoid.

126. The practices of the Defendants make affiliation with the Mormon Church dangerous for children and parents, and both President Corp and Bishop Corp. will continue to be dangerous to children and parents unless enjoined by the court.

127. The Plaintiff is also now at risk of future harm because her children are susceptible to an increased risk of future harm for long-term mental and physical health complications, and likely have physical changes in how each child will physically react to stress. Those physical changes will leave her children more susceptible to stress related injuries and further hamper the Plaintiff in the future and her interactions with each of her sexually battered children. These long-term complications for her children create damage to the Plaintiff and further burden the relationship between the Plaintiff and her children.

128. Defendants' actions and inactions which resulted in the damage to the Plaintiff

and her children, created difficulty and new responsibilities for the Plaintiff as to her children, will create future harms to that parent and child relationship, and has resulted in a loss of services of her children. The sexual battery to her children will continue to affect the parent-child relationship in negative ways.

129. Knowing one's children have been subjected to sexually inappropriate conduct by an adult creates an injury to the parent and a loss of each affected child's services.

130. Defendants are liable for the harmful effects existing between the Plaintiff and her children which derives from the conduct of the Defendants as set forth above.

131. As a proximate result of the actions and inactions by each of the Defendants, the Plaintiff was harmed, and is entitled to actual and punitive damages in an amount in excess of \$10,000.00 to be established by the finder of fact.

#### **Fourth Claim for Relief: Private Nuisance**

132. Allegations above are incorporated into this cause of action as if fully stated herein.

133. The Defendants were each aware that the pedophile had been both accused of, and had admitted to, sexual assault of a child other than the Plaintiff's children. He was a known pedophile.

134. The Defendants were each aware that the known pedophile had access to the Plaintiff's children.

135. Despite that knowledge, the Defendants failed to inform the Plaintiff about the known pedophile, and failed to inform her of the danger the known pedophile posed to the

Plaintiff's children and to her. The Defendants elected to expose the Plaintiff's children to the risk of harm represented by a known pedophile having access to the Plaintiff's children without warning the Plaintiff.

136. Before the Plaintiff's children were sexually battered, the Defendants alone were aware of the known pedophile. At the time the Plaintiff's children were injured by the person the Defendants alone knew was a pedophile, the Defendants knew, or should have known, that it constituted a private nuisance to expose the Plaintiff's children to the known pedophile and to do so without disclosing his known pedophilia.

137. The Defendants each failed to take reasonable precautions to control the attendant risks of exposing an unwitting child to a person known to be a pedophile, and were negligent and grossly negligent in doing so.

138. The failures by the Defendants proximately caused the sexual battery to the Plaintiff's children, which caused the injury to the Plaintiff as well as to each of her affected children.

139. Defendants were each, as alleged above, negligent and reckless, and each is responsible for having created an unintentional nuisance by his negligent and reckless conduct. The Defendants Cope, Carlile and Harding were each grossly negligent.

140. Permitting a known pedophile to operate secretly around children created a private nuisance. Each Defendant is liable to the Plaintiff for her injuries for having created, and then having maintained, a private nuisance of permitting the known pedophile to have unwitting access to the Plaintiff's children.



141. Warnings are required before permitting a known pedophile to have access to children. No reasonably prudent person could permit a known pedophile to have access to an unwitting child. Extraordinary protective measures are needed when a known pedophile is permitted to be around children. None of those measures was taken by the Defendants.

142. Each Defendant failed to exercise reasonable care under the circumstances when each failed to provide to the Plaintiff notice or warning about the known pedophile.

143. The Plaintiff is entitled to actual and punitive damages from each of the Defendants for their respective role in secretly exposing her unwitting child to a known pedophile by giving no warning to the Plaintiff about the known pedophile. The Defendants each created a danger to the Plaintiff and her children by independent acts of negligence of each Defendant, which constituted gross negligence by each of Defendants Cope, Carlile and Harding.

144. The Defendants are each liable for their negligent conduct in creating a private nuisance and exposing the Plaintiff's children to that private nuisance without warning, causing damage to the Plaintiff and entitling her to actual and punitive damages in excess of \$10,000, to be determined by the finder of fact.

### **Fifth Claim for Relief: Negligent Infliction of Emotional Distress**

145. Allegations above are incorporated into this cause of action as if fully stated herein.

146. Defendants had a duty to exercise ordinary care in their dealings with Plaintiff and had a duty to warn Plaintiff of foreseeable danger.

147. It was reasonably foreseeable to Defendants that their conduct described above

breached their duty to Plaintiff and that their conduct would cause severe emotional distress to Plaintiff.

148. The conduct of Defendants described above did in fact cause severe emotional distress to plaintiff.

149. Defendant NC Corporation of the President of The Church of Jesus Christ of Latter-Day Saints and Defendant NC Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-Day Saints are liable for the actions of Defendants Matthew Harding, Ken Carlile, and Bryan Cope under the doctrine of respondeat superior.

150. As a direct and proximate result of the negligent infliction of emotional distress by Defendants, Plaintiff was harmed, and is entitled to actual and punitive damages in an amount in excess of \$10,000.00 to be established by the finder of fact.

### **Sixth Claim for Relief: Strict Liability**

151. Allegations above, other than those of negligence and gross negligence, are incorporated into this cause of action as if fully stated herein. This cause of action assumes the Defendants will each deny he or it was negligent in any manner.

152. The Defendants were each aware that the pedophile had been both accused of, and had admitted to, sexual assault of a child other than the Plaintiff's children. He was a known pedophile.

153. The Defendants were each aware that the known pedophile had access to the Plaintiff's children.

154. Despite that knowledge, the Defendants failed to inform the Plaintiff about the

known pedophile, and failed to inform her of the danger the known pedophile posed to the Plaintiff's children and to her. The Defendants elected to expose the Plaintiff's children to the risk of harm represented by a known pedophile having access to the Plaintiff's children without warning the Plaintiff.

155. Enabling a known pedophile to have access to unwitting children is ultra-hazardous to both those children and the caretakers of those children.

156. It is ultra-hazardous to give no warning when exposing a child to a known pedophile. It is ultra-hazardous to fail to warn other children, or their caretakers, when a known pedophile has access to any child. Regardless of the degree of care taken in doing so, there is no safe manner of exposing an unwitting child to a known pedophile, and doing so is an "ultra-hazardous" activity.

157. Strict liability is imposed in North Carolina damage from any ultra-hazardous activity.

158. Before the Plaintiff's children were sexually battered, the Defendants alone were aware of the known pedophile. At the time the Plaintiff's children were injured by the person the Defendants alone knew was a pedophile, the Defendants knew, or should have known, that it was ultra-hazardous to expose the Plaintiff's children to the known pedophile and to enable that exposure without disclosing his known pedophilia.

159. The Defendants each failed to take reasonable precautions to control the attendant risks known to be involved in exposing an unwitting child to a person known to be a pedophile.

160. The failure by the Defendants proximately caused the sexual battery to the

Plaintiff's children, which caused the injury to the Plaintiff as well as to each of her affected children. Even if the Defendants had not been negligent, or grossly negligent, in failing to warn, or in failing to report, each Defendant is properly liable under strict liability for the injuries to the Plaintiff, and for punitive damages for the conduct of the Defendants in creating the circumstances which harmed the Plaintiff's children and thus harmed the Plaintiff.

161. Regardless of the degree of care used when enabling a known pedophile to have access to unwitting children, the Defendants are liable for the harm caused by the ultra-hazardous activity.

162. Warnings are required before permitting a known pedophile to have access to children. No reasonably prudent person could permit a known pedophile to have unwitting access to a child. Extraordinary protective measures are needed when a known pedophile is permitted to be around children. None of those measures was taken by the Defendants, but regardless of the care they exercised, the Defendants are each strictly liable for enabling the known pedophile to have access to the Plaintiff's children.

163. Defendants should be strictly liable to the Plaintiff, and for actual and punitive damages, for secretly exposing her child to a known pedophile by giving her no warning about the pedophile. The risk of serious harm of secretly exposing a child to a known pedophile cannot be eliminated with any reasonable degree of care. There is a recognizable and substantial danger inherent in permitting a pedophile access to an unwitting child, as distinguished from a danger collaterally created by independent negligence of a Defendant. No matter how much care is taken, permitting a known pedophile to sexually abuse an unwitting child will injure the child,

and, in this instance, the Plaintiff, because her children were sexually battered. Injurious consequences arise any time a child is sexually abused, and arose for the Plaintiff when her children were sexually abused.

164. When the Defendants elected to expose the Plaintiff's unwitting children to a known pedophile, the Defendants each assumed liability for any damages proximately resulting, to the Plaintiff as well as to her children, from that secret exposure. Defendants are liable to the Plaintiff for sums in excess of \$10,000, and the Plaintiff is entitled to actual and punitive damages from each Defendant in amounts to be determined by the finder of fact.

### **Seventh Claim for Relief: Reimbursement of Necessary Expenses**

165. Allegations above are incorporated into this cause of action as if fully stated herein.

166. As a result of the acts and omissions of Defendants described herein, Plaintiff suffered injury and damages, and is entitled to recover all prior, present, and future medical expenses related to the substantial injuries caused by Defendants, as well as all lost wages related to the substantial injuries caused by Defendants, in an amount in excess of \$10,000.00 to be established by the finder of fact.

### **Eighth Claim for Relief: Punitive Damages**

167. Allegations above are incorporated into this cause of action as if fully stated herein.

168. Pursuant to Chapter 1D of the North Carolina General Statutes, the conduct of Defendants involved fraud and malice, and was willful, wanton, oppressive, reckless, and in

callous disregard for the rights and safety of others, particularly the Plaintiff. As a result of this conduct, the Defendants are liable to the Plaintiff for punitive damages. The aggravating factors underlying Plaintiff's claim for punitive damages will be established by clear and convincing evidence at trial.

169. There is a need to punish Defendants for their egregiously wrongful acts described above and to deter them and others from committing similar wrongful acts. Plaintiff is therefore entitled to recover such punitive damages as may be awarded which bear a rational relationship to the sum reasonably needed to punish Defendants or to deter them and others from committing similar wrongful acts in the future.

170. As a result of actions willful, wanton, oppressive, reckless, and in callous disregard for the rights and safety of others, particularly the Plaintiff, the Defendants are liable to the Plaintiff for punitive damages in an amount in excess of \$10,000.00.

### **Prayer for Relief**

WHEREFORE, Plaintiff prays for the following relief:

171. That this matter be tried by a jury;

172. That Plaintiff be awarded judgment against Defendants, jointly and severally, and against their successors and assigns, in an amount in excess of \$10,000.00 for each of the various causes of action set forth above

173. That Plaintiff be awarded punitive damages in an amount to be determined by the jury;

174. That the Court impose injunctive relief to prohibit the President Corp, the Bishop

Corp, and any individual associated with any of the world-wide operations of the Mormon Church (including individual Defendants) from failing in the future to report to civil authorities any act of sexual abuse of a child,

175. That the Court impose injunctive relief to prohibit the President Corp, the Bishop Corp, and any individual associated with any of the world-wide operations of the Mormon Church (including individual Defendants) from failing in the future to publicize to parents that parents and children are at risk of harm from the Defendants' practice of concealing known pedophiles;

176. That the Court impose injunctive relief to prohibit the President Corp, the Bishop Corp, and any individual associated with any of the world-wide operations of the Mormon Church (including individual Defendants) from failing to prohibit conditions that assist pedophiles and put children at risk;

177. That the costs of this action be taxed against Defendants;

178. That Plaintiff be awarded interest as provided by law; and

179. For such other and further relief as the Court and jury shall deem just and proper.

This the 6<sup>th</sup> day of August, 2013.

Respectfully submitted,

---

Respectfully submitted,



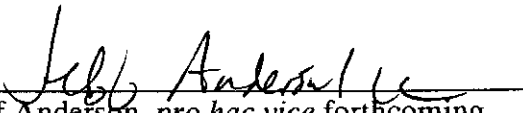
---

Leto Copeley  
State Bar No. 12624  
COPELEY JOHNSON & GRONINGER PLLC  
300 Blackwell Street, Suite 101  
Durham NC 27701  
Phone: 919-240-4054  
FAX: 888-412-0421  
[leto@cjglawfirm.com](mailto:leto@cjglawfirm.com)



---

Marci Hamilton, *pro hac vice* forthcoming  
36 Timber Knoll Drive  
Washington Crossing, PA 18977  
Phone: 215-353-8984



---

Jeff Anderson, *pro hac vice* forthcoming  
Gregg Meyers, *pro hac vice* forthcoming  
Jeff Anderson & Associates, P.A.  
366 Jackson Street, Suite 100  
St. Paul, MN 55101  
Phone: 652-227-9990

Attorneys for Plaintiff



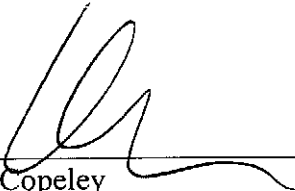
**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served upon all counsel of record, by depositing a copy of the same in an official depository of the US Mail, in a postage-paid envelope, properly addressed as follows:

Dan J. McLamb  
Barbara B. Weyher  
Yates, McLamb & Weyher, L.L.P.  
PO Box 2889  
Raleigh, NC 27602-2889

Raymond E. Owens  
5925 Carnegie Blvd., Ste. 530  
Charlotte, NC 28209

This the 6<sup>th</sup> day of August, 2013.

  
\_\_\_\_\_  
Leto Copeley