

Plaintiff, R.H., by and through her undersigned counsel of record, complains against Defendants, Warren S. Jeffs, Lyle Jeffs, Seth Jeffs, Wendell LeRoy Nielsen, the Fundamentalist Church of Jesus Christ of Latter Day Saints, the Corporation of the President of the Fundamentalist Church of Jesus Christ of Latter Day Saints, the Corporation of the Presiding Bishop of the Fundamentalist Church of Jesus Christ of Latter Day Saints (collectively the “FLDS Church”), and the United Effort Plan Trust (the “UEP Trust”) as follows:

PARTIES

1. Defendant Warren S. Jeffs is an individual currently incarcerated in the State of Texas, who was at all times material hereto a Trustee or the President of Defendant UEP Trust.

2. Defendant Warren S. Jeffs, at times material hereto, was also the President of the FLDS Church or was a counselor in the First Presidency of the FLDS Church, which emerged in the early 1990s out of a religious organization known as the “Work” or “Priesthood Work.”

3. Defendant Lyle Jeffs is an individual residing in the State of Utah, who was at all times material hereto a Trustee of Defendant UEP Trust and was also a Priesthood Leader in the FLDS Church, which emerged in the early 1990s out of a religious organization known as the “Work” or “Priesthood Work.”

4. Defendant Seth Jeffs is an individual residing in the State of Utah, who was at all times material hereto a Trustee of Defendant UEP Trust and was also a Priesthood Leader in the FLDS Church, which emerged in the early 1990s out of a religious organization known as the “Work” or “Priesthood Work.”

5. Defendant Wendell L. Nielsen is an individual residing in the State of Utah, who was at all times material hereto a Trustee of Defendant UEP Trust and a Priesthood Leader in

9. To maintain that practice, the UEP Trust was established under Utah law in 1942 by followers of The Priesthood Work.

10. Until the appointment of a Special Fiduciary on June 16, 2005, there was no practical distinction between the Priesthood Work, the FLDS Church, and the UEP Trust.

11. Prior to the UEP Trust's court-ordered reformation on June 16, 2005, the UEP Trust existed to preserve and advance the religious doctrines and goals of the FLDS Church or Priesthood Work.

12. Historically, the leader or president of the FLDS Church or Priesthood Work served simultaneously as the President of the Board of Trustees of the Trust and the UEP Trust was under the direction of the President of the FLDS Church or Priesthood Work and was known as the "Prophet."

13. Prior to the UEP Trust's reformation, the doctrines and laws of the FLDS Church or Priesthood Work, together with the revelations received by the President, were the guiding tenets by which the Trustees of the UEP Trust and the President of the Trust acted.

14. The Presidents of the UEP Trust and the Priesthood Work or FLDS Church have been, in succeeding order: Warren S. Jeffs, Rulon T. Jeffs (who died On September 8, 2002), Leroy S. Johnson (who died on November 25, 1986), and John Y. Barlow (who died on December 29, 1949).

15. As with President Warren S. Jeffs, Presidents Rulon T. Jeffs, Leroy S. Johnson, and John Y. Barlow all drew on their combined power and authority as head of the UEP Trust and the FLDS Church to govern the people and administer the affairs of the Priesthood Work.

16. Prior to reformation, the administration of the FLDS Church and UEP Trust was inseparable, as was the actual power and authority of each President over both.

17. One of the historical purposes o

23. Every president since the formation of the UEP Trust, namely Warren S. Jeffs, Presidents Rulon T. Jeffs, Leroy S. Johnson, and John Y. Barlow, have been involved with sexual relations with underage girls with the consent and approval of UEP Trust participants.

24. Although underage sex abuse was seldom openly announced and dis

girls, ages eight (8) to 14 years old, was initiated by Warren Jeffs, along with leadership of UEP Trust and the FLD Church, including the Twelve Apostles of the Church engaging in and witnessing the sexual relations between Warren S. Jeffs, Lyle Jeffs, Seth Jeffs, and Wendell LeRoy Nielsen, and other John Does viewing, watching, taping, participating in, and documenting these sexual encounters with underage girls.

30. Plaintiff was subject to this horrific religious doctrine and religious rituals.

31. This horrific religious doctrine and religious rituals as performed on Plaintiff consisted of Plaintiff, beginning at the age of 8, having a bag placed over her head, led out of her house by representatives of the Defendants, placed in a vehicle, and being driven to an unknown location.

32. Plaintiff was given a number by which she was known during these religious rituals and she was never called by name, but only by number.

33. Once reaching the unknown location, the bag would be taken off Plaintiff's head and she would be disrobed and was required to engage in vaginal, oral, and other types of sexual acts with Defendants Warren S. Jeffs, Lyle Jeffs, Seth Jeffs, Wendell LeRoy Nielsen, or Defendant Does, while Warren S. Jeffs, Lyle Jeffs, Seth Jeffs, Wendell LeRoy Nielsen, Defendant Does and others watched as part of the ritual.

34. Defendant Warren S. Jeffs told Plaintiff that if she told anyone of these encounters, God would destroy her and her family immediately. Defendants Lyle Jeffs, Seth

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35. Defendant Warren S. Jeffs told Plaintiff that if she was suffering pain from these encounters, it was because God was unhappy with her and that if cried during these encounters, God would punish her. Defendants Lyle Jeffs, Seth Jeffs, Wendell LeRoy Nielsen, Defendant Does and others, watched and observed these commands from Defendant Warren S. Jeffs.

36.

Church and UEP Trust Priesthood Leader's absolute power, control and authority would suffer the loss of their homes, families, and support through expulsion from the UEP Trust and FLDS Church.

47. As with previous leaders of the Priesthood Work, Warren S. Jeff

51. At all times material hereto, Defendants constituted a single enterprise or common concern and their wrongful conduct as alleged herein is imputed to one another for which Defendants are each liable to R.H. as alleged in the causes of action set forth below.

52. At all times material hereto, Defendants did not function separately, but rather, integrated their resources as a single enterprise or common concern to achieve a common purpose.

53. At all times material hereto, Warren S. Jeffs controlled both the FLDS Church and the UEP Trust and, under that control, all Defendants had unity of ownership, unity of management and unity of operations. The concept of corporate separateness should therefore be disregarded and may not be interposed to conceal the true relation that existed among Warren S. Jeffs, Lyle Jeffs, Seth Jeffs, Wendell LeRoy Nielsen, including others, and the FLDS Church and the UEP Trust.

54. The Defendants conspired with and supported each other to commit the wrongful conduct alleged above.

55. The nominally distinct Defendants should be treated as one. To achieve equity, each Defendant may be held jointly and severally liable for their group conduct and the wrongful conduct pursued as their general or common purpose.

FIRST CAUSE OF ACTION
Conspiracy to Commit Battery and Sexual Abuse of a Child

56. Plaintiff incorporates herein each and every allegation contained in this Complaint and alleges as follows.

57. The Defendants intentionally, knowingly or recklessly, solicited, instructed, commanded, encouraged, and/or intentionally committed battery and the sexual abuse of R.H., a child.

58. The Defendants conspired and combined together for the purpose of having sexual intercourse with R.H.

59. The object of the conspiracy was illegal and carried out as the result of a calculated plan between the Defendants.

60. The Defendants commanded and acted in committing battery and the sexual abuse of R.H.

61. There was a meeting of the minds among Warren S. Jeffs, Lyle Jeffs, Seth Jeffs, Wendell LeRoy Nielsen, Defendant Does and the FLDS Church, and the UEP Trust in regard to the object or course of action.

62. Warren S. Jeffs, Lyle Jeffs, Seth Jeffs, Wendell LeRoy Nielsen, Defendant Does and others, the FLDS Church, and the UEP Trust committed one or more unlawful and overt acts in furtherance of the conspiracy.

63. Unlawful and overt acts were committed by Warren S. Jeffs, Lyle Jeffs, Seth Jeffs, Wendell LeRoy Nielsen, Defendant Does and others, the FLDS Church, and the UEP Trust in Utah.

64. As a direct and proximate result of the foregoing wrongful conduct, R.H. has suffered severe pain, emotional distress and permanent injury, all to her general damage in a reasonable sum.

65. As a further direct and proximate result of the foregoing wrongful conduct, R.H. has incurred and will yet incur medical and therapy expenses, all to her special damage in a reasonable sum.

WHEREFORE, Plaintiff prays for relief as set forth below.

SECOND CAUSE OF ACTION
Infliction of Emotional Distress

66. Plaintiff incorporates herein each and every allegation contained in this Complaint and alleges as follows.

67. The conduct of Warren S. Jeffs, Lyle Jeffs, Seth Jeffs, Wendell LeRoy Nielsen, Defendant Does and others, the FLDS Church, and the UEP Trust, as alleged herein, was outrageous and intolerable in that it offended the generally accepted standards of decency and morality.

68. Warren S. Jeffs, Lyle Jeffs, Seth Jeffs, Wendell LeRoy Nielsen, Defendant Does and others, the FLDS Church, and the UEP Trust intentionally and negligently caused, or acted in reckless disregard of the likelihood of causing, R.H. severe emotional distress.

69. As a direct and proximate result of the foregoing wrongful conduct, R.H. has suffered severe pain, emotional distress and permanent injury, all to her general damage in a reasonable sum.

70. As a further direct and proximate result of the foregoing wrongful conduct, R.H. has incurred and will yet incur medical and therapy expenses, all to her special damage in a reasonable sum.

77. Warren S. Jeffs' wrongful conduct in having sexual relations with R.H. notwithstanding the Priesthood Work's history of conducting arranged marriages, including the arranged marriages of underage girls and Warren S. Jeffs' continuation of that practice, he was negligently hired, appointed, retained, and supervised by the UEP Trust.

78. The UEP Trust knew, or should have known, and ratified through its Trustees and Trust participants, that the UEP Trust facilitated and caused the wrongful conduct as alleged herein.

79. As a direct and proximate result of the foregoing wrongful conduct, R.H. has suffered severe pain, emotional distress and permanent injury, all to her general damage in a reasonable sum.

80. As a further direct and proximate result of the foregoing wrongful conduct, R.H. has incurred and will yet incur medical and therapy expenses, all to her special damage in a reasonable sum.

FIFTH CAUSE OF ACTION
Negligence

81. Plaintiff incorporates herein each and every allegation contained in this Complaint and alleges as follows.

82. The UEP Trust and the FLDS Church had a duty not to harm R.H.

83. The UEP Trust and the FLDS Church knew that, pursuant to the doctrines and goals of the FLDS Church, were expected to have children to multiply and replenish the earth and raise up good priesthood children.

84. Accordingly, the UEP Trust and the FLDS Church knew, or should have known that, pursuant to FLDS doctrines and goals, sexual intercourse was likely to take place between R.H. and Warren Jeffs.

85. As a direct and proximate result of the foregoing wrongful conduct, R.H. has suffered severe pain, emotional distress, and permanent injury, all to her general damage in a reasonable sum.

86. As a further direct and proximate result of the foregoing wrongful conduct, R.H. has incurred and will yet incur medical and therapy expenses, all to her special damage in a reasonable sum.

WHEREFORE, Plaintiff prays for relief as set forth below.

PUNITIVE DAMAGES

87. Plaintiff incorporates herein each and every allegation contained in this Complaint and alleges as follows.

88. The conduct of Warren S. Jeffs, Lyle Jeffs, Seth Jeffs, Wendell LeRoy Nielsen, Defendant Does and others, the FLDS Church, and the UEP Trust, including its Trustees, as alleged herein, was willful and malicious or intentional conduct, or conduct that manifests a knowing and reckless indifference toward, and a disregard of, the rights of R.H.

89. The wrongful acts alleged herein were committed, specifically authorized, and ratified by Warren S. Jeffs and/or other managerial agents, Priesthood Leaders of the Mormon Church, a

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands a trial by jury and prays for judgment against Defendants on all causes of action as follows:

1. For general damages in an amount to be proven at trial;
2. For special damages in an amount to be proven at trial;
3. For punitive damages in an amount to be awarded at trial;
4. For costs, interest and reasonable attorneys' fees incurred herein; and
5. For such other and further relief as the Court deems just and reasonable.

JURY DEMAND

Pursuant to Rule 38(b), Utah R. Civ. P., Plaintiff demands a trial by jury and tenders herewith the statutory jury fee.

DATED this 27th day of December, 2017.

DEWSNUP, KING, OLSEN, WOREL,
HAVES & MORTENSEN

/s/ Alan W. Mortensen

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