

RESPONDENT

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IN THE DISTRICT COURT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF WINDOW ROCK, ARIZONA

JC,)
)
Plaintiff,)
)
)
vs.)
)
THE CORPORATION OF THE PRESIDENT)
OF THE CHURCH OF JESUS CHRIST OF)
LATTER-DAY SAINTS, a Utah corporation;)
LDS FAMILY SERVICES, a Utah corporation,)
JACK B. HOLT; KATE HOLT,)
)
Defendants.)
)

Case No. WR-CV-207-17

FIRST COMPLAINT FOR
PERSONAL INJURY

Plaintiff, through counsel, and based upon information and belief available at the time of the filing of this Complaint, brings this Complaint under Navajo Law for damages resulting from injuries suffered by Plaintiff as a result of Defendants' negligence and other misconduct described herein.

I. JURISDICTION AND VENUE

1. At the time of the events described in this Complaint, all parties resided on and/or maintained continuous and systematic contacts with the Navajo Nation.
2. This Court has civil, personal and subject-matter jurisdiction over the Defendants based upon the consensual relationships between the Defendants and the Navajo Nation.

3. This Court has civil, personal and subject-matter jurisdiction over the Defendants because the conduct of the Defendants described herein threatens the health, welfare and cultural well-being of the Navajo Nation.

II. PARTIES

4. Plaintiff JC is an adult female who is an enrolled member of the Navajo Nation, and resided within the boundaries of the Navajo Nation at the inception of the events set forth in this complaint. Plaintiff was a minor at the time of the sexual abuse alleged herein. During the relevant time period, Plaintiff was a resident of the Navajo Nation where she was taken from the Navajo Nation by the Defendants and placed with foster families in Utah. There, Plaintiff was sexually abused. The name used by Plaintiff in this Complaint is not the real name of Plaintiff, but is a fictitious name used to protect the privacy of Plaintiff, a victim of childhood sexual abuse.

5. Defendant Corporation of the President of the Church of Jesus Christ of Latter-day Saints, is a corporation duly organized and operating pursuant to the laws of Utah (hereinafter "COP"). COP operates church meetinghouses within the Navajo Nation and in tens of thousands of other locations worldwide and is one of the corporate entities through which the LDS Church conducts its affairs. At all relevant times, the COP conducted continuous and systemic activities within the Navajo Nation.

6. Defendant LDS Family Services is a nonprofit Utah corporation owned and operated by the COP. At all relevant times, LDS Family Services was acting as the agent of Defendant COP. Upon information and belief, LDS Family Services formerly operated under the name "LDS Social Services." From approximately 1947 to the mid 1990's, LDS Family Services operated a program known as the "Indian Placement Program" or the "Lamanite Placement Program" (hereinafter the "LPP"). At all relevant times, Plaintiff was sexually abused while she was participating in the LPP and while she was in the care and custody of the Defendants. At all relevant times, LDS Family Services, in association with the other Defendant COP, conducted continuous and systemic activities within the Navajo Nation.

7. Defendants COP, and LDS Family Services, will be referred to collectively throughout the complaint as the “LDS Defendants.”

8. Defendant Jack B. Holt, the perpetrator, is an adult male who at all relevant times was acting as an agent of Defendant COP. Upon information and belief, said Defendant was the host father of Plaintiff while she participated in the LPP, responsible for her health and safety.

9. Defendant Kate Holt, wife of the perpetrator, is an adult female who at all relevant times was the host mother of Plaintiff, responsible for Plaintiff’s health and safety.

III. RELEVANT FACTS APPLICABLE TO PLAINTIFF

10. At all times material hereto, Plaintiff was a participant in the LPP described in this Complaint. Upon information and belief, the LPP was developed and maintained at the behest of and for the benefit of the LDS Defendants. According to the 1968 version of the *Lamanite Handbook of the Church of Jesus Christ of Latter-day Saints*, in September of 1946, the acting President of the Church, George Albert Smith, appointed Spencer W. Kimball to head the General Lamanite Committee with the charge “to see that the gospel was carried to all the children of Lehi (which includes the Lamanites) all over the world.” Kimball’s commitment to the Native Americans (commonly referred to as Lamanites by the Defendants) is explained in a January 7, 2016 article in Indian Country Today:

Kimball’s commitment to the Native Americans stemmed from the Mormon belief that America’s indigenous people actually fled from Israel in the year 600 B.C. After settling in an unspecified location in the Americas, the people split up into two groups: the Nephites, a righteous and civilized people; and the Lamanites, an “idle, savage and bloodthirsty” people who, after hardening their hearts, were cursed by God with a “skin of blackness” and thus became “loathsome.”

Read more at <http://indiancountrytodaymedianetwork.com/2016/01/07/assimilation-tool-or-blessing-inside-mormon-indian-student-placement-program-162959>

11. The LDS Church’s desire to convert Native American or “Lamanite” children and assimilate them into their culture reflects teachings in the Book of Mormon, a book of canonized scripture unique to the Mormon religion. According to this canonized Mormon scripture, because

the Lamanites had hardened their hearts against the Lord, they were *cursed* with a “skin of blackness” to distinguish them from the righteous Nephites.

And he had caused the cursing to come upon them, yea, even a sore cursing, because of their iniquity. For behold, they had hardened their hearts against him, that they had become like unto a flint; wherefore, as they were white, and exceedingly fair and delightsome, that they might not be enticing unto my people the Lord God did cause a skin of blackness to come upon them. (2 Nephi 5:21, *Book of Mormon*).

12. At the time the Plaintiff was taken from the Navajo Nation and placed into Mormon foster homes, the LDS Church taught that the Native Americans, including the Plaintiff, were Lamanites as described in the Book of Mormon and summarized above. The leaders of the LDS Church felt driven to instruct the Lamanites within the Navajo Nation concerning their true ancestry and convert them back to the one true faith. Therefore, converting the Navajo Nation children and immersing them into white Mormon culture was not only rooted in Mormon scripture but believed to be divinely directed as the way to redeem and restore the “Lamanites” to their prophetic destiny. An example of this belief is a quote by long time Mormon Prophet, Spencer W. Kimball, who suggested that Latter-day Saint Native Americans were gradually turning lighter, essentially breaking the dark skin curse:

I saw a striking contrast in the progress of the Indian people today... The day of the Lamanites is nigh. For years they have been growing delightsome, and they are now becoming white and delightsome, as they were promised. In this picture of the twenty Lamanite missionaries, fifteen of the twenty were as light as Anglos, five were darker but equally delightsome. The children in the home placement program in Utah are often lighter than their brothers and sisters in the hogans on the reservation. At one meeting a father and mother and their sixteen-year-old daughter we represent, the little member girl—sixteen—sitting between the dark father and mother, and it was evident she was several shades lighter than her parents—on the same reservation, in the same hogan, subject to the same sun and wind and weather These young members of the Church are changing to whiteness and to delightsomeness. *Conference Report*, October 1960; *Improvement Era*, December 1960, pp. 922–23.

13. Upon information and belief, in order to qualify for the LPP, Navajo Children had to be at least eight years old and baptized members of the Mormon Church in good standing. Plaintiff was a baptized member of the Mormon Church while residing on the Navajo Nation. The

decision to remove Plaintiff from her family was made by case workers and/or employees and/or agents of the LDS Defendants while on the Navajo Nation. Plaintiff was then transported off the Navajo Nation and moved to Utah and placed with Mormon foster families. Upon information and belief, the foster family received stipends and/or subsidies (and were promised unspecified spiritual blessings) from the LDS Defendants for each Native American child placed in the home.

14. Upon information and belief and at all relevant times, the Mormon foster families in whose homes Plaintiff was placed, were the employees and/or agents of the LDS Defendants. At all relevant times, the LDS Defendants had care and custody of the Plaintiff during Plaintiff's involvement with the LPP and for the duration of their placement into Mormon foster family homes in Utah. All acts of sexual abuse alleged herein took place during the LPP while Plaintiff was in the custody and control of the Defendants.

15. According to church records, in approximately October of 1969, Plaintiff JC, who was approximately 10 years old, was baptized a member of the LDS Church in order to become involved in the LPP. She participated in the program during her 6th grade year without incident.

16. In approximately August of 1970, the LDS Defendants removed JC from her home within the boundaries of the Navajo Nation, and placed her with the Holt family in Enterprise, UT for the start of what is believed to be JC's seventh grade year. During JC's placement in the Holt home, JC was sexually molested on various occasions by her foster father, Jack B. Holt.

17. As a direct result of the wrongful conduct alleged herein, JC has suffered, and continues to suffer great pain of mind and body, depression, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; has sustained and continues to sustain loss of earnings and earning capacity; and/or has incurred and continues to incur expenses for medical and psychological treatment, therapy, and counseling.

IV. FIRST CAUSE OF ACTION
CHILDHOOD SEXUAL ABUSE

18. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

19. Between 1971 and 1972 Plaintiff, on multiple occasions, was sexually abused while she participated in the LPP under the care and custody of the LDS Defendants.

20. The sexual abuse was either committed by individuals who at all times were in the course and scope of acting as servants and/or agents of the LDS Defendants, or was committed by others who were known to these servants and/or agents or under the control and supervision of these servants and/or agents, making the LDS Defendants vicariously liable for the injuries caused by Plaintiff's abusers under the doctrine of respondeat superior.

21. Upon information and belief, prior to or during the abuse alleged above, the LDS Defendants knew, had reason to know, or were otherwise on notice of the unlawful sexual conduct by certain foster family members under the LPP. Defendants failed to take reasonable steps to avoid acts of unlawful sexual conduct by these certain foster family members, including, but not limited to, removing Plaintiff from the foster home where sexual abuse was occurring and/or placing Plaintiff in a foster home where they knew or should have known that Plaintiff was at an increased risk of being sexual abused. Furthermore, at no time during the periods of time alleged did the LDS Defendants have in place a system or procedure to supervise and/or monitor employees, volunteers, representatives, or agents to ensure that they did not molest or abuse minors or allow such to occur.

22. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer, great pain of mind and body, depression, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and

counseling.

V. SECOND CAUSE OF ACTION
ASSAULT AND BATTERY

23. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

24. From approximately 1971-1972, the LDS Defendants' employees, servants and/or agents engaged in unpermitted, harmful and offensive acts in violation of Navajo Nation law. This includes, but is not limited to, removing Plaintiff from the Navajo Nation and placing her into a home where they knew or should have known that Plaintiff was at an increased risk of being sexually abused. The decision to remove Plaintiff from the Navajo Nation and place her in a dangerous home occurred within the Navajo Nation.

25. The LDS Defendants aided the sexual abuse of Plaintiff by failing to take appropriate action to prevent further abuse from occurring despite having either actual or constructive notice that Plaintiff was being abused while participating in the LPP. The LDS Defendants are directly liable for assault and battery from each instance of abuse as an accessory to the assault and battery.

26. Said conduct was undertaken while the abusers, or those who negligently allowed the abuse to take place, were employees, servants and/or agents of the LDS Defendants, while in the course and scope of employment/agency with the LDS Defendants making the LDS Defendants vicariously liable for the injuries caused under the doctrine of respondeat superior.

27. Upon information and belief, prior to or during the abuse alleged above, the LDS Defendants knew, had reason to know, or were otherwise on notice of the unlawful sexual conduct by LPP foster family members. The LDS Defendants failed to take reasonable steps and failed to implement reasonable safeguards to avoid acts of unlawful sexual conduct in the future by the LPP foster families, including, but not limited to, removing Plaintiff from the LPP foster family home where sexual abuse was occurring. Furthermore, at no time during the periods of time alleged herein did the LDS Defendants have in place a system or procedure to supervise and/or monitor employees, volunteers, representatives, or agents to ensure that they did not molest or abuse minors

in Defendants' care, including the Plaintiff.

28. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer, great pain of mind and body, depression, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

VI. THIRD CAUSE OF ACTION - NEGLIGENCE

29. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

30. The LDS Defendants had a duty to protect the minor Plaintiff when Plaintiff was entrusted to their care by Plaintiff's parents. Plaintiff's care, welfare, and/or physical custody was temporarily entrusted to the LDS Defendants. The LDS Defendants voluntarily accepted the entrusted care of Plaintiff. As such, Defendants owed Plaintiff, a minor child, a special duty of care, in addition to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults dealing with children owe to protect them from harm.

31. The LDS Defendants, by and through their agents, servants and employees, knew or reasonably should have known of the dangerous and exploitive propensities of some of the LPP foster family members and/or that certain LPP foster family members were unfit agents. It was foreseeable that if Defendants did not adequately exercise or provide the duty of care owed to children in their care, including but not limited to Plaintiff, the children entrusted to Defendants' care would be vulnerable to sexual abuse by certain LPP foster family members.

32. The LDS Defendants breached their duty of care to the minor Plaintiff by allowing certain LPP foster family members to come into contact with the minor Plaintiff without supervision; by failing to adequately supervise certain LPP foster family members who they

permitted and enabled to have access to Plaintiff; by failing to investigate or otherwise confirm or deny such facts about certain LPP foster family, thereby continuing to endanger Plaintiff.

33. The negligent acts of removing Plaintiff from the Navajo Nation and the decision to place her in dangerous homes occurred on the Navajo Nation.

34. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, depression, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

VII. FOURTH CAUSE OF ACTION

NEGLIGENCE OF DEFENDANT JACK B. HOLT

35. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

36. Defendant Jack B. Holt had a duty to protect the minor Plaintiff when Plaintiff was entrusted to his care by Plaintiff's parents. Plaintiff's care, welfare, and/or physical custody was entrusted to Defendant Jack B. Holt. Defendant Jack B. Holt voluntarily accepted the entrusted care of Plaintiff. As such, Defendant owed Plaintiff, a minor child, a special duty of care, in addition to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults dealing with children owe to protect them from harm.

37. Defendant Jack B. Holt breached his duty of reasonable care owed to Plaintiff, by, *inter alia*:

- a. Holding out himself and his wife as safe host parents, when he knew or should have known they were not safe for a host child;
- b. Failing to protect the health and safety of Plaintiff;
- c. Failing to provide a safe environment for Plaintiff;

d. Failing to abide by applicable laws and regulations designed to protect the health and safety of Plaintiff, specifically including the statutes, regulations and reporting laws cited in this complaint; and

e. Failing to protect Plaintiff's moral integrity; and

f. Exposing Plaintiff to foreseeable risk of sexual harm.

38. Defendant Jack B. Holt's breaches of duty were the proximate cause of Plaintiff's injuries and damages.

39. As a direct and proximate result of Defendant Jack B. Holt's negligent and reckless conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, depression, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

VIII. FIFTH CAUSE OF ACTION

BATTERY BY DEFENDANT JACK B. HOLT

40. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

41. From 1971-1972, Defendant Jack B. Holt inflicted unpermitted, harmful, and offensive sexual contact upon the person of Plaintiff.

42. As a direct and proximate result of Defendant Jack B. Holt's negligent and reckless conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, depression, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain

loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

IX. SIXTH CAUSE OF ACTION

NEGLIGENCE OF DEFENDANT KATE HOLT

43. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein and further alleges:

44. Defendant Kate Holt had a duty to protect the minor Plaintiff when Plaintiff was entrusted to her care by Plaintiff's parents. Plaintiff's care, welfare, and/or physical custody was entrusted to Defendant Kate Holt. Defendant Kate Holt voluntarily accepted the entrusted care of Plaintiff. As such, Defendant owed Plaintiff, a minor child, a special duty of care, in addition to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults dealing with children owe to protect them from harm.

45. Defendant Kate Holt breached her duty of reasonable care owed to Plaintiff, by, *inter alia*:

- a. Exposing Plaintiff, her host daughter, to a man who Defendant Kate Holt knew or should have known posed a risk of sexual harm to Plaintiff;
- b. Holding out herself and her husband as safe host parents, when she knew or should have known they were not safe for a host child;
- c. Failing to protect the health and safety of Plaintiff;
- d. Failing to provide a safe environment for Plaintiff;
- e. Failing to abide by applicable laws and regulations designed to protect the health and safety of Plaintiff, specifically including the statutes, regulations and reporting laws cited in this complaint; and
- f. Failing to protect Plaintiff's moral integrity; and
- g. Exposing Plaintiff to foreseeable risk of sexual harm.

46. Defendant Kate Holt's breaches of duty were the proximate cause of Plaintiff's

injuries and damages.

47. As a direct and proximate result of Defendant Kate Holt's negligent and reckless conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, depression, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

X. SEVENTH CAUSE OF ACTION
NEGLIGENT SUPERVISION/FAILURE TO WARN

48. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

49. The LDS Defendants had a duty to provide reasonable supervision of LPP foster families; to use reasonable care in investigating potential LPP foster families; and to provide adequate warning to the Plaintiff, the Plaintiff's family, and minor LPP participants of certain LPP foster family members' dangerous propensities and unfitness.

50. The LDS Defendants by and through their agents, servants and/or employees, knew or reasonably should have known of the dangerous and exploitive propensities of certain LPP foster family members and/or that certain LPP foster family members were unfit agents. Despite such knowledge, the LDS Defendants negligently failed to supervise the LPP foster families who the LDS Defendants placed in the position of trust and authority as religious instructors, surrogate parents, spiritual mentors, emotional mentors, and/or other authority figures, where they were able to commit (or allow others to commit) the wrongful acts against the Plaintiff. The LDS Defendants further failed to take reasonable measures to prevent future sexual abuse while Plaintiff was in the LPP.

51. The negligent acts of repeatedly failing to warn Plaintiff and her family, placing

Plaintiff in a dangerous home etc., occurred, in part, within the Navajo Nation.

52. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, depression, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

XI. EIGHTH CAUSE OF ACTION
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

53. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

54. The LDS Defendants' conduct was extreme and outrageous and was intentional or done recklessly.

55. As a result of Defendants' conduct, Plaintiff has experienced and continues to experience severe emotional distress.

56. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, depression, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

XII. NINTH CAUSE OF ACTION - EQUITABLE RELIEF

57. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

58. Plaintiff also prays for equitable relief from this Court, for non-monetary redress and the protection of Plaintiff and other similarly situated members of the public and children, as follows:

POLICY CHANGES

59. That the LDS Defendants change their current corporate policies regarding reporting of suspected child sexual abuse. Upon information and belief, the current policy as set forth in *2010 Handbook 2: Administering the Church, Section 13.6.18*, which provides that “[i]f a leader becomes aware of physical, sexual or emotional abuse of someone during a Church activity, he or she should contact the bishop immediately.”

60. Instructions for bishops are provided in *Handbook 1:17.3.2*, which provides in pertinent part, “[i]n the United States and Canada, the Church has established a help line to assist stake presidents and bishops in cases of abuse ... When calling the help line, leaders will be able to consult with professional counselors and legal specialists who can help answer questions and formulate steps to take ... Leaders can obtain information about local reporting requirements through the help line. Where reporting is required by law, the leader encourages the member to secure qualified legal advice. To avoid implicating the Church in legal matters to which it is not a party, Church leaders should avoid testifying in civil or criminal cases or other proceedings involving abuse.” *Handbook 1, State Presidents and Bishops 2010, Section 17.3.2*.

61. Despite the language in Handbook 1, a recent online article on the Church’s official news website claims that “[t]he Church has a zero-tolerance policy when it comes to abuse. . . . We cooperate with law enforcement to report and investigate abuse.” *How the Church Approaches Abuse*, NEWSROOM (accessed on May 17, 2016) <http://www.mormonnewsroom.org/article/how-mormons-approach-abuse>. This public statement contradicts the internal policies set forth in the Church’s *Handbook 1*, outlined in the paragraphs above. Specifically, the Church’s public claim that it “cooperate[s] with law enforcement to report and investigate abuse” is contradicted by the instructions in *Handbook 1:17.3.2*, which advises the Church leaders, “[t]o avoid implicating the Church in legal matters to which it is not a party, [by not] testifying in civil or criminal cases or

other proceedings involving abuse.” *Id.*

62. Because the current policies do not adequately protect children but rather aim to protect the LDS Defendants, Plaintiff requests that these policies be changed and include the following:

a. Where a charge of sexual abuse of a child has been made against any agent, leader, or member of the Church, he or she shall be immediately removed from exposure to children and all appropriate safeguards shall be made to keep him or her away from children pending investigation.

b. Whenever any leader or member in the Church has reasonable suspicion of child sexual abuse, whether the abuse happened during a “Church activity” or not, this leader or member shall report the abuse first to the police and child protective services, not the Church-created help line,

c. Every Church leader shall be a mandatory reporter of child sexual abuse, regardless of whether mandatory reporting is required by law.

d. That the LDS defendants must bring its publicized policies on abuse into conformity with its *Handbooks*, eliminating any contradictions, and make its *Handbooks* available to the public.

e. Instead of directing its leaders to not cooperate with civil or criminal authorities (if the Church could in any way be implicated) in situations involving abuse, there shall be an affirmative statement in both *Handbook 1* and *Handbook 2* that leaders and members shall cooperate with civil and criminal authorities in cases involving child sexual abuse; this includes truthfully testifying at depositions, hearings, trials and other proceedings, regardless of whether such testimony would implicate the Church or not.

f. That the LDS Defendants never seek to direct, pay, or hire any agent or employee or third party to retract, oppose, or challenge the constitutionality or legitimacy of any reform of a civil or criminal statute of limitations, mandatory child abuse reporting clergy exemptions, or repeal of the clergy-penitent privilege or other laws which serve to

shield child sexual abusers from investigation, apprehension, prosecution, and conviction in Arizona or similar legislation or law in any other state or jurisdiction;

**XIII. TENTH CAUSE OF ACTION – COMMON LAW NUISANCE
AND REQUEST FOR INJUNCTIVE RELIEF**

63. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

64. As reflected in its corporate policies, the LDS Defendants continue to engage in efforts to: 1) conceal from the general public, from police and applicable child protective services, instances of child sexual abuse and, by extension, the identity of child molesters, by failing to instruct its members and leaders to report child sex abuse to appropriate criminal and civil authorities; 2) protect its image and not children by instructing its members and lower level leaders to report child sexual abuse to Bishops and/or Stake Presidents; then instruct these high level leaders to call a Church help line to consult with legal and other professionals instead of calling the police. In fact, the current policy specifically commands ... “To avoid implicating the Church in legal matters to which it is not a party, Church leaders should avoid testifying in civil or criminal cases or other proceedings involving abuse.” *Handbook 1, State Presidents and Bishops 2010, Section 17.3.2.*

65. The conduct and concealment by the LDS Defendants has knowingly and/or recklessly created or maintained a condition which unreasonably endangers the safety and health of a considerable number of persons, including, but not limited to, children and residents of the Navajo Nation who live where Defendants’ agents live. Defendants’ failure to have proper policies and procedures that direct its members to report child sexual abuse to proper authorities has knowingly and/or recklessly endangered the safety and health of people by allowing child molesters to avoid prosecution and remain living freely in unsuspected communities. These child molesters, known to agents of the Defendants, but not to the public, pose a threat of additional abuse to children.

66. The unreasonable, knowing and reckless conduct by Defendants has specifically

been injurious to Plaintiff's health in that Plaintiff has experienced mental and emotional distress as a result of Defendants' negligence and/or concealment; that Plaintiff has not been able to help other children from being molested because of Defendants' ongoing corporate policies that protect Defendants and child molesters but expose children.

67. The continuing public nuisance created by Defendants was, and continues to be, the proximate cause of damages to the general public within the Navajo Nation and of Plaintiff's injuries and damages as alleged.

68. In doing the aforementioned acts, the LDS Defendants have acted unreasonably by knowingly and/or recklessly creating or maintaining a condition which endangers the safety or health of a considerable number of persons within the Navajo Nation, and with conscious disregard for Plaintiff's rights.

69. As a result of the above-described conduct, Plaintiff has suffered the injuries and damages described above.

XIV. ELEVENTH CAUSE OF ACTION-NAVAJO COMMON LAW

70. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

71. Diné bi beenahazanni (Navajo Common Law) consists of custom and usages of the Navajo people.

72. Navajo concept of K'e helps frame the Navajo perception of moral right and of due process rights.

73. A basic Navajo Common Law is that one who is found responsible for inflicting harm on another person must pay the victim for the harm to restore harmony.

74. Plaintiff JC, as outlined above, suffered harm at the hands of the LDS Defendants under Navajo Common Law and must be made whole by the Defendants in order to restore harmony in her life.

RELIEF REQUESTED, RESTORATION OF NAVAJO CULTURE, AND DAMAGES

75. For approximately 50 years the LPP removed thousands of Navajo children from

the Navajo Nation and from their parents and other family members in an attempt to assimilate them into white Mormon culture. While this LPP may have been well-intentioned by Defendants because of their own religious and cultural reasons, the social and cultural harm to the Navajo Nation and its people must be addressed. In addition to the social injustice and harm occasioned by removing thousands of children from their parents, family and home, the culture of the Navajo Nation has been irreparably harmed by the LDS Defendants' continuous and systematic assimilation efforts.

76. Therefore, in an effort to apologize for harms caused, and to show a desire to restore the Navajo culture that this program sought to remove from its participants, the Defendants should be ordered to:

a. Within thirty (30) days after entry of Judgment, the LDS Defendants send letters of apology to Plaintiff. Letters of apology will state that Plaintiff was not at fault for the abuse and that Defendants take responsibility for the abuse.

b. That the LDS Defendants write a letter of apology to the Navajo Nation Museum in Window Rock, Arizona, for harms caused to the people and culture by the LPP.

c. That the LDS Defendants establish a task force that will work with the Navajo Nation Government in enhancing and restoring Navajo culture.

i. That this task force design and implement a packet to be distributed at chapter houses explaining where individuals can seek help for the Navajo Tribe to restore harmony in their lives.


ii. That the LDS Defendants fund this task force to implement programs for individuals abused while participants in LLP that will restore harmony in their lives using both traditional Navajo healing methods and medical services; if needed.

WHEREFORE, Plaintiff would also seek damages; costs; interest; the equitable relief described above and statutory/civil penalties according to law.

Plaintiff prays for such other relief as the court deems appropriate and just.

DATED this 11th day of August, 2017.

Respectfully submitted,

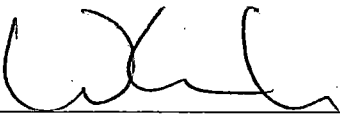
By: _____

William R. Keeler
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CERTIFICATE OF GOOD STANDING

Comes now the undersigned and hereby certifies to the Court that he is a member in good standing of the Navajo Nation Bar Association.

KEELER & KEELER, LLP

By: _____

William R. Keeler