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**IN THE THIRD JUDICIAL DISTRICT COURT
SALT LAKE COUNTY, STATE OF UTAH**

R.H.,

Plaintiff,

v.

WARREN JEFFS, LYLE JEFFS, SETH JEFFS,
WENDELL LEROY NIELSEN, THE
FUNDAMENTALIST CHURCH OF JESUS
CHRIST OF LATTER DAY SAINTS, formerly
known in part as The Work or the Priesthood Work
and also known as 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, THE
UNITED EFFORT PLAN TRUST, and DOES 1
THROUGH 20, WHOSE TRUE NAMES ARE
UNKNOWN,

Defendants.

COMPLAINT and JURY DEMAND
(Tier 3 Discovery)

Civil No.:
Judge

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 the FLDS Church which emerged in the early 1990s out of a religious organization known as the “Work” or “Priesthood Work.”

6. Defendant Does 1 through 20 (“Defendant Does”) are individuals or entities who are agents of or controlled by and/or alter egos of Warren S. Jeffs, Lyle Jeffs, Seth Jeffs, and Wendell LeRoy Nielsen, the FLDS Church and the UEP Trust (prior to its court-ordered reformation on October 25, 2006) and who acquired and/or hold property in their names or in the names of third parties for Defendants Warren S. Jeffs, Lyle Jeffs, Seth Jeffs, and Wendell LeRoy Nielsen, the FLDS Church, The Corporation of the Presiding Bishop of the FLDS Church, The Corporation of the President of the FLDS Church, and the UEP Trust and who participated in the abuse set forth below.

7. Plaintiff, R.H., is a young woman known to Defendants. At all times material hereto she was a participant and beneficiary of the UEP Trust and a member of the FLDS Church. Pursuant to Utah Code Ann. § 77-38-6, she is a sexual abuse victim entitled to certain protections, and shall be known as R.H. for purposes of this litigation. Plaintiff requests that her true identity not be disclosed except under seal to the court and that pending public disclosures, she be known only as R.H. in this action.

GENERAL ALLEGATIONS

8. The Priesthood Work originated for the purpose of preserving and perpetuating the practice of sex with underage and multiple women.

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 of the UEP Trust was to provide housing for faithful, obedient UEP Trust participants and their children. By the same token, its purpose was to support or enforce the directives of the President of the FLDS Church and Priesthood Work.

18. This was manifest for UEP Trust participants by the historical fact that one who disobeyed a religious directive, especially one that involved sex with leaders, stood at significant risk of losing his or her family, home or opportunity to receive a home because family living arrangements and assignments, including the receipt of homes was controlled by the President of the UEP Trust.

19. Thus, prior to reformation, the UEP Trust and the FLDS Church or Priesthood Work were always administered by the same person to achieve the same purpose: “to preserve and advance the religious doctrines and goals of the [FLDS Church.]” Amended and Restated Declaration of the United Effort Plan Trust (“1998 Declaration”) at 1.

20. Since the origination of the Priesthood Work, these fundamental doctrines have included sexual relations involving underage girls.

21. As such, underage sexual abuse has been part of the Priesthood Work since the UEP Trust was organized in 1942, and therefore part of the religious practices advanced by the UEP Trust.

22. Historically, sexual abuse of young girls has included girls as young as eight (8) to 14 years old.

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 discussed, members of the Priesthood Work and participants in the UEP Trust knew that underage sex took place with Priesthood leaders.

25. The practice of having sexual relations with underage girls has been consistently sustained by members of the Priesthood Work and participants in the UEP Trust since their inception.

26. In 1998, UEP Trust participants expressly approved and manifested their support for the 1998 Declaration of the UEP Trust in a meeting at the Leroy S. Johnson Meetinghouse and thereby ratified the UEP Trust's purpose of preserving and advancing the doctrines and goals of the FLDS Church, including the sanctioning of having sexual relations with underage girls.

27. After Rulon T. Jeffs suffered a stroke in August of 1998, he remained the President, but much of his power and authority, was delegated to his son, Warren S. Jeffs, who was a Trustee of the UEP Trust and a leader in the FLDS Church.

28. The practice of having sexual relations with underage girls continued after Warren S. Jeffs assumed control of the UEP Trust and FLDS Church and after he later became the President of both entities.

29. However, a new practice of having sex and sexual relations with underage girls in the FLDS Temple and other undisclosed FLDS Church and UEP Trust owned properties with

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 Jeffs, Wendell LeRoy Nielsen, Defendant Does and others, watched and observed these commands from Defendant Warren S. Jeffs.

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. This religious ritual abuse continued on a regular basis, between five and six times a week, from the age of 8 years-old until the Plaintiff turned 12 years-old.

37. Once Plaintiff turned 14, she was required to become a witness and scribe to these religious rituals between other young girls and defendants Warren S. Lyle Jeffs, Seth Jeffs, Wendell LeRoy Nielsen, Defendant Does and others. She would document the encounter and the number of the young girl.

38. The existence of this religious doctrine and rituals is verified in the evidence that was found in the FLDS Church's Temple in Eldorado, Texas.

39. Defendant Warren S. Jeffs has been convicted in Texas of engaging in such conduct in the FLDS Church's Temple in Eldorado, Texas.

40. Warren S. Jeffs, Lyle Jeffs, Seth Jeffs, Wendell LeRoy Nielsen, Defendant Does and others' actions in performing these religious sexual rituals with underage girls were consistent with the way the UEP Trust was being administered and was endorsed and ratified by the other UEP Trust Trustees ("UEP Trustees") and the UEP Trust beneficiaries and participants themselves.

41. Warren S. Jeffs, Lyle Jeffs, Seth Jeffs, and Wendell LeRoy Nielsen, Defendant Does and others drew on their combined authority as Priesthood Leaders and Trustees of the

UEP Trust and later, to gain and exercise absolute control, power, and authority over Plaintiff and the course of her life as a member of the FLDS Church or Priesthood Work and UEP Trust participant.

42. Warren S. Jeffs, Lyle Jeffs, Seth Jeffs, Wendell LeRoy Nielsen, Defendant Does and others by virtue of their UEP Trust and FLDS Church authority and apparent authority, exercised supreme and inseparable authority over R.H. to keep her within a closed and sequestered community on UEP Trust land, made her (and her family) dependent on the UEP Trust for her needs, support, and shelter and otherwise made it virtually impossible for her to leave and live beyond this authority.

43. Warren S. Jeffs, Lyle Jeffs, Seth Jeffs, Wendell LeRoy Nielsen, Defendant Does and others, by virtue of their UEP Trust and FLDS Church authority and apparent authority, exercised this absolute control, power and authority over R.H.'s life so that he could require her, as an 8-year-old girl, to be subjected to this forced sexual ritual.

44. Beginning when Plaintiff was 16 years-old, she would go to "Ladies Class" to learn how to be a good wife.

45. Defendant Lyle Jeffs, who was acting many times as the President of the FLDS Church and was at all times, a Priesthood leader in the LDS Church, would come and remove Plaintiff from the Ladies Class and take her to his sound proof office and engage in sexual relations with Plaintiff under the guise of further teachings in the "Ladies Class."

46. As a young girl, R.H. learned, through personal experience, that participants in the UEP Trust and members of the FLDS Church who questioned the President's and other FLDS

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. Jeffs, Lyle Jeffs, Seth Jeffs, Wendell LeRoy Nielsen, Defendant Does and others taught that FLDS Church members and UEP Trust participants should follow the laws of God, not man, with respect to laws prohibiting sexual relations between underage girls and adult men.

48. As with previous leaders of the Priesthood Work, Warren S. Jeffs, Lyle Jeffs, Seth Jeffs, Wendell LeRoy Nielsen, Defendant Does and others taught that the underage girls should engage in sexual intercourse to accomplish the doctrinal goal of the FLDS Church to raise up good priesthood children.

49. The UEP Trust and FLDS Church, through their authorized agents, acting within the course and scope of this authority and apparent authority, directed, aided, and ratified the wrongful conduct alleged herein, and are directly and vicariously liable to R.H., as alleged in the First through Third and Fifth causes of action set forth below.

50. Alternatively, the UEP Trust negligently appointed, hired, supervised and retained Warren S. Jeffs, Lyle Jeffs, Seth Jeffs, Wendell LeRoy Nielsen, Defendant Does and others as Trustees and with regard to Warren S. Jeffs, later, as President of the UEP Trust, and thereby facilitated, ratified, acquiesced and caused the wrongful conduct alleged herein for which the UEP Trust is liable as alleged in the Fourth Cause of Action below.

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.

WHEREFORE, Plaintiff prays for relief as set forth below.

THIRD CAUSE OF ACTION
Outrage

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

72. 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 so extreme that it went beyond all possible bounds of decency and is regarded as atrocious and utterly intolerable in a civilized society.

73. 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.

74. 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.

FOURTH CAUSE OF ACTION
Negligent Hiring, Appointment, Retention, and Supervision

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

76. At the time of the wrongful conduct alleged above, Warren S. Jeffs was hired, appointed, retained, and supervised by the UEP Trust.

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 FLDS Church and the Trustees of UEP Trust.

WHEREFORE, Plaintiff prays for relief as set forth below.

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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