

**IN THE CIRCUIT COURT FOR
MONTGOMERY COUNTY, MARYLAND**

JOHN DOE

Plaintiff,

v.

Civil Docket No. C-15-CV-24-0006194

THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, A UTAH
CORPORATION SOLE A/K/A THE
CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS

50 E. North Temple, STE 2WW
Salt Lake, Utah 84150

Serve its agent:

CSC-LAWYERS INCORPORATING SERVICE
COMPANY

7 St. Paul Street, Suite 820
Baltimore, Maryland 21202

Judge David W. Lease

JOHN WILLARD MARRIOTT, JR.

7124 Natelli Woods Lane
Bethesda, Maryland 20817

DONNA GARFF MARRIOTT

7124 Natelli Woods Lane
Bethesda, Maryland 20817

LYNN PAUL SEEGBILLER

316 Long Pines Drive
McKinney, Texas 75071

RONALD TAYLOR HARRISON

8329 Persimmon Tree Road
Bethesda, Maryland 20817

BRADLEY HUGH COLTON

8007 Greentree Road
Bethesda, Maryland 20817

STEPHEN CHARLES WILCOX

2 Accord Court, # 222
Potomac, Maryland 20854

NOLAN D. ARCHIBALD
416 Lincoln Avenue
Falls Church, VA 22046

Defendants.

**FIRST AMENDED COMPLAINT
AND DEMAND FOR JURY TRIAL**
(SEXUAL ABUSE OF A MINOR)

Plaintiff John Doe (hereafter “Doe”), by and through his attorneys, Jason J. Joy & Associates, PLLC, Matthews & Associates, and Murphy, Falcon & Murphy, P.A. files this *First Amended Complaint and Demand for Jury Trial* against Defendants, The Church of Jesus Christ of Latter-day Saints (hereafter “the LDS Church”), Mr. John Willard “Bill” Marriott Jr. (hereafter “Mr. Marriott”), Mrs. Donna Garff Marriott (hereafter “Mrs. Marriott”), Mr. Lynn Paul Seegmiller (hereafter “Seegmiller”), Mr. Ronald Taylor Harrison (hereafter “Harrison”), Mr. Bradley Hugh Colton (hereafter “Colton”), Mr. Stephen Charles Wilcox (hereafter “Wilcox”), and **Mr. Nolan Don Archibald** (hereafter “Archibald”):

INTRODUCTION

1. This is an egregious case involving the yearslong childhood sexual abuse of Doe, a minor at all material times, by Richard Kent James (hereafter “James”), an Elder and senior leader in the LDS Church in Maryland.
2. The abuse was facilitated and prolonged by the negligent, grossly negligent, and malicious acts and omissions of the LDS Church and its leaders, both individually and as agents of the Church, including Mr. and Mrs. Marriott, Seegmiller, Harrison, Wilcox, Archibald and Colton, all of whom failed to properly screen, supervise, and monitor James despite being in a position of trust and authority over Doe, and his abuser, the LDS Church leader James.
3. The childhood sexual abuse at issue herein commenced in or around 1994-1995 when Doe was 12 years old. The first instance of childhood sex abuse occurred at the home

of Mr. and Mrs. Marriott while James, was in the course and scope of his employment, house sitting for Mr. Marriott.

4. Thereafter, the abuse continued regularly over the next four to five years and only ceased when Doe was finally old enough to physically distance himself from the predator, James.

5. The abuse was a “direct outgrowth” of the inordinate amount of time that James spent counseling Doe. Defendants had actual knowledge that James spent an excessive amount of time with Doe, “counseled” Doe, and had a special if not “unique” relationship with Doe.

6. Doe reported the abuse to several the LDS Church Elders including the individual defendants herein. However, the credible and serious allegations by a then 18-year-old Doe were repeatedly dismissed by the LDS Church. Doe was branded a liar by the LDS Church and ostracized and shunned from the same religious community that aided and abetted the abuse.

7. In August 2001, James was finally arrested by detectives from the Pedophile Section of the Montgomery County Police and charged with multiple felonies including Child Abuse, Second and Third-Degree Sex Offenses, and Unnatural and Perverted Sexual Acts.

8. James was ultimately convicted of abusing Doe.

PARTIES, JURISDICTION, AND VENUE

9. Doe is an adult male and a survivor of childhood sexual abuse. At all relevant times, Doe resided in Montgomery County, Maryland. Doe is proceeding under a pseudonym pursuant to Md. Rule 16-1009.

10. The LDS Church is a Utah corporation with its principal place of business in Salt Lake City, Utah. The LDS Church conducts regular activities and operates churches in Montgomery County, Maryland.

11. James is an adult male who, at all relevant times, was an elder in The LDS Church. Upon information and belief, James is a resident of Montgomery County, Maryland.
12. Mr. Marriott Jr. is an adult male who, upon information and belief, is a resident of Montgomery County, Maryland. At all relevant times, Mr. Marriott was a member and leader in The LDS Church and the co-owner of the house at 7124 Natelli Woods Lane, Bethesda, Maryland 20817.
13. Mrs. Marriott is an adult female who, upon information and belief, is a resident of Montgomery County, Maryland. At all relevant times, she was the wife of J.W. “Bill” Marriott Jr and the co-owner of the house at 7124 Natelli Woods Lane, Bethesda, Maryland 20817.
14. Seegmiller is an adult male who, upon information and belief, is a resident of Texas. At all relevant times, Seegmiller was a bishop in The LDS Church.
15. Harrison is an adult male who, upon information and belief, is a resident of Montgomery County, Maryland. At all relevant times, Harrison was a stake president in The LDS Church.
16. Colton is a resident of Montgomery County, Maryland. Upon information and belief, at all relevant times Colton was a bishop in The LDS Church. Wilcox was an educator and friend.
17. Archibald is a resident of Fairfax County, Virginia. Upon information and belief, at all relevant times Archibald was a Stake President in The LDS Church and in 2001 Archibald contacted the Plaintiff by telephone in connection with the conduct giving rise to this suit.
18. This Court has personal jurisdiction over Defendants pursuant to Maryland's long-arm statute, Md. Code Ann., Cts. & Jud. Proc. § 6-103, as Defendants transacted business, performed work, and caused tortious injury in Maryland. Seegmiller purposely availed himself of Maryland law when he initiated unsolicited contact with Maryland for purposes of committing torts and violating a statute. He purposefully availed himself of the protection of the LDS Church's operations in Maryland on numerous occasions in

connection with the conduct giving rise to this suit, and exercising jurisdiction over him would not offend traditional notions of fair play and justice.

19. Venue is proper in this Court pursuant to Md. Code Ann., Cts. & Jud. Proc. § 6-201, as Defendants carry on regular business, work, and activities in Baltimore City, Maryland.

20. Seegmiller contacts with Maryland were entirely unsolicited.

21. Well-established law in this Circuit holds that a single act can support personal jurisdiction. *See, e.g., Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 475 n.18 (1925); *Consulting Eng'rs Corp. v. Geometric Ltd.*, 561 F.3d 273, 278 (4th Cir. 2009); *Carefirst of Ms., Inc. v. Carefirst Pregnancy Ctrs., Inc.* 334 F.3d 390, 397 (4th Cir. 2003); *Vishay Intertechnology, Inc. v. Delta Intern. Corp.*, 696 F.2d 1062, 1067 (4th Cir. 1982); *Electronic Broking Services, Ltd. v. E-Business Solutions & Services*, 285 F.Supp.2d 686, 692 (D. Md. 2003), *aff'd*, 84 F.3d 132 (1991), *cert. denied*, 519 U.S. 983; *Stover v. O'Connell Associates, Inc.*, 1994 WL 146794, *2 (D. Md. Jan. 25, 1994) (unreported); *Nichols v. G.D. Searle & Co.*, 783 F.Supp. 233, 237 (D. Md. 1992), *aff'd*, 991 F.2d 1195 (1993). Every other Circuit is in accord.¹

22. Indeed, in the recent case of *Daimler AG v. Bauman*, the High Court held that “the commission of some *single* or occasional acts of a corporate agent in a state may sometimes be enough to subject the [principal] to [personal] jurisdiction in that state []....” 571 U.S. 117, 127 (2014) (quoting *International Shoe Co. v. Washington*, 326 U.S. 310, 318 (1945)).

¹ *Wade v. Pottawattamie Cty.*, 100 F.4th 991, 993 (8th Cir. 2024); *SkyHop Tech., Inc. v. Narra*, 58 F.4th 1211, 1230 (11th Cir. 2023); *Trois v. Apple Tree Auction Ctr., Inc.*, 882 F.3d 485, 491 (5th Cir. 2018); *Eades v. Kennedy, PC Law Offices*, 799 F.3d 161, 169 (2nd Cir. 2015); *Yahoo!, Inc. v. La Ligue Contre Le Racisme et l'Antisemitisme*, 433 F.3d 1199, 1206 (9th Cir. 2006); *Brown v. Flowers Indus. Inc.*, 688 F.2d 328, 332 (5th Cir. 1982), *cert denied*, 460 U.S. 1023 (1983); *Murphy v. Erwin – Wasey, Inc.*, 460 F.2d 661, 664 (1st Cir. 1972); *Columbia Ins. Co. v. Integrated Stealth Tech. Inc.*, 2016 WL 374506, *4-5 (C.D. Ill. 2016); *Osteotech, Inc. v. GenSci Regeneration Scis.*, 6 F.Supp.2d 349, 354 (D. N.J. 1998); *J.E.M. Corp. v. McClellan*, 462 F.Supp.2d 1246 (D. Kan. 1978); *Viking Eng'g & Dev., Inc. v. R.S.B. Entels*, 608 N.W.2d 166, 169 (Minn. App. 2000).

23. This holding is based on the reality that for a century, specific jurisdiction has been focused on the “nature and quality” of the contacts, not on the quantity of contacts. *Int’l Shoe Co. v Washington*, 326 U.S. 310, 320 (1945); *Casefirst of Maryland*, 334 F.3d at 397 (“In conducting this inquiry, we *direct* our focus to the ‘*quality and nature* of [the defendant’s] contacts. We should *not* ‘merely... *count* the contact and quantitatively compare this case to other preceding cases.’”) (emphasis added) (citing *Nichols*, 783 F.Supp. at 238).

24. Next, the evidence below establishes that Seegmiller’s unsolicited contacts with Maryland also created continuing obligations on his part--a fact that, standing alone, establishes personal jurisdiction. Under Maryland law, where purposeful and unsolicited contacts with Maryland sets up “continuing obligations,” and the plaintiff’s claims arise out of the initial contact, then the exercise of specific personal jurisdiction is appropriate. *Haw v. National Collegiate Athletic Ass’n.*, 260 Md. App. 310, 356 (2024); *Stinner v. SP Bancorp, Inc.* 234 Md. App. 596, 639-40 (2017).²

25. Moreover, as demonstrated below, Seegmiller enlisted dozens of Maryland agents to torment and mislead Dow, and then ratify the abuse involved in this suit. Some of those agents are Colton, Wilcox and Bishop Archibald who evilly defrauded Doe, maliciously breached their fiduciary to Doe, violated a common law duty to report, and criminally violated a statutory duty to report. But Seegmiller’s agents also include dozens of others who pressured congregants to ratify James’s conduct, as well as the dozens more who actually did so in written letters of support. In this State, the acts of an agent are attributable to the principal for jurisdictional purposes. *Mylan Laboratories, Inc. v. Akzo, N.V.*, 2 F.3d 56, 61 (4th Cir. 1993); *Giannaris v. Cheng*, 219 F. Supp. 2d 687, 693 (D. Md. 2002); Md. Code Ann., Cts. & Jud. Proc. § 6-103(b). That fact, standing alone, establishes personal jurisdiction.

² Under Maryland law, where purposeful and unsolicited contacts with Maryland sets up “continuing obligations,” and the plaintiff’s claims arise out of the initial contact, then the exercise of specific personal jurisdiction is appropriate. *Haw v. National Collegiate Athletic Ass’n.*, 260 Md. App. 310, 356 (2024); *Stinner v. SP Bancorp, Inc.* 234 Md. App. 596, 639-40 (2017).

26. Finally, Seegmiller also formed a conspiracy of many Maryland residents to mislead Doe, violate common law and statutory duties, and ratify the abuse here. These include not only the aforementioned, but many others not yet named herein. Under Maryland law, for purposes of determining whether Seegmiller is subject to personal jurisdiction, the acts of his co-conspirators are attributable to him. *Mackey v. Compass Marketing, Inc.*, 391 Md. 117, 130 (2006) (recognizing the conspiracy theory of jurisdiction). That fact, all by itself, created personal jurisdiction.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

27. In about 1993, when Doe was about 12 years old, he met James through the LDS Church. James was an elder within the Church and was “called” to serve as the “Young Men's Director” for the LDS Church’s Potomac South Ward.

28. By virtue of his leadership position in the LDS Church and as the Young Men’s Director, James was placed in a position of authority over Doe and was legally and morally charged with safeguarding Doe’s well-being. Even still, in the presence of others, James quickly began to manipulate and “groom” the impressionable 12-year-old Doe who was under the care, custody, and control of James and the LDS Church.

29. James went out of his way to spend not only an inordinate amount of time with, but time alone with Doe, repeatedly “counsel” him on spiritual matters, buy him gifts, take him on outings, and generally shower praise on him.

30. At all material times, Doe’s father was not a part of Doe’s household. In fact, Doe’s father lived hundreds of miles away and was not meaningfully involved in his son’s life – a fact that James, no doubt, recognized and immediately sought to exploit for his own selfish, perverted ends.

31. Defendants failed to educate parents and campers on the warning signs or red flags of child abuse and grooming. Nor did Defendants warn Doe or his mother that children engaged in organized group activities - in particular, overnight activities - are at risk of foreseeable sexual abuse.

32. Scouting was part of the LDS Church's youth program. The LDS Church selected Scoutmasters as well as volunteers. The church chapel was the registered meeting place for the troop. The LDS Church actively encouraged children of the congregation to participate and be away from their parents.

33. On information and belief, the LDS Church knew or had reason to know of James' propensity to harm children, and specifically Doe.

34. The LDS Church owned the property where children attended meetings and overnight trips away from their parents. Thus, the LDS Church provided the means by which children were isolated from their parents. Thus, the LDS Church has a special protective relationship over Doe and other children that was, by law, akin to custodial responsibility. Likewise, the LDS Church had a special relationship with James. By law, those two relationships required the LDS Church to protect Doe, regardless of any specific knowledge about James. By law, those two relationships required the LDS Church to protect Doe, regardless of any specific knowledge about James.

The LDS Church:

- a. failed to monitor James;
- b. failed to train its agents on how to spot grooming behavior;
- c. failed to prevent James from being around children in isolated settings;
- d. failed to educate parents and campers about the inherent risks of sexual abuse in isolated settings; and
- e. failed to warn parents of all the above.

35. The abuse of Doe by James was in the general field of danger, which should have been anticipated, but the LDS Church failed to protect Doe. As a consequence, Doe was abused during LDS Church-sponsored activities and on property owned or leased by the LDS Church. The LDS Church controlled James during the abuse, as well as the land on which the abuse took place, including the church itself. Given the Boy Scouts' knowledge of the risks of sexual abuse within scouting, combined with the LDS Church's knowledge of those same inherent risks, the duty to protect Doe from James was heightened.

36. Defendants' duty to exercise reasonable care arises in another way. As set forth above, Defendants created the "risk," that is, they cultivated the safe space that made abusers such as James comfortable in operating. The LDS Church created the "fertile ground" for the abuse of Doe and other children. For example, it was common knowledge that the Church and its educators arrogantly and criminally ignored mandatory reporting obligations.

37. Ultimately, the LDS Church has a special and protective relationship with Doe by virtue of its relationship to the scouting program. The special relationship was created by the LDS Church and resulted from Doe's status as a minor. Doe was "entrusted" to the program in which James operated as a spiritual mentor and counselor because of Doe's well-known vulnerability without a significant relationship with his father was known and because Defendant benefited financially while they controlled James and the property on which the abuse occurred. Further, based on reports of child abuse within the scouting program, Defendants knew of the risk of harm to unsupervised campers. Additionally, based on actual reports that James was spending excessive time with Doe, Defendants knew that James posed a particular danger to Doe. Restatement (Third) of Torts, Phys. & Emotional Harm, 40-41.

38. James used his position of trust and authority as an LDS Church Elder and director to groom Doe for horrific sexual abuse. But he developed, had, and exploited a "special" relationship with Doe in particular, and James' superiors knew it. Thus, Doe had a special and unique relationship with James and the LDS Church, and they had one with Doe.

39. The first overt acts of sexual abuse occurred (when Doe was about 12 years old) one weekend in 1995 at the home of James' borrowed employers, Mr. and Mrs. Marriott in Potomac, Maryland. James invited Doe over to the Marriott house to "hang out" and play video games while James tended to the Marriott family's pets and worked on various projects in and around the sprawling estate.

40. One evening, while Doe was asleep, he was awakened to see James unclothed and hovering over him in a state of arousal. That evening, James sodomized the 12-year-old

Doe. Afterward, as Doe's "spiritual advisor," James told Doe it was "okay" and not to tell anyone because "bad things [would] happen."

41. James was in the course and scope of his employment for Mr. and Mrs. Marriott when the abuse occurred at the Marriott estate. They had the power and authority to direct and control when, where, and how the work would be done, and they did so. They had such authority because, as the owners of the premises, they controlled not only every aspect of the work, but who would do it. They also had controlled who entered his house and how long they remained there.

42. From this time forward, James sexually abused Doe on a regular basis for roughly 4.5 years. Typically, the abuse included fondling, oral sex, and even anal sex. This horrific childhood sexual abuse occurred in several jurisdictions, including at a Marriot property in Maine, Virginia, South Carolina, and the District of Columbia; it was inflicted upon Doe in motel rooms, in James' car, at James' house, the Church building located at 11700 Falls Rd. Potomac, Maryland 20854, and various other places that afforded James the opportunity to abuse his prey.

43. James used his position of authority within the LDS Church and trust to manipulate and coerce Doe into silence. James' conduct was the result of grooming, was the direct outgrowth of authorized conduct including counseling, was engaged in while James was clothed with authority from Defendants, stemmed from authority that Defendants conferred on and continued to confer on James, occurred on premises occupied or controlled by Defendants, and was repeatedly ratified.

44. Defendants sponsored and encouraged James' participation in "youth" activities. They sponsored and encouraged James "particularly close relationship" with a participant in that youth group, Doe. James escorted Doe in his car, on overnight stays, on long walks, and on counseling sessions. Doe's mother placed special trust in James and the LDS Church because of the particularly difficult if not traumatic child history Doe had endured. His mother worked and his father was absent. Both Doe and his mother relied on James for counseling, and Defendants knew Doe was target for abusers.

45. The abuse continued regularly until Doe was about 16 or 17 years old and he was finally able to physically distance himself from James. Perhaps as no surprise, while still an agent of Defendants, James made numerous attempts to emotionally manipulate and visit Doe from afar, compounding Doe's injuries. As a result of the abuse, Doe has suffered severe and permanent emotional, psychological, and physical injuries, and he is unable to lead a normal life.

46. In approximately May 2001, Doe reported the abuse to his Bishop in Washington, Seegmiller. At that time, Defendants had been aware for years that Doe had a special, if not unique, relationship with not only James but the LDS Church generally.

47. At this time, Doe met with Seegmiller in person for more than an hour, disclosing the details of the abuse, Seegmiller was the LDS Bishop of Washington State. Doe knew Seegmiller personally, as a spiritual advisor, and very well. Seegmiller officiated Doe's wedding. From the start, Seegmiller dismissed Doe. Not once, did Seegmiller promise to investigate or even hint at protecting other children. Worse, Seegmiller tried to convince Doe that reporting James to law enforcement was not advisable. Shockingly, on this record, he told Doe, "There's not enough evidence," and "You need to repent for your part in all of it."

48. The evidence proves that after tormenting Doe, Seegmiller sprang into action. In doing so, he launched a full-scale fraud, breach of fiduciary duty, and criminal ratification operation in and from Maryland. His widespread operation to engage in these torts and crimes began immediately after he treated Doe like "trash." The other tortfeasors began contacting Doe 48 hours after Doe reported the years of abuse to Seegmiller. This is because Seegmiller unilaterally called them in Maryland, and they were, by definition, his agents and conspirators. And when he enlisted them, those unilateral contacts created continuing obligations on Seegmiller's part. But it doesn't end there. Either Seegmiller or his express agents subsequently enlisted dozens more agents to pressure congregants to support James and child rape when James was finally arrested, and then dozens more who, ultimately as his agents, shockingly did so in writing.

49. For example, immediately after he met with Seegmiller, then Colton and Wilcox contacted Doe. They likewise made no effort to investigate James' horrific conduct. Instead, the one time they called Doe to "see what Doe was up to" it was clear their true intent was to cover it all up. No effort was made to determine whether other children were abused. No effort was made to protect future victims. No effort was made to report James to law enforcement. No effort was made to determine what other adults knew of the sexual assaults. They merely called for the self-serving purpose of attempting to ensure that James' crimes did not see the light of day. Thereafter, they even supported James when he was facing criminal charges.

50. Incredibly, Bishop and Maryland Stake President, Nolan D. Archibald also contacted the young and impressionable Doe to cruelly defraud him by declaring "there is not enough evidence."

51. Thus, these individuals are all liable for a conspiracy to commit fraud. But these individuals, and those with whom they spoke, also breached a fiduciary duty, and then indisputably violated a common law duty to report and criminally violated statutory duty to report. Seegmiller's unilateral efforts to contact them is ultimately responsible for creating a long relationship with those who actually did so in writing.

52. When Doe reported the abuse to Defendants, they did not inform Doe's parents, the police, or the scouting program. Rather than comply with their statutory duties to report James, Defendants retained him. They affirmatively concealed James' misconduct from the police, Doe's parents, and the scouting program. Their silence and inaction deceived James and the unsuspecting public, potentially sacrificing more victims. Nor did Defendants initiate an investigation to determine whether there were any co-conspiracies or conduct the type of investigation necessary and required to characterize and then dismiss Doe's cries for help. Their silence and affirmative efforts to mislead and manipulate Doe constitute negligent misrepresentation, gross negligence, fraud, ill will, evil motive, and actual malice. And in that process, these conspirators ultimately

extended their agency relationship with Seegmiller to a long line of agents including other congregants.

53. Their failure to comply with their common law and statutory duty here was not the first time they ignored that duty in any one state. Thus, by failing, for many years, to comply with their statutorily imposed duty to report abuse, ratification, institutional negligence, and institution-wide negligence which provided the opportunity for Doe to join their Church program and be raped.

54. As a result of the psychological trauma and manipulation tactics used by James, Doe was unable to appreciate the wrongfulness of the abuse or take action until approximately 2022, when he began to understand the extent of his injuries and their connection to the abuse.

CHILDHOOD SEXUAL ABUSE AND THE LDS CHURCH

55. As the world now knows, thousands of children were sexually abused within the LDS Church, and numerous courts have determined that the LDS Church officials abused their power by burying the problem, thereby leaving potential victims unprotected. This unlawful and immoral conduct occurred both before and after Doe's abuse by James.

56. By the time of Doe's abuse, Defendants knew of the risk of sexual abuse of LDS children. Defendants and their agents engaged in a deliberate and repetitive practice and/or maintained an institutional custom and practice of shielding abusers and muzzling victims before and after the heinous and egregious conduct discussed herein.

57. In shielding abusers, Defendants cultivated a safe environment in which agents with dangerous propensities believed that they could abuse minors without punishment because that is what happened repeatedly. Further, Defendants failed to train their agents, as well as their customers/parishioners to whom their agents were exposed, on how to spot grooming – which failure constituted "ill will" and a deliberate indifference to the rights of customers/parishioners.

58. Additionally, when Defendants learned that their agents were abusing minors, their institutional custom and practice was to do nothing about it. Worse, Defendants

failed to warn their customers and parishioners that that was their institutional custom and practice. Not once did Defendants warn Doe or his family of Defendants' deliberate and repetitive practice of shielding abusers and muzzling victims. Nor did Defendants take any steps to control or terminate the unique relationship of trust and confidence that Doe had not only with James but with the LDS Church generally.

59. Ultimately, James pleaded guilty to one count of Child Abuse, in violation of Article 27, Section 35C, as part of a plea agreement. On May 08, 2002, James was sentenced to 10 years in prison, 9 of which were magically suspended. Indeed, after Defendants, and the many others they enlisted, alarmingly and maliciously conveyed their support for James to law enforcement, James served only a few days in prison.

60. Defendants knew or should have known that James posed a danger to Doe. Upon information and belief, Defendants had knowledge that James was engaging in sexual and perverted acts with Doe. Minimal diligence would have revealed to Defendants that James was abusing Doe. Such acts by Defendants were grossly negligent, willful, wanton, and perpetuated with ill will, evil motive, and actual malice.

61. As a direct result of Defendants' conduct described herein, Doe suffered and will continue to suffer as follows:

- a. Severe and permanent pain and suffering, emotional distress, including physical manifestations of emotional distress;
- b. Deprivation of the full enjoyment of life;
- c. Expenses for medical and psychological treatment, therapy, and counseling; and
- d. Loss of income and/or loss of earning capacity.

COUNT I: NEGLIGENCE
(The LDS Church, Mr., and Mrs. Marriott, Seegmiller, Harrison, Colton, Wilcox, Archibald)

62. Doe incorporates herein by reference the allegations set forth above.

63. Defendants were aware of events occurring on scouting trips that made abuse foreseeable and imminent, including unsupervised alone time with children. Defendants were aware but refused to train their agents, as well as campers, on grooming behaviors.

64. Defendants were aware of events occurring on scouting trips that made abuse foreseeable and imminent, including unsupervised alone time with children. Defendants were aware but refused to train their agents, as well as campers, on grooming behaviors. They failed to enforce their own policies.

65. Defendants were aware of similar events occurring on their premises. They were aware of child molestation, specifically that occurred within religious institutions, within the Boy Scouts organization, and on overnight retreats. Here, Defendants were aware of prior misconduct by James. They were aware that he was spending excessive time with Doe, as well as unsupervised alone time with Doe, making the risk of harm foreseeable and imminent. But also, they were aware that they were doing nothing about it.

66. Defendants also knew that they were not reporting other abusers in violation of their common law and statutory duty to do so, and that their failure to do so was harmful. It not only did not prevent further abuse by abusers, but it affirmatively encouraged other abusers to molest children. Thus, Defendants created the very environment that facilitated the abuse. If a person with dangerous proclivities is aware that he or she will not be punished for expressing them, they will continue to do so. As a consequence, the sexual abuse that, in fact, occurred here was more foreseeable and more imminent.

67. The LDS Church, Mr., and Mrs. Marriott, Seegmiller, Harrison, and Colton had a duty to exercise reasonable care to protect Doe, a minor child entrusted to their care, from foreseeable harm. They breached this duty by:

- a. Failing to properly screen and vet James before allowing him to serve as a church elder and scout leader;
- b. Failing to adequately supervise and monitor James' interactions with minor children;
- c. Failing to implement reasonable policies and procedures to prevent child sexual abuse;
- d. Failing to report the abuse as required by Maryland law;
- e. Failing to take appropriate action in response to reports of James' abusive behavior; and

- f. Placing their specific interests above the safety and well-being of minor church members.

68. As a direct and proximate result of Defendant's negligence, Doe suffered and continues to suffer severe psychological, emotional, and physical injuries. The LDS Church and Marriott had a duty to exercise reasonable care in hiring, retaining, and supervising their employees and agents, including James.

69. Defendants breached this duty by: inter alia:

- a. Failing to properly screen James before hiring him as a church elder, educator, and scout leader;
- b. Failing to adequately supervise and monitor James' behavior and interactions with minor church members; and
- c. Retaining James in a position of authority and trust despite knowledge of his inappropriate behavior with minors; and failing to timely terminate James when his unfitness became known.

70. As a direct and proximate result of Defendants' negligent hiring, retention, and supervision, Doe suffered and continues to suffer severe psychological, emotional, and physical injuries.

71. Respecting James' abuse of Doe, Defendants intentionally buried the information. Burying the information was consistent with their institutional practice and custom--for which they have been sued many times. The conduct of Defendants, and those they expressly enlisted as agents, constitutes "ill will" and "actual malice" when Doe reported the abuse to them. To be more specific, they ignored him, dismissed him, blamed him, and then did nothing to or about James. That conduct violated a common law and statutory duty to report. Even so, they chose not to act because that was their institutional custom and practice.

COUNT II: CONSTRUCTIVE FRAUD
(The LDS Church, Seegmiller, Harrison, Colton, Wilcox, Archibald)

72. Doe incorporates herein by reference the allegations set forth above.

73. Doe had a relationship of trust and confidence with Defendants, individually and collectively. Defendants breached legal and equitable duties in a way that tended to deceive Doe, violate public and private confidence, and trample on public interests.

74. Confidence and trust were placed in Defendants, and they accepted that confidence, exercising dominion and influence over Doe and his mother. Defendants deceived both of them, violating their trust and confidence. Defendants should not have allowed James to engage in protracted counseling of Doe, spend an excessive amount of time with Doe unsupervised, spend any time with Doe overnight, escort Doe in his car, purchase gifts for Doe, groom Doe, lure Doe into engaging in certain conduct related to liturgical principles, act as anyone parishioner's spiritual mentor and advisor, communicate with Doe outside the presence of an adult and, among other things, condition Doe's behavior on compliance with vows of liturgical secrecy. MPJI-CV: 11:5

75. Defendants and their named and not yet identified agents were obligated to inform Doe of their institutional custom and practice of shielding abusers; their refusal to report abusers to the police; prior misconduct in the LDS Church (both actually and constructively known); inform Doe of abuse perpetrated by other agents of Defendants,' and to terminate and report James to the police. Defendants failed in their obligation to Doe and his mother. Does's mother was lied to by James. Nor was she informed of concerns about James. Nor was told about the abuse when Doe reported it to Seegmiller and his conspirators. And she certainly was contacted as part of the widescale operation to ratify.

76. Defendants acted with ill will, evil motive, fraud, and malice. By breaching their legal and/or equitable duties to Doe and his mother, Defendants caused Doe severe physical and emotional injuries, past and future, entitling Doe to actual damages and punitive damages. MPJI-Cv. 10:21; MPJI-Cv. 10:14.

COUNT III: BREACH OF FIDUCIARY DUTY
(The LDS Church, Seegmiller, Harrison, Colton, Wilcox, Archibald)

77. Doe incorporates herein by reference the allegations set forth above.

78. James was Doe's mentor and spiritual advisor. He taught Doe to put his faith and confidence in James and Defendants and believed they would act in his best interest. Doe had a unique relationship with James, a relationship that He constantly leaned on for guidance and counseling. It was a unique relationship of trust and confidence with Defendants as well. The LDS Church sponsored and encouraged James's activity with youths, paying him to do so.

79. As a consequence, James was their employee. Because Doe had special and particular ties to James and the LDS Church, he relied heavily on them for counseling regarding his traumatic childhood. The LDS Church knew of and sponsored James's special, particular, and unique relationship with Defendants; they financed it.

80. Because the LDS Church is a religious institution entrusted with the spiritual care and guidance of its members, and it was fully aware that James counseled Doe and spent an inordinate amount of time with Doe in particular, the LDS Church, by definition, had a special relationship of trust and confidence with Doe as well.

81. By virtue of this special relationship of trust and confidence, the LDS Church and its agent, James, owed Doe a fiduciary duty to act in his best interests and protect him from foreseeable harm and continued harm. MPJI Cv.-7:8.

82. James was made the Sunday School Teacher and later the Youth Men's President. The LDS Church sponsored and encouraged James' contact with boys of a certain age, as opposed to all church youth. Not surprisingly, Doe was always part of the sub-group to which James was assigned. Thus, in each instance, James' particularized relationship with a smaller group of boys was sponsored and encouraged.

83. For example, Doe was part of a super select group known as "The Guys," a group of four boys to whom James was paid to devote special attention with the knowledge, sponsorship, and encouragement of the LDS Church, James repeatedly took "The Guys" out of regular church class. In doing so, he routinely took "The Guys" to 7-11 and to drive around listening the radio. The super select group of "The Guys" consisted of four boys, and they did everything together. As one example, they went on a week-long trip to Maine

called “High Adventure” that the bishop himself, Bishop Harrison, approved and helped finance.

84. Within “The Guys,” Doe obviously received even more public attention from James. James and Doe took routine trips to the store, organized the church’s equipment shed, cleaned up after Wednesday night meetings, among other things. All of this individualized contact was LDS Church sponsored, encouraged, and funded. Among the youth, Doe was referred to as the “Teacher’s Pet,” which gossip and teasing was trafficked in the presence of church agents. Within “The Guys,” Doe obviously received most of James’ affection and attention, and numerous agents witnessed and commented on that display. The two of them routinely took trips to the store alone, organized the church’s equipment shed, and cleaned up after Wednesday night meetings, among other things. Indeed, the particularized contact was so pervasive that among the youth, Doe was referred to as the “Teacher’s Pet,” in which gossip and teasing were trafficked in the presence of church agents.

85. Additionally, rather than sending two adults with the campers on campouts, the LDS Church knowingly and repeatedly sent James as the only adult. Having only one adult on a campout was a violation of LDS Church policy, custom, and common sense. Thus, James’s presence at campouts as the only adult was sponsored by and encouraged by the LDS Church. Moreover, the decision to allow that was, in fact, the decision that led to rape on church property; the very thing that the rule and common sense are designed to prevent occurred. A decision that allowed James to manipulate the children so that he could sleep alone with Doe in the same tent. The LDS Church knew that James slept alone in a tent with Doe.

86. Defendants breached this fiduciary duty by:

- a. Failing to properly screen and monitor church elders, educators, and scout leaders;
- b. Placing James in a position of trust and authority over minor church members despite his known propensities;
- c. Prioritizing the church's reputation over the safety of minor church members;

- d. Knowingly sending Doe on overnight campouts with only James, his abuser, and failing to provide additional adult supervision; and
- e. Emotionally abusing Doe by way of psychological trauma and manipulation Doe when he reported the abuse.

87. As a direct and proximate result of Defendants' breach of fiduciary duty, Doe suffered and continues to suffer severe psychological, emotional, and physical injuries, entitling Doe to actual and punitive damages. Defendants acted with ill will, evil motive, fraud, and malice. MPJI-Cv. 10:14; MPJI-Cv. 10:21.

COUNT IV: NEGLIGENT MISREPRESENTATION AND FRAUD
(The LDS Church, Seegmiller, Harrison, Colton, Wilcox, Archibald)

88. Doe incorporates herein by reference the allegations set forth above.

89. When Doe reported the sexual abuse to Defendants, he was relying on a confidential relationship with Defendants, imposing on them a duty of care. They had a duty to tell the truth, a duty not to mislead Doe, and a duty to serve Doe's interests. Defendants violated these duties by failing to investigate, mischaracterizing the "evidence," misleading Doe, and failing to disclose information Defendants had acquired about James and other boys, failing to disclose the rampant sexual abuse that had occurred within the LDS Church, and by failing to disclose how their own institutional custom and practice shielding abusers and actually cultivated a safe space for abusers. Defendants refused to report James to law enforcement. Such conduct was a violation of Defendants' legal and equitable duties, causing Doe separate and independent injuries.

90. At all material times, Defendants knew that Doe was relying on their false and negligently false statements to Doe. As set forth above, Doe relied on their false and negligently false statements. Doe's reliance was justified because Doe believed in Defendants. Had Defendants told the truth, Doe would not have felt shame, guilt, and responsible. Had Defendants acted reasonably, Doe would have been vindicated and heard. He would have been celebrated in the Church, and thousands of decisions differently. Moreover, James would have been removed from the LDS Church and prosecuted. Finally, had Defendants complied with their legal and equitable duties, Doe

would have witnessed Defendants taking steps to clean up the LDS Church, change their institutional custom and practice, cease protecting abusers, cease blaming victims, and ultimately protect children from future abuse. MPJC-Cv.19:6.

91. By breaching their legal and/or equitable duties to Doe and his mother, Defendants caused Doe severe physical and emotional injuries, past and future, entitling Doe to actual damages and punitive damages. Defendants acted with ill will, fraud, evil motive, or actual malice. MPJI-Cv. 10:21; MPJI-Cv. 10:14.

COUNT V: CIVIL CONSPIRACY

(The LDS Church, Seegmiller, Harrison, Colton, Wilcox, Archibald)

92. Immediately after Seegmiller lied to Doe, then Colton, Archibald, and Wilcox called Doe and did the same. That was after they entered into a conspiracy with the Church to protect the Church and lie to Doe. In this way, they all sought to ratify child sexual abuse. The torts, crimes, and ratification of both were perpetrated pursuant to an express agreement that injured Doe.

93. Defendants then enlisted others in the congregation do the same. Doubling down on their torts, statutory violations and horrific ratification of child rape, they affirmatively others to support James before law enforcement, extending the line of agency authority and broadening the conspiracy circle.

94. Defendants also conspired to send one adult on Does overnights, create a fictitious call in reporting system, and violate the reporting law in every state.

COUNT VI: RESPONDEAT SUPERIOR

(The LDS Church, Seegmiller, Harrison, Colton, Wilcox, Archibald)

95. Doe incorporates herein by reference the allegations set forth above.

96. James' conduct before the acute acts of rape created a fiduciary relationship. For several years, James counseled Doe. Doe trusted James. The LDS Church derived a financial benefit from James' conduct during this period. The yearslong process of

grooming was of the invariable general nature as the type of conduct authorized by the LDS Church as James' "employer," "master," and "principal."

97. Moreover, James' grooming of Doe was in furtherance of Defendants' interests because it was directly tied to not only counseling but James' authorized role as a scout leader. James' conduct during this phase led to and gave rise to a separate and independent injury—Doe became vulnerable and confused. The LDS Church knew or should have known that allowing James to maintain such a close and personal relationship with an already vulnerable minor for an extended period of time would render the minor defenseless. As a consequence, James' conduct prior to his sexual abuse of Doe proximately caused a separate and independent injury sustained by Doe – he was hypnotized, vulnerable, and defenseless.

98. Thus, some of the abuse occurred on LDS Church property, including the Church building itself, by someone clothed with authority. In other words, the grooming was a direct outgrowth of authorized conduct, was a direct outgrowth of James developing a unique relationship with Doe in particular, stemmed from James' authorized job responsibilities, was the result of James exploiting authority that the LDS Church conferred on him, and/or was foreseeable in light of scientific studies. And then, ultimately, the abuse in its entirety was ratified when they failed to object and repudiate the abuse.

99. James was one of many bad actors. Collectively, the acts and omissions of each Defendant and their express, implied, or apparent agents (both named herein and not yet named) were committed in the course and scope of their agency relationship with each other, including, but not limited to, the LDS Church.

100. Any acts or omissions that were committed outside the course and scope of the agency relationship were subsequently ratified by all other Defendants, including, but not limited to, the LDS Church.

101. All actual knowledge of Defendants' agents is imputed to Defendants. Additionally, all knowledge that Defendants' agents would have obtained is that the exercise of

reasonable care is imputed to each Defendant. For the same reason, all conduct engaged in by Defendants' agents is imputed to Defendants. The actual and constructive knowledge imputed to each Defendant is not limited to the knowledge and conduct of those named herein; instead, it includes all agents, employees, and servants of Defendants.

102. Defendants acted in the course and scope of their agency relationship when they viciously tormented Doe in 2001, and affirmatively supported James during the criminal process.

103. Each Defendant is vicariously liable for the other's misconduct. Similarly, each Defendant is vicariously liable for the conduct engaged in by their express, implied, and/or apparent agents that are not named "defendants" in this lawsuit.

104. Pursuant to the Restatement (Third) of Agency §§ 5.03, 5.04, 7.03, 7.07, 7.08, 8.11, 227, as well as MPJI-Cv. 3:1–3:13, each Defendant is liable for the other's misconduct. Moreover, each Defendant is liable for the acts and omissions of all other agents, whether named in this lawsuit as a "defendant" or not. Such conduct was a proximate cause of Doe's past and future injuries.

DAMAGES

105. Doe incorporates herein by reference the allegations set forth above.

106. As a result of Defendant's acts and omissions as described herein, Doe has suffered and continues to suffer:

- a. Severe and permanent psychological, emotional, and physical injuries;
- b. Physical and emotional pain and suffering;
- c. Loss of enjoyment of life;
- d. Past and future medical expenses; and
- e. Past and future lost wages and earning capacity.

PUNITIVE DAMAGES

107. Doe incorporates herein by reference the allegations set forth above.

108. Consistent with MPJI-Cv.10:14 and MPJI-Cv. 10:21, Doe will prove that the aforementioned conduct was clearly and convincingly grossly negligent, engaged in with intent, evil motive, fraud, willfulness, wantonness, and/or actual malice, entitling Doe to punitive damages. Defendants refused to warn Doe of their institutional practice toward sexual abuse, created the environment that facilitated James' abusive behavior here, ignored warning signs of James' abusive conduct, intentionally sent only one adult on campouts knowing the risks, violated their own policies, and attempted to conceal James' horrific conduct that they had a hand in creating, any one of which warrants punitive damages. To blame Doe after he reported the abuse—something from which he has never recovered—was, by definition, perpetrated with actual malice.

109. Under Maryland law, the availability and scope of punitive damages are governed by the substantive law of the state where the alleged wrongful conduct occurred. Maryland follows the doctrine of *lex loci delicti* in tort actions, meaning that the law of the place where the harm was suffered applies to substantive issues, including the imposition of punitive damages. Accordingly, whether Plaintiff John Doe is entitled to punitive damages must be determined under the law of the state in which the misconduct giving rise to this action took place.

WHEREFORE, Doe demands judgment against the LDS Church, Mr., and Mrs. Marriott, Seegmiller, Harrison, Wilcox, Colton, and Archibald, jointly and severally, for compensatory damages in an amount to be determined at trial, punitive damages plus costs, pre-and post-judgment interest, and such other relief as the Court deems just and proper. Doe further demands punitive damages against all Defendants in an amount sufficient to punish their wrongdoing and deter future misconduct.

Respectfully submitted,

Murphy, Falcon & Murphy, P.A.



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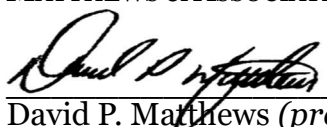
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JURY TRIAL DEMAND

Plaintiffs demand a jury trial on all issues and causes of action within this Complaint.

A handwritten signature in blue ink, appearing to read 'N. Szokoly', with a long horizontal flourish extending to the right.

Nicholas A. Szokoly (AIS #0312170297)

CERTIFICATE OF SERVICE

I certify that on this 19th day of May 2025, a copy of the foregoing, was served on the following persons or entities via uploading to the Court's MDEC system for electronic service under Md. Rule 20-205(d)(1):

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