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13 Attorneys for Plaintiffs, JANE DOE I,
14 JANE DOE II, and JOHN DOE

15 **SUPERIOR COURT OF THE STATE OF ARIZONA**
16 **IN AND FOR THE COUNTY OF COCHISE**

17 JANE DOE I; JANE DOE II; and JOHN
18 DOE, by and through conservator, Fleming
19 and Curti PLC,

20 Plaintiffs,

21 vs.

22 THE CORPORATION OF THE
23 PRESIDENT OF THE CHURCH OF JESUS
24 CHRIST OF LATTER-DAY SAINTS, a
25 Utah corporation sole; THE
26 CORPORATION OF THE PRESIDING
27 BISHOP OF THE CHURCH OF JESUS
28 CHRIST OF LATTER-DAY SAINTS,
LENZNER MEDICAL SERVICES LLC, an
Arizona limited Liability Company, DR.
JOHN HERROD AND SHERRIE
FARNSWORTH HERROD, individually
and as a jointly married couple; ROBERT
KIM MAUZY AND MICHELLE
MORGAN MAUZY, individually and as a
jointly married couple; SHAUNICE WARR,
individually; JOHN ROE I-X; JANE ROE I-
X; and ROE CORPORATIONS I-X;

Defendants.

Case No. S0200CV202000599

FIRST AMENDED COMPLAINT FOR:

- (1) NEGLIGENCE,
- (2) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS,
- (3) NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS,
- (4) BREACH OF FIDUCIARY DUTY,
- (5) MEDICAL MALPRACTICE/ MEDICAL NEGLIGENCE,
- (6) MEDICAL NEGLIGENCE/NEGLIGENT HIRING/RETENTION/ SUPERVISION
- (7) RATIFICATION
- (8) CIVIL CONSPIRACY
- (9) PUNITIVE DAMAGES.

Honorable: Laura Cardinal
Division: I

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1 For their Complaint, Plaintiffs Jane Doe I, Jane Doe II, and John Doe (collectively “Plaintiffs”)
2 allege as follows:

3 INTRODUCTION

4 1. This case involves horrible sexual, physical and emotional abuse of children
5 between the ages of six (6) weeks and twelve (12) years old that went on for seven (7) years. The
6 biological father of these victims made videos of his rapes and now these videos are everywhere
7 on the world wide web. The perpetrator admitted his abuse and crimes to his Mormon church, and
8 received counseling for his crimes. The Mormon Church leaders knew about the abuse and yet no
9 one reported these crimes to the authorities. The Mormon Church leaders gave guidance and care
10 to these children for seven (7) years, sat next to them in church and allowed these vicious crimes
11 to continue.

12 2. The Mormon Church recognizes that Bishops act as a “fathers” to their members.
13 Members of the Mormon Church community are “sisters” and “brothers” to each other. Yet these
14 fathers, sisters and brothers failed to protect these children from hideous abuse. The Mormon
15 Church promises to protect their children from abuse, yet allowed the rape of Plaintiffs to continue.
16 The leaders of the Church were responsible for the safety of these children in their care, and they
17 chose to do nothing and hide the abuse from the authorities. The handbook of the Mormon Church
18 states that “Church leaders and members should fulfill all legal obligations to report abuse to civil
19 authorities. No Church leader should ever dismiss a report of abuse or counsel a member not to
20 report criminal activity. Bishops, branch presidents, and stake presidents should call the Church’s
21 ecclesiastical help line immediately each time they learn of abuse for assistance in helping victims
22 and meeting reporting requirements.” See Protecting Members and Reporting Abuse
23 ([https://www.churchofjesuschrist.org/get-help/abuse/protecting-members-and-reporting](https://www.churchofjesuschrist.org/get-help/abuse/protecting-members-and-reporting-abuse?lang=eng)
24 [abuse?lang=eng](https://www.churchofjesuschrist.org/get-help/abuse/protecting-members-and-reporting-abuse?lang=eng), accessed September 1, 2019), attached hereto as Exhibit A.

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1 in Arizona and has systemic as well as continuous contact with Arizona. The COPB's headquarter
2 address is 50 West North Temple Street, Salt Lake City, Utah, 84510, United States.

3 7. The Mormon Church which consists of COP and COPB, is registered to do business
4 in Arizona, and the presiding Stake Presidents, Bishops and other church leaders serve at the
5 pleasure of and subject to the direct and absolute control of the Mormon Church. The Mormon
6 Church operates temples and other houses of worship in Arizona. The divisions of the Mormon
7 Church are the wards, stakes and areas. COP and COPB Wards, Areas and Stake leaders are
8 hereinafter referred to collectively as the Mormon Church.

9 8. The Bishops are appointed to control each ward by the Mormon Church and subject
10 to their control. The Bishop of the ward is the "father" or "caretaker" of the ward, responsible for
11 the wellbeing of all of the members of the ward (Handbook, Book 2 note 45 at 122). At all relevant
12 times, Bishop Herrod, Bishop Mauzy, teacher Shaunice Warr and the other leaders, whose names
13 are unknown at this time, in the local Arizona Stake and Bisbee Ward were acting as agents of the
14 Mormon Church. The unknown defendants include the Area President, the Stake President and the
15 President of the Relief Society, and their names will be added upon discovery. These unknown
16 defendants and the defendant Bishops and teachers are all collectively referred to as Church
17 Leaders, and hereinafter included in the term Mormon Church.

18 9. The Mormon Church Defendants, Individual Defendants and Unnamed Defendants
19 each assumed responsibility for the wellbeing of Church member, whether as clergy or volunteers
20 appointed by the Mormon Church. In their capacities as Bishop, and other positions such as Stake
21 President, Relief Society President, visiting teacher, Sunday School and Primary School teacher,
22 the individual Defendants were held out by the Church as its agents and placed in positions of
23 responsibility and authority over Church members. As a result, they each had a special relationship
24 with members of the congregation, including the minor Plaintiffs. This relationship gave rise to a
25 duty to protect members of the congregation, including the minor Plaintiffs from a foreseeable risk
26 of harm. At all relevant times, the Church assumed special responsibilities towards its members
27 including having a disciplinary and red flagging system meant to identify and track sexual predators

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1 and other dangerous individuals within the membership in order to protect innocent child members
2 from the harm they might inflict.

3 10. The Mormon Church's income comes from member tithes which is turned over to
4 the Mormon Church for investment and other uses, including support of the administrative
5 expenditures of the Mormon Church's wards, stakes and areas. The Church does not provide
6 information about their finances to their members or the public. Upon information and belief, the
7 Church receives five to seven (5-7) billion dollars a year in tithing from members. Upon
8 information reported publicly in the media the Mormon Church owns financial assets and real estate
9 in excess of 100 billion.

10 11. Defendants Dr. John Herrod ("Herrod") and Sherrie Farnsworth Herrod are married.
11 Herrod and Sherrie Farnsworth Herrod resided in Cochise County, Arizona, at all times relevant to
12 this Complaint. All of Herrod's acts referenced in this Complaint were performed in furtherance
13 of, and for the benefit of, the Herrods' marital community. Herrod was appointed by the Mormon
14 Church as the Bishop of the Bisbee Ward of the Arizona Stake of the Church of Jesus Chris of
15 Latter-day Saints from in or around 2009 to 2012. Herrod was acting as an agent of the Mormon
16 Church and Lenzner Medical Clinic with respect to all acts and omissions alleged herein, and those
17 entities are responsible for his actions.

18 12. Herrod was also the Adams family physician. Herrod administered to the health of
19 the Adams family, including Plaintiffs, at all relevant times. Herrod closed his medical practice
20 when the allegations of abuse described herein, and his failure to report these allegations, became
21 known.

22 13. Defendant Lenzner Medical Services LLC, (hereinafter Lenzner) is an Arizona
23 Limited Liability Company that was formed in 2008 to operate a private medical practice for Dr.
24 John Herrod. The Adams family including the Plaintiffs were patients of Dr. Herrod and Lenzner
25 Medical Services.

26 14. Defendants Kim Mauzy ("Mauzy") and Michelle Morgan Mauzy are married. Upon
27 information and belief, Mauzy and Michelle Morgan Mauzy resided in Cochise County, Arizona
28 at all times relevant to this Complaint. All of Mauzy's acts referenced in this Complaint were

1 performed in furtherance of, and for the benefit of, the Mauzy's marital community. Mauzy was
2 appointed by the Church as the Bishop of the Bisbee Ward of the Arizona Stake of the Church of
3 Jesus Christ of Latter-day Saints after Herrod's tenure as Bishop ended in 2012 and continued act
4 as a "father" to care and administer to the needs of the Plaintiffs and their family. Upon information
5 and belief, Mauzy was Bishop of the Bisbee War from in or around 2012 to 2017.

6 15. Defendant Shaunice Warr ("Warr") resided in Cochise County, Arizona, at all times
7 relevant to this Complaint. Warr was a United States Border Patrol Agent and a member of the
8 Church at all times relevant to this Complaint. Warr was selected and assigned by the Church to
9 mentor and watch over the Adams family as a "visiting teacher," and was the Plaintiffs' Sunday
10 school teacher and primary teacher at the Church. Warr acted as a mentor, teacher, counselor, and
11 leader to Plaintiffs in all areas of their lives and stood in *locos parentis* with the minor Plaintiffs.
12 Warr acted as an agent of the Mormon Church with respect to all of her acts and omissions at all
13 relevant times in this complaint.

14 16. The individually named Defendants were acting within the course and scope of their
15 employment and/or agency relationship with the Church at all relevant times, so as to render the
16 Church vicariously liable for their conduct under general agency law, or *respondeat superior*.

17 17. John Roe I-X, Jane Roe I-X, and Roe Corporations I-X are fictitious names of parties
18 whose names are currently unknown. At such time as their names are discovered, Plaintiffs will
19 amend this Complaint to state their true identities.

20 JURISDICTION AND VENUE

21 18. This Court has jurisdiction over the subject matter of this action, pursuant to Article
22 VI, § 14 of the Arizona Constitution and A.R.S. § 12-123.

23 19. This Court has personal jurisdiction over the parties in this lawsuit.

24 20. Defendants caused acts or events to occur within Cochise County, Arizona, out of
25 which Plaintiffs' claims arise.

26 21. Venue is proper in this Court pursuant to A.R.S. § 12-401.

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FACTUAL ALLEGATIONS

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2 22. Paul Adams (“Paul”) was Plaintiffs’ biological father. Paul and Leizza Adams
3 (“Leizza”) had six (6) total children, born over the period of around 2005 to 2015. The Adams
4 family were members of the Mormon Church, and they belonged to the Bisbee Ward of the Church
5 in Cochise County, Arizona. The Bisbee Ward is very small, with approximately 138 members.

6 23. During their membership in the Bisbee Ward, the Adams family regularly attended
7 Church functions and sent their children to Sunday school at the Church. Leizza played the piano
8 for the Church’s primary classes where all Adams children, including Plaintiffs, attended. The
9 Adams family had a special relationship with the Church and its leaders.

10 24. Over the course of many years, until his arrest in February 2017, Paul physically,
11 sexually, and emotionally abused Plaintiffs and his family.

12 25. Paul’s sexual abuse and rape of Jane Doe I commenced when she was approximately
13 six (6) or seven (7) years of age, including but not limited to oral, anal, and vaginal rape, while
14 forcing Jane Doe I to videotape these heinous acts.

15 26. Paul forced John Doe to masturbate Paul and watch pornography. Paul sexually
16 abused the other Adams children in John Doe’s presence, and routinely physically abused John Doe
17 by kicking and throwing him against the walls of the Adams family home.

18 27. Paul threatened and abused Leizza and made it impossible for Leizza to leave the
19 abusive home. The Defendants were aware that Leizza was unable to leave and that she was fully
20 dependent on Paul. The Defendants knew Leizza was unable to protect herself or her children from
21 Paul’s abuse. The Defendants knew that Leizza suffered from battered woman syndrome but did
22 nothing to protect her or the children in their care.

23 28. Paul often forced Leizza to beat the children and if she refused, Paul would beat
24 them more severely. The Defendants knew that both Leizza and Paul abused the children, that the
25 children lived in a dangerous household and did nothing to protect the children.

26 29. The Mormon Church, through its appointed members in various positions,
27 maintained a close relationship with the Adams family and Plaintiffs, as the Mormon Church
28 typically maintains with its members. Mormon Church doctrine establishes that the various

1 appointed members are responsible for ensuring the welfare of their member families. Warr would
2 observe and help the Adams family at least once a week, paying bills, offering advice, providing
3 counseling and general care.

4 30. The Relief Society is a women’s organization within the Mormon Church that exists
5 “to help prepare women for the blessings of eternal life as they increase faith in Heavenly Father
6 and Jesus Christ and His Atonement; strengthen individuals, families, and homes through
7 ordinances and covenants; and work in unity to help those in need.”

8 31. At all relevant times, the Relief Society supervised and implemented the “visiting
9 teaching program” throughout the Mormon Church, whereby certain female members (“visiting
10 teachers”) were selected and assigned to families within their congregation with at least one adult
11 female family member. The Relief Society instructed these “visiting teachers” to visit their assigned
12 families regularly, assist them in their needs and share a spiritual message with them from Church
13 leaders.

14 32. According to the Mormon Church’s official website, “visiting teaching in the ward
15 is determined by the bishop and Relief Society presidency after consideration.” *See The Purpose*
16 *of Visiting Teaching* ([https://www.churchofjesuschrist.org/callings/relief](https://www.churchofjesuschrist.org/callings/relief-society/visiting-teaching-training/purpose-is-to-minister?lang=eng)
17 [society/visiting-teaching-training/purpose-is-to-minister?lang=eng](https://www.churchofjesuschrist.org/callings/relief-society/visiting-teaching-training/purpose-is-to-minister?lang=eng), accessed March 13, 2020),
18 attached as Exhibit B.

19 33. The Mormon Church’s official website lists “visiting teacher” duties as follows:

- 20 • “Pray daily for [the sister you visit] and her family.”
- 21 • “Seek inspiration to know her and her family.”
- 22 • “Visit her regularly to learn how she is doing and to comfort and strengthen her.”
- 23 • “Stay in frequent contact through visits, phone calls, letters, e-mail, text messages,
24 and simple acts of kindness.”
- 25 • “Greet her at Church meetings.”
- 26 • “Help her when she has an emergency, illness, or other urgent need.”
- 27 • “Teach her the gospel from the scriptures and the visiting teaching messages.” *Id.*

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1 34. The Mormon Church’s official website explains that the Relief Society utilizes
2 “visiting teachers” to accomplish the following purposes:

- 3 • “Increase faith and personal righteousness.”
- 4 • “Strengthen families and homes.”
- 5 • “Help those in need,” including “individuals and families in need.” *Id.*

6 35. The Mormon Church’s official website provides instructions for those who assign
7 visiting teachers to families, including: “[Asking the visiting teacher] to report back to the Relief
8 Society presidency any special needs of the sisters and any service rendered. Leaders instruct
9 visiting teachers to maintain confidentiality.” The website also provides that “confidential
10 information should be reported only to the Relief Society president, who reports it to the bishop.
11 The Relief Society president gives the bishop a monthly visiting teaching report . . . [i]f a sister and
12 her family have urgent needs, the Relief Society president reports this information to the bishop
13 immediately.” *Id.*

14 36. The Mormon Church and Herrod selected and assigned Warr to the Adams family
15 as a “visiting teacher” on or about 2010 after learning of the sexual abuse of Plaintiff by Paul
16 Adams. Warr was also Plaintiffs’ Sunday school teacher at the Church. The ward was so small that
17 the only children in Warr’s Sunday school class were Plaintiffs and their siblings. Warr taught the
18 children how to shoot, how to play piano and many other things. Warr became Leizza’s best friend
19 and was very concerned about taking care of her. Warr had frequent contact and responsibility for
20 the family, and developed a special relationship with the Adams family pursuant to the Defendant’s
21 mandates. Warr stood in *locus parentis* with the Plaintiffs and the family, in a trusting fiduciary
22 and protective duty of care to the Plaintiffs.

23 37. Warr was routinely in the Adams family home as a “visiting teacher,” and agent of
24 the Mormon Church, to carry out the duties and purposes described above. In accordance with the
25 “visiting teacher” duties and purposes described above, Warr discussed the well-being of the
26 Adams family with various Mormon Church agents, including the Relief Society leadership and
27 the Bishops.

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1 38. Warr knew that Paul was a violent, unstable, and dangerous person, and upon
2 information and belief communicated this to the Relief Society leadership and the Bishops. Upon
3 information and belief, the Mormon Church leadership was fully aware of the danger that Paul and
4 Leizza posed to the Plaintiffs from 2010 onwards.

5 39. During the state’s criminal proceedings against Leizza, Warr testified that as Paul’s
6 fellow agent in the U.S. Border Patrol, upon information and belief, Warr knew that Paul was
7 terminated twice for improper conduct at work. While a U.S. Border Patrol agent, Paul was caught
8 conspiring with his girlfriend to transport drugs across the border in his vehicle, and made terroristic
9 threats to the agency. Warr shared information about Paul’s abusive and dangerous behavior with
10 her fellow Border agents.

11 40. Paul was so dangerous, upon information and belief, Warr noted she would have
12 shot him if he were to “go postal” at work or if Paul were to stop Leizza and the children from
13 leaving. Paul would show Warr and others at work the inappropriate images and pornography that
14 he had on his phone. Everyone knew Paul had these images on his phone as he shared them with
15 impunity.

16 41. The Adams home was an obvious place of abuse. There were sex toys, lube and
17 pornography throughout the home, out in the open and clearly visible, including blowup dolls in
18 Jane Doe I’s bedroom. Anyone, including Warr, who came into the home could see the sex toys
19 and lube in the kitchen, next to the couch in the living room, and in any of the common rooms. *See*
20 Transcript of Recorded Interview of Paul Adams (February 9, 2017) in *United States v. Paul*
21 *Adams*, 6:2-10; 10:1-7; 24:17-22; 25:14-19, attached hereto as Exhibit C.

22 42. Warr spent a lot of time at the home helping the children and visiting with them.
23 Warr played with the children, taught them to shoot guns, taught them scripture and counseled
24 Leizza on the problems of abuse at home. Warr would babysit the children on a regular basis. Warr
25 was aware Leizza and the children were being abused, and had reasonable suspicions that Paul was
26 extremely dangerous and harmful to the family. Warr had an obligation to report this abuse as a
27 teacher and caretaker of the children pursuant to the special relationship at the direction of the
28 Mormon Church and its leaders.

1 43. Warr observed stark differences in Plaintiffs’ behavior when Paul was in town
2 versus when Paul was out of town. When Paul was in town, Plaintiffs were extremely combative,
3 tense, silent, and restrained. When Paul was out of town, the kids were kids, and Plaintiffs would
4 relax.

5 44. Warr’s observations of Plaintiffs led her to believe that Plaintiffs were abused and
6 lived in fear. Upon information and belief, Warr was so concerned over this situation, Warr testified
7 that she would have shot Paul if he did not allow the children and Leizza to leave.

8 45. Leizza became pregnant with Jane Doe II, and Warr realized the situation had
9 become increasingly dangerous for the children. Paul Adams would punish the children by killing
10 the family cats in front of them. Paul threatened to shoot up the federal agency he worked at. Paul
11 was involved in illegal drug trafficking as a federal agent. Warr was fully aware of just how
12 dangerous and abusive Paul was. Warr told Leizza to leave Paul and take the kids to San Diego,
13 California, to live with Leizza’s family. Upon information and belief, Warr even obtained her
14 fellow Border Patrol agents’ assistance in offering to get Leizza and Plaintiffs to safety, as everyone
15 at Border Patrol knew just how dangerous Paul could be.

16 46. Despite the overwhelming evidence of Paul’s abusive and psychotic behavior
17 toward his children and wife, Warr failed to report Paul’s abuse of Plaintiffs to any government
18 authorities on the instructions of Church leadership. Everyone at the Mormon Church knew about
19 the abuse, including but not limited to the Relief Society, Herrod, and Mauzy. Upon information
20 and belief, Warr, Herrod, Mauzy and the other Church leaders were instructed not to report the
21 abuse by the Mormon Church, and the Defendants, consistent with their policy of concealing sexual
22 abuse. What is even more heinous is that Warr continued to conceal the abuse and even helped
23 Leizza shred documents and get rid of anything related to Paul after his arrest. *See Free Talk*
24 *(August 31, 2017)*, 38:12-13, 38:25-33, 38:43-46, attached as Exhibit D. 47.

25 47. Plaintiffs allege, upon information and belief, that Warr followed instruction by the
26 Church leaders to instruct Leizza on what to say to the authorities following Paul’s arrest, with an
27 aim of protecting the Church from the failure of its agents to report the abuse. Plaintiffs further
28 allege, upon information and belief, that Warr was a point-person who counseled Leizza to protect

1 the Bishops, including Mauzy and Herrod, and the Church itself from liability for the failure of its
2 agents to protect the children and/or report the abuse.

3 48. The State of Arizona took away the children from Leizza after the arrest of Paul
4 Adams, and she was charged with child abuse. Warr had Leizza move in with her once the children
5 were removed, and acting in *loco parentis* attended the meetings with the Minor Plaintiffs and their
6 case managers to help determine the best course of action for the children. Warr did all this at the
7 direction of the Mormon Church, consistent with her obligations to care for the children.

8 49. Warr and the Defendants did not report Paul’s abuse of Plaintiffs to any government
9 authorities. As a result, Plaintiffs were left in the care of a violent, dangerous pedophile who
10 continually abused them for years.

11 50. The Mormon Church maintains a pattern and practice of concealing abuse from the
12 authorities, and signals that its members should conceal and/or fail to report abuse so as to keep
13 “the Church from being inappropriately implicated in legal matters.” See President Russell M.
14 Nelson Letter (August 4, 2020), attached hereto as Exhibit E. Through this policy of concealment,
15 the Church ratifies abusive conduct, perpetuating a culture of concealment and encouraging a lack
16 of cooperation among Church members with law enforcement

17 51. Upon information and belief, Paul was counseling with the Bishop of the Church
18 about his addiction to pornography. Later, at some point in or around 2010, Paul revealed the sexual
19 abuse of Jane Doe I to Herrod in his role as Bishop during a “counseling session.” See Presentence
20 Hearing and Sentencing Transcript (August 13, 2018) in State of Arizona v. Leizza Adams, at 42:2-
21 13, attached hereto as Exhibit F.

22 52. Upon information and belief, Herrod stated in his interview with Agent Robert
23 Edwards that Paul admitted to making videos of Jane Doe I’s sexual acts on Paul. Defendants knew
24 that this was consistent with his pornography addiction. The Defendants knew that “[a]buse tends
25 to become more severe over time” See 2008 Letter of Guidance from the First Presidency of the
26 Mormon Church, attached hereto as Exhibit G. The Defendants were aware that any alleged
27 “privilege” was waived by Paul when he disseminated the videos and pictures on the internet and
28 shared with others. Defendants were also aware that “Church leaders should never disregard a

1 report of abuse or counsel a member not to report criminal activity to law enforcement personnel”
2 *See Exhibit G.*

3 53. Herrod then immediately brought Leizza into the room and instructed Paul to repeat
4 his admissions of sexual abuse to Leizza. Paul complied.

5 54. In an interview with law enforcement, following Paul’s arrest years later, Herrod
6 stated that the reason for bringing Leizza into the room was that “he wanted the children to be safe,
7 and he thought . . . that Leizza would either remove the children from the situation or at least, very
8 least, keep the kids away from Paul.” *See Exhibit F at 43:23-44:3.*

9 55. Herrod warned Paul and Leizza that if they did not separate, Herrod would report
10 Paul’s actions to authorities.

11 56. Paul and Leizza did not actually separate, but Paul began working and residing in
12 Tucson, Arizona, during the week and returning to the Adams family home on the weekends.

13 57. This lasted approximately four months before Paul fully returned to the Adams
14 family home. The Mormon Church and the Defendants knew that Paul was back with his family,
15 and knew that the abuse was continuing. The Defendants knew that Paul had access to the children
16 during this entire period.

17 58. During Herrod’s counseling sessions, Paul continued to talk to Herrod about the
18 ongoing abuse of his children, and Leizza attended the sessions “numerous times.” *Id.* at 44:13-
19 45:10. Herrod would counsel Leizza to forgive and forget.

20 59. Based on Paul’s continuing admissions of sexual abuse, Herrod knew that Leizza
21 was not keeping her children away from Paul and that abuse continued.

22 60. Herrod’s attempts to convince these obviously mentally ill parents to stop abusing
23 their children were unsuccessful. Herrod diagnosed his patient, Leizza, as having battered woman
24 syndrome. Herrod called Church leadership in Salt Lake City, Utah, and requested permission to
25 report the abuse. Bishops are instructed to call the Helpline first, before calling any legal authorities
26 such as the police or child protective services. Herrod called the Church “Helpline” and was
27 instructed to not report the abuse to the legal authorities as is the pattern and practice of the
28 Defendant Mormon Church.

1 61. The Stake Presidents and Bishops Handbook states as follows: “[i]n instances of
2 abuse, the first responsibility of the Church is to assist those who have been abused, and to protect
3 those who may be vulnerable to future abuse.”

4 62. In conjunction with this doctrine, Utah’s Supreme Court has characterized the
5 Helpline as “a 1-800 number that bishops and other Church clergy can call when they become
6 aware of possible abuse. The Help Line is available 24 hours a day, 365 days a year and is staffed
7 by legal and counseling professionals who ‘provide guidance to the bishop on how to protect the
8 [victim] from further abuse, and how to deal with the complex emotional, psychological, and legal
9 issues that must be addressed in order to protect the victim.’” *MacGregor v. Walker*, 2014 UT 2 ¶2,
10 322 P.3d 706, 707 (2014) [internal citation omitted in original].

11 63. In reality, upon information and belief, the Mormon Church staffed the Helpline with
12 social worker and mental health professionals; these individuals would then interview the bishops and other
13 Church members reporting the abuse and complete forms and questionnaires about the abuse. Upon further
14 information and belief, the mental health professionals would then refer the matter to attorneys of Kirton
15 McConkie, one of the largest law firms in the State of Utah, which, in turn, would instruct the social
16 workers and/or mental health professionals to destroy notes or documents of the abuse reports.

17 64. Thus, upon information and belief, rather than notifying law enforcement or other
18 government authorities when Bishops and/or other Mormon Church clergy members called the
19 Helpline about sexual abuse within the Mormon Church, the Helpline operators would refer these
20 calls to the Kirton McConkie attorneys and destroy their notes and/or record keeping of their
21 discussion of the abuse. Any mental health professionals and social workers taking these calls were
22 mandatory reporters of child sexual abuse, and any instruction by the Church and/or Kirton
23 McConkie would encourage these individuals to illegally violate their respective duties to report
24 the abuse.

25 65. This pattern and practice of concealing abuse and failing to report abuse, under the
26 guise of clergy-penitent privilege, was a concerted and illegal effort to shield the church from
27 liability at the expense of protecting survivors of sexual abuse.
28

1 66. Indeed, Herrod later informed DHS that when he called the Helpline, he was advised
2 “that he needs to continue counseling sessions, and that there’s no duty to report to authorities due
3 to the clergy-penitent privilege.” *See* Exhibit F at 45:19-25.

4 67. Herrod followed the directive to conceal the abuse, did not notify the authorities,
5 and took no other action whatsoever to protect Plaintiffs from further abuse for over seven (7) years.

6 68. In another sexual abuse-related civil lawsuit against the Mormon Church and its
7 agents, a Kirton McConkie attorney “acknowledged during a pretrial deposition that the firm uses
8 information gleaned from helpline calls to identify cases that pose a high financial risk to the
9 Mormon Church.” *See* The Mormon Church Has Been Accused of Using a Victim’s Hotline to
10 Hide Claims of Sexual Abuse ([https://www.vice.com/en_us/article/d3n73w/duty-to-report-the-](https://www.vice.com/en_us/article/d3n73w/duty-to-report-the-mormon-church-has-been-accused-of-using-a-victims-hotline-to-hide-sexual-abuse)
11 [mormon-church-has-been-accused-of-using-a-victims-hotline-to-hide-sexual-abuse](https://www.vice.com/en_us/article/d3n73w/duty-to-report-the-mormon-church-has-been-accused-of-using-a-victims-hotline-to-hide-sexual-abuse)
12 [claims?utm_medium=vicenewstwitter](https://www.vice.com/en_us/article/d3n73w/duty-to-report-the-mormon-church-has-been-accused-of-using-a-victims-hotline-to-hide-sexual-abuse), accessed March 9, 2020), attached hereto as Exhibit H.

13 69. In other words, the Mormon Church implements the Helpline not for the protection
14 and spiritual counseling of sexual abuse victims, as professed in Mormon Church doctrine and
15 literature, but for Kirton McConkie attorneys to snuff out complaints and protect the Mormon
16 Church from potentially costly lawsuits. This is consistent with the instructions set forth in
17 President Russell M. Nelson Letter, dated August 4, 2020, and attached hereto as Exhibit E,
18 encouraging congregants to avoid cooperating with authorities asking for information on abuse.

19 70. Herrod left his position as Bishop in 2012 and turned over the horrific situation
20 involving the Adams family to incoming Bishop Mauzy, informing Mauzy of Paul’s sexual
21 depravity and heinous crimes against Plaintiffs.

22 71. Upon information and belief, Mauzy received a call from the Helpline telling him
23 to start disciplinary proceeding against Paul Adams Mauzy was further advised that he was
24 prohibited from reporting the abuse.

25 72. Like Herrod, Mauzy followed the directive to conceal the abuse, Mauzy did not
26 notify the authorities, and took no other action whatsoever to protect Plaintiffs from further abuse.
27 As a result, Paul’s abuse of Plaintiffs continued.
28

1 73. Numerous members of the Mormon Church who held various offices knew of Paul’s
2 abuse of Plaintiffs, as they would be apprised at weekly meetings of various ongoing issues with
3 members within the Bisbee Ward.

4 74. The Plaintiffs continued to attend Church functions and Sunday school. Paul, upon
5 information and belief, occasionally visited Church to receive assistance from Church leaders,
6 including Bishop Herrod. Defendants and other Church members told Leizza to “forgive and
7 forget” Paul’s ongoing crimes against her children. Leizza followed these instructions, as she was
8 compliant with the Defendants authority and afraid of Paul’s threats and abuse. Paul’s abuse of
9 Plaintiffs continued and even escalated, becoming more frequent, brutal, and grotesque.

10 75. In or around July 2013, the Church excommunicated Paul at a disciplinary
11 hearing which multiple Church members attended, including a scribe for the Church. Paul
12 appealed the ruling to excommunicate him, but to no avail. The Church claimed the pretext
13 of Paul having sex with his mother as the basis to expel him, rather than Paul well-known
14 history sexually and physically abusing his children. Thereafter, Defendants took no action
15 to report Paul’s abuse or otherwise intervene against Paul after his excommunication, which
16 emboldened Paul to continue physically, sexually, and emotionally abusing Plaintiffs with
17 impunity.

18 76. Paul Adams continued communicating with members and leaders of the Mormon
19 Church even after his excommunication, and Paul and his family continued to be treated by
20 Dr. Herrod as a patient, along with his family at home and at the Lenzner Medical Services Clinic.

21 77. Paul Adams would publicly brag about his abusive conduct, going so far as to “boast
22 [] on a group chat that he has the perfect lifestyle where he can have sex with his two daughters and
23 his wife doesn’t care and she knows.” *See* Exhibit F at 26:13-18.

24 78. Leizza gave birth to Jane Doe II in 2015, approximately five (5) years after Herrod
25 learned of the sexual abuse of Jane Doe I and approximately three (3) years after Mauzy assumed
26 Herrod’s prior position as Bishop.

27 79. Although Jane Doe II was barely born, Paul’s sexual abuse and rape of Jane Doe II
28 tragically commenced when she was less than six (6) months of age.

1 80. Paul’s abuse of Jane Doe II was no less heinous than that of Jane Doe I. Indeed, Paul
2 admitted in an interview with law enforcement that “he found it hard to have vaginal sex with [Jane
3 Doe II] because her body was so small, and his penis would not fit into her vagina.” *Id.* at 25:7-14.

4 81. Paul abused Leizza, physically and emotionally, and Paul sexually abused all of his
5 children (including Plaintiffs), even the boys, by making them masturbate him, watch pornography
6 and engage in other sexual acts, throwing them against the wall, and hitting them. Paul would
7 punish the children by forcing them to watch him run over the family cat with his car until it died.

8 82. John Doe was beaten, forced to drink vinegar, forced to watch pornography, forced
9 to masturbate his father, and forced to witness the serious abuse of all of the other children.

10 83. The Defendants were aware of the abuse of the children, including Plaintiffs, for
11 over a period of seven (7) years. Despite knowing about the ongoing abuse and harm being inflicted
12 on these helpless children, including Plaintiffs, the Defendants did nothing to protect them. The
13 Defendants, and each of them, knew the abuse was ongoing and pervasive; knew that Paul was
14 addicted to pornography, violence, and pedophilia; yet did not report any of his many heinous
15 crimes to the authorities.

16 84. The Defendants did not offer these victims therapy, nor provide them with help of
17 any kind. The Defendants would sit next to these children in Church, visit them in their home,
18 provide medical care, pray with them, pay bills for them, bring food and other assistance, yet allowed
19 them to be raped, beaten, abused, and severely damaged.

20 85. On February 8, 2017, the United States Department of Homeland Security (“DHS”)
21 received a tip relating to an approximately nine (9) minute pornographic video that was uploaded
22 to the internet from New Zealand. DHS forwarded the tip to the National Center for Missing and
23 Exploited Children in Washington, D.C., and was able to identify Paul having sexual intercourse
24 and engaging in other sexual conduct with then nine-year-old Jane Doe I in the video.

25 86. DHS promptly arrested Paul while he was on duty at a U.S. Border Patrol station in
26 Naco, Arizona. While in custody, Paul confessed to making the video, and Paul also confessed to
27 sexually assaulting Jane Doe I and Jane Doe II over the course of their lives.
28

1 87. DHS served a search warrant of the Adams family home and seized thousands of
2 pieces of child pornography, many which included Plaintiff Jane Doe I and Plaintiff Jane Doe II.

3 88. Paul was charged with fourteen (14) felonies. *See Paul Adams Indictment*, attached
4 hereto as Exhibit I. After confessing his crimes to DHS and waiving his rights, Paul committed
5 suicide by hanging in his cell at Central Arizona Correctional Complex on December 16, 2017.

6 89. Leizza pled guilty to two (2) felony counts of child abuse. She was sentenced to two
7 and a half (2.5) years in prison and four (4) years of supervised probation on August 13, 2018.

8 90. Plaintiffs were adopted by three (3) separate families who had no previous
9 connection to the Adams family, and the remaining three Adams children were adopted by relatives
10 of the Adams family.

11 91. Ultimately, Plaintiffs were sexually, physically, and emotionally abused in heinous
12 ways beyond comprehension. This abuse led to Plaintiffs suffering severe physical and emotional
13 damage, which they will continue to suffer for the rest of their lives.

14 92. Jane Doe I and Jane Doe II have permanent emotional and physical damage as the
15 result of the repeated rapes and abuse. John Doe I has severe emotional and physical damage as a
16 result of the years of abuse. These children lived in hell for seven (7) years, and the Defendants did
17 nothing to stop the abuse.

18 93. The adoptive parents of Jane Doe I and Jane Doe II have been notified by the Internet
19 Crimes Against Children Task Force (“ICAC”) that their pornographic images are “everywhere”
20 on the dark web, that they are in danger of being stalked, and that they cannot appear anywhere on
21 public social media, due to safety concerns that the child pornography will be tied to their likeness.

22 94. John Doe will also suffer the rest of his life from the sexual, physical, and emotional
23 abuse he suffered. John Doe was forced to watch pornography in the home, endure sexual abuse by
24 Paul, and was often forced to remain in the vicinity of the active sexual abuse of his siblings. After
25 placement in foster care, John Doe began suffering from night terrors and hygiene issues that
26 ostracized him from his foster siblings.

27 95. Arizona’s mandatory child abuse reporting statute, as codified in A.R.S. § 13-3620,
28 provides that “any person who reasonably believes that a minor is or has been the victim of physical

1 injury, abuse, child abuse, [or] a reportable offense . . . shall immediately report or cause reports to
2 be made of this information to a peace officer . . . ‘person’ means: any peace officer, child welfare
3 investigator, child safety worker, member of the clergy, priest or Christian Science practitioner.”

4 96. Bishops of the Mormon Church, including Herrod and Mauzy, are mandatory
5 reporters as “member[s] of the clergy,” and as persons who have the care of children under A.R.S.
6 § 13-3620(A)

7 97. Under A.R.S. § 13-3620(A)(5), mandatory reporters include “[a]ny other person
8 who has responsibility for the care or treatment of a minor.” As Warr is not a man, she is not a
9 member of the Mormon Church clergy. However, as a Sunday school teacher, “visiting teacher,”
10 and caretaker, Warr was mandated by the Defendant Mormon Church and the Bishops to care for
11 Leizza and her children, including Plaintiffs and to stand in *locus parentis* in relations to the
12 children. Warr’s responsibilities included reporting to the Mormon Church on the care, needs, and
13 welfare of the Plaintiffs and meeting those needs, rendering Warr a “mandatory reporter” under
14 Arizona law.

15 98. Each of the Defendants had personal observations of the abuse, and also knew of
16 the abuse outside of any confidential communication, as the abuse was discussed by the Church
17 leaders, visiting teachers, Bishops and others in routine meetings. Upon information and belief, the
18 Church leadership knew Paul Adams had child pornography addictions as early as 2009. Paul
19 Adams told Bishop Herrod that he made pornography of him forcing Jane Doe I to do sexual acts
20 on him. The Defendants knew Paul was sharing the pornography of the abuse online, had
21 knowledge and personal observations of the abuse from outside any confidential communication,
22 so any “privilege” is not applicable and or is waived.

23 99. Dr. Herrod, as the family physician, and the Lenzner Medical clinic had no such
24 clergy privilege, and had a mandatory duty to report the abuse. Dr. Herrod treated the Plaintiffs and
25 their family regularly, and failed to report her abuse as mandated by the standard of care and the
26 law.

27 100. Warr’s personal observations of Plaintiffs that she shared with Herrod and other
28 Church leadership gave rise to a reasonable belief that Plaintiffs had been, and were continuing to

1 be, the victims of child abuse, which renders A.R.S. § 13-3620(A) “confidential communication or
2 confession” exception inapplicable.

3 101. Furthermore, once the penitent has waived the privilege through disclosures
4 inconsistent with its preservation, the clergy member can no longer invoke the privilege.

5 102. Paul waived the clergy-penitent privilege multiple times through disclosures
6 inconsistent with its preservation. Herrod, Warr and Mauzy had personal observational knowledge
7 of the abuse, leaving Herrod, Mauzy and Warr no statutory basis to withhold reporting of the abuse
8 from authorities, fulfilling their mandatory reporter responsibilities.

9 COUNT ONE: NEGLIGENCE

10 (Against All Defendants)

11 103. Plaintiffs incorporate the preceding paragraphs as though fully set forth herein.

12 104. Plaintiffs were minors under the supervision, care and control of the Defendants,
13 who provided care, counseling and guidance to the Adams family on a constant basis. Defendants
14 were in a special relationship with the Plaintiffs and the Adams family.

15 105. The Defendant Mormon Church’s rules and institutional power over the Adams’
16 family and its members required that Leizza follow their leader’s instructions and advice.
17 Defendant Herrod counseled Leizza to forgive and forget Paul’s horrific abuse. Leizza Adams was
18 unable to make any of her own decisions, which was known to the Defendants. Leizza as a faithful
19 member of the Mormon Church followed these instructions of the Defendants to forgive and forget,
20 and allowed the abuse to continue.

21 106. Defendants knew of Leizza’s mental decline, yet did nothing to protect her or the
22 children from the ongoing nightmare of abuse at the home.

23 107. Upon information and belief, the Defendants, as well as the local community, knew
24 of the deviant sexual behaviors of Paul Adams, as he had been banned from various sports areas
25 for touching children inappropriately.

26 108. Defendants, despite the community knowledge and their own actual knowledge of
27 the abuse, continually concealed and covered up the abuse so as to avoid shame and possible
28 litigation for the Mormon Church. This failure to prevent or report the abuse was part of the policy

1 of the Defendants, which was to block public disclosure to avoid scandal, to avoid the disclosure
2 of their tolerance of child sexual molestation and assault, to preserve a false appearance of
3 propriety, and to avoid investigation and action by public authority including law enforcement.
4 Plaintiffs are informed and believe that such actions were motivated by a desire to protect the
5 reputation of the Defendants while fostering an environment where such assaults could continue to
6 occur.

7 109. Defendants owed the Plaintiffs a special duty of care. The Plaintiffs as minors at all
8 relevant times herein were in the care and control of the Defendants, and Defendants owed the
9 Plaintiffs a special duty of care as they were entrusted with the Plaintiffs' safety, security and care.

10 110. Defendants were in a position of trust and authority with the Plaintiffs, and could
11 have counseled them, interviewed them and treated their emotional damage resulting from the
12 abuse. Instead, the Defendants deliberately turned a blind eye to the needs of their minor wards and
13 allowed the abuse to continue unchecked and untreated.

14 111. Arizona's legislature enacted the mandatory child abuse reporting statute, as
15 codified in A.R.S. § 13-3620, to protect a specific class of persons (minor children) against a
16 specific type of harm (child abuse).

17 112. Accordingly, Arizona law imposes a civil duty on mandatory reporters to report to
18 authorities when the mandatory reporter reasonably believes that a minor is or has been the victim
19 of child abuse.

20 113. Defendants, and each of them, had a statutory civil duty to report their knowledge
21 of Paul's physical, sexual, and emotional abuse of Plaintiffs to authorities.

22 114. Defendants and each of them undertook a special relationship and duty to exercise
23 ordinary care in the provision of these services, including: teaching primary classes, teaching
24 Sunday school, counseling the Adams family, providing medical services, conducting welfare
25 checks and visits to the Adams family home, teaching the minor Plaintiffs skills, caring for the
26 minor Plaintiffs, assisting in paying bills, giving directives on family life and overseeing the Adams
27 family's welfare. The Defendant Mormon Church and its leaders directed and supervised the care

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1 of this family including the Plaintiffs. The Defendants stood in *locus parentis* with this family and
2 the Plaintiffs.

3 115. Defendants, and each of them, breached their duties to Plaintiffs in the following
4 ways:

- 5 (a) Failing to fulfill their statutory civil duty to report Paul's physical, sexual, and
6 emotional abuse of Plaintiffs to authorities, and otherwise completely failing to
7 intervene against Paul;
- 8 (b) Placing the responsibility for stopping or removing the children from Paul's abuse
9 entirely on Leizza's shoulders, while knowing that she was unable to do so, which
10 kept Plaintiffs in a violent and abusive household situation;
- 11 (c) Failing to provide adequate guidance and counseling to Paul, which led to the
12 continuation and escalation of Paul's abuse of Plaintiffs; and
- 13 (d) Failing to provide any guidance, counseling, and support whatsoever to Plaintiffs in
14 accordance with written Mormon Church doctrine pertaining to sexual abuse
15 victims.
- 16 (e) Failing to report these crimes to the authorities, which could have been done without
17 breaching any alleged privilege.
- 18 (f) Failing to conduct any kind of inquiry or investigation about the welfare of the
19 children while refusing to report the crimes against them.
- 20 (g) Failing to report as a medical doctor the abuse of the minor Plaintiffs who were his
21 patients, and the physical abuse of Leizza Adams his patient.
- 22 (h) Defendant Mormon Church and its leaders failed to properly supervise, train and
23 retain the lay volunteers who controlled the care and treatment of the Adams family
24 and the Plaintiffs.
- 25 (i) The Defendant Mormon Church and the defendants Herrod, Mauzy and Warr
26 represented to the members of the Mormon Church and to the Plaintiffs that they
27 were safe in their care, and represented that the Mormon Church and the Defendants
28 were the authorities on how to protect children, that the Mormon Church had

1 procedures and protocols to protect children from abuse. All of these representations
2 were negligently made, or in the alternative, intentionally made so that the Plaintiffs'
3 abuse remained a secret, and the abuse be concealed from the public and the
4 authorities. All of these false representations were made either grossly, negligently
5 or deliberately, to convince the members of the Mormon Church and the Plaintiffs
6 to rely on the Defendant's advice, and to allow the Mormon Church and its leaders
7 to control the safety and daily lives of its members so as to conceal abuse, scandal
8 and keep other crimes a secret from the authorities.

9 (j) The Defendant Mormon Church held themselves out as the highest authority on
10 family safety and abuse, published many instructional manuals about abuse, yet
11 negligently failed to advise their lay leaders Defendants Herrod, Mauzy and Warr
12 among others to follow the law and report abuse, and negligently failed to supervise
13 and direct these lay leaders to protect the Plaintiffs and other children in their care.

14 (k) The Defendants all failed to do the right thing and follow the ~~moral~~ mandate of their
15 Mormon Church, protect the Plaintiff children from abuse. This failure was either
16 grossly negligent, and the standard of care for civic organizations to or intentional
17 in attempts to protect the reputation of the Mormon Church.

18 116. Defendants, and each of them, knew that Leizza was dependent on the Mormon
19 Church and was also mentally, physically, and emotionally incapable of intervening against Paul
20 or removing the children from Paul's abuse. The Defendants specifically placed Defendant Warr
21 with the family to help the children because they knew that Leizza was not able to do so. While
22 acting in *loco parentis* with the Plaintiffs, Warr failed to protect them from the abuse, and failed to
23 have authorities investigate and intervene for the Plaintiffs safety on the instructions of the Mormon
24 Church.

25 117. Warr was also placed with the family by the Defendants and the Mormon Church to
26 conceal and keep the abuse secret, rather than report the abuse to the authorities. The Defendants
27 and Warr knew that Paul had been excommunicated, yet allowed him to be around the children and
28 the Mormon Church premises. As a result of Defendants' breach of their duties to Plaintiffs,

1 Plaintiffs were left in a home with a violent, dangerous pedophile and his weak, abused spouse.
2 The Defendants sent Paul the message that he could continue to physically, sexually, and
3 emotionally abuse Plaintiffs without consequence because Paul knew Defendants would not report
4 him.

5 118. As a result, Paul continued to physically, sexually, and emotionally abuse Plaintiffs
6 with impunity for at least seven (7) years with Defendants' full knowledge and tacit acceptance.

7 119. Defendants' actions and omissions proximately caused Plaintiffs extreme physical,
8 sexual, and emotional harm giving rise to damages in an amount to be proven at trial.

9 COUNT TWO: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

10 (Against All Defendants)

11 120. Plaintiffs incorporate the preceding paragraphs as though fully set forth herein.

12 121. Defendants, and each of them, knew that Plaintiffs were suffering from years of
13 abuse and did nothing to protect them. Instead of reporting the abuse, Defendants consciously
14 elected to withhold the reporting of the abuse, and otherwise completely failed to intervene against
15 Paul, thereby intentionally and/or recklessly creating circumstances in which Plaintiffs were
16 continually exposed to Paul's vicious and horrific abuse for years on end.

17 122. Defendants' conduct was so outrageous and extreme in degree and character that it
18 went beyond all possible bounds of decency and is conduct utterly intolerable in civilized society.

19 123. Defendants either intended to cause Plaintiffs emotional distress, or recklessly
20 disregarded the near certainty that such distress would result from their conduct.

21 124. Plaintiffs have suffered severe, permanent, and extreme emotional distress as a
22 direct and proximate result of Defendants' conduct, and Plaintiffs have been damaged in an amount
23 to be proven at trial.

24 COUNT THREE: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

25 (Against All Defendants)

26 125. Plaintiffs incorporate the preceding paragraphs as though fully set forth herein.

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1 134. Mauzy, as successor to Herrod in the role of the Adams family’s spiritual counselor,
2 possessed a fiduciary relationship with Plaintiffs, and Mauzy also had a fiduciary duty to act in
3 Plaintiffs’ interests and care for Plaintiffs’ well-being.

4 135. Defendants, and each of them, breached their fiduciary duties to Plaintiffs in the
5 following ways:

6 (a) Failing to report Paul’s physical, sexual, and emotional abuse of Plaintiffs to
7 authorities.

8 (b) Instructing Leizza to forgive and forget the abuse, and failing to treat her medical
9 conditions of battered wife syndrome, which kept Plaintiffs in a violent and abusive
10 household situation.

11 (c) Failing to report the inability of Leizza to protect herself or her children to the
12 authorities that could remove the children.

13 (d) Failing to provide any guidance, counseling, and support whatsoever to Plaintiffs in
14 accordance with written Mormon Church doctrine pertaining to sexual abuse victims.

15 136. As a direct and proximate result of Defendants’ breaches of their fiduciary
16 obligations, Plaintiffs suffered physical and mental injuries and emotional pain and suffering in an
17 amount to be proven at trial.

18 COUNT FIVE: MEDICAL MALPRACTICE/MEDICAL NEGLIGENCE

19 (Against John Herrod/Lenzner Medical Clinic)

20 137. Plaintiff restates and incorporates by reference each and every allegation contained
21 in the prior paragraphs of this Complaint.

22 138. Defendant John Herrod (“Dr. Herrod”) was the Adam’s family physicians and
23 remained the Adam’s family physician until in or around 2019. Leizza would bring all of her
24 children, including Plaintiffs, to Dr. Herrod’s office, Lenzner Medical Clinic, and he would treat
25 all of them. Defendant Herrod and Lenzner are one and the same in this claim of negligence and
26 malpractice.

27 139. During the course of the physician-patient relationship between Defendant Herrod
28 and the Plaintiffs’ family, Defendant Herrod became aware that his patient, Plaintiff Jane Doe I

1 was the victim of physical and sexual abuse perpetrated by his patients, her parents. Defendant
2 Herrod was aware that such abuse continued unabated. Dr. Herrod was also aware that Leizza
3 Adams herself was a victim of spousal abuse. Dr. Herrod diagnosed Leizza Adams, upon
4 information and belief, as having battered woman syndrome, and Dr. Herrod was fully aware of
5 her inability to protect herself and her children, failed to report all of this abuse. Dr. Herrod's
6 treatment of Leizza Adams and the Plaintiffs fell below the standard of care and as a result the
7 Plaintiffs suffered severe abuse and permanent damages.

8 140. Dr. Herrod and Lenzner Medical Clinic "lost" many of their files on the Plaintiffs
9 which is currently the subject of separate litigation. Dr. Herrod and Lenzner Medical Clinic
10 breached their duty of care to his patients by "losing their files." Upon information and belief, Dr.
11 Herrod retired and sold his practice Lenzner Medical Clinic after the scandal of his failure to report
12 the abuse became public, and subsequently many of his files disappeared.

13 141. Pursuant to ARS 13-3620, as well as his general duty of care, Defendant Herrod was
14 required to report the abuse of Jane Doe I to appropriate legal authorities. Defendant Herrod also
15 had a duty to report to the authorities Leizza's abuse and her inability to protect her children.

16 142. Despite his knowledge of the ongoing abuse in the household and despite the legal
17 requirement to report such abuse, Defendant Herrod failed to do so.

18 143. As a direct and proximate result of Defendant Dr. Herrod's failure to fulfill his legal
19 duty to report the abuse, and to report Leizza Adams' abuse and inability to protect her children
20 from abuse, the Plaintiffs continued to be sexually and physically abused for years, and Plaintiffs
21 suffered severe and permanent injuries.

22 144. Defendant Dr. Herrod owed Plaintiffs a duty to exercise reasonable care in his care
23 and treatment of Plaintiff.

24 145. Defendant Dr. Herrod failed to meet the required standard of care.

25 146. As a direct and proximate result of Defendant Dr. Herrod's failures, acts and
26 omissions, and the omissions of Lenzner Medical Clinic, Plaintiff Jane Doe I suffered severe and
27 permanent injuries.

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assumed that Defendants intended to injure Plaintiffs, or that they consciously disregarded the substantial risk of harm created by their conduct, such that Defendants' conduct was the result of an evil mind warranting the imposition of punitive or exemplary damages against them.

CASE TIER

160. Based on the characteristics set forth in Rule 26.2(b), Ariz. R. Civ. P., Plaintiffs submit that this action should be assigned to Tier 3.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

- (a) For compensatory and consequential damages in an amount to be determined at trial;
- (b) For punitive or exemplary damages in an amount to be determined at trial;
- (c) For Plaintiffs' costs, expenses, and attorney's fees incurred herein; and
- (d) For such other and further relief as is this Court deems just and proper.

RESPECTFULLY SUBMITTED this 26th day of October, 2021.

CADIGAN LAW FIRM

By: /s/ Lynne M. Cadigan

Lynne M. Cadigan
*Attorney for Plaintiffs JANE DOE I,
JANE DOE II, and JOHN DOE*

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