## KIRTON MCONKIE

## **Designated Cases - Active**

## White Sheet Report

Perpetrator / Victim Church Unit	Local Attorney	Abbreviated Summary	Case Events: Past 14 Days	Future Case Direction	Significant Dates
ALPROF Realty Far Rockaway, NY 7176-262 7159-1190 RC03892	Gary Gengel Alan Kraus Latham & Watkins Gary: Gary`s cell: Alan: Fax: Email:	Neighbors of contaminated Church property in Far Rockaway, NY, complain that CPB's clean-up efforts have now contaminated their adjoining property. Settlement authority: \$900,000 approved by FP on 4/29/11.	1. In the middle of expert discovery.		12/10/12 Defendant's expert reports due 3/1/13 Completion of expert discovery 5/1/13 Dispositive motion filing deadline
Former mission president: P (companion)		The family of claim that is is missionary companion restrained on several occasions, thereafter placing duct tape on his mouth and nose. The family has retained an attorney who alleges that suffered brain damage from these encounters. Completed his mission in November 2007.	1. Still trying to work things through with the mother.		

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DAVIS, Steven C. 7176-172 RF 0002234107	Larry Wright Wright & Associates W: F:	Davis has filed a new claim in Arizona state court. The Church is not named; Elder Oaks is the only Church-related defendant.	<ol> <li>Arizona Waiting for a ruling on our fee petition.</li> <li>Utah We still haven't been served. Working on our vexatious litigant petition.</li> </ol>		
HAJICEK, John (Nonmember) Nauvoo, Illinois 7176-230 RF0005494447	Paul C. Estes Ambrose Hinshaw Culbertson Ph: Fax:	In February 2000, it was allegedly agreed that Hajicek would receive Nauvoo Temple stones in exchange for a rare painting. Hajicek claims that the Church breached a contract by allegedly reneging on that deal.	<ol> <li>By next week, we plan to have a completed decision tree ready to review with LBW.</li> <li>After that, we will want to meet with Church History to discuss the case.</li> <li>Mediation is on November 28th. We will need settlement authority before then.</li> </ol>		11/28/12 Mediation 11/29/12 Hearing Date on Motion to Reconsider
JACKSON v. ABERCROMBIE 7176-369 RMM12049806	Jim Koshiba Koshiba Price Gruebner & Mau W: F:	Federal litigation in Hawaii, seeking to overturn Hawaii's constitutional marriage amendment as infirm under the federal constitution.	1. Notice of Appeal filed. Appeal just starting.		

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(plaintiff) [plaintiff] Stake UDS Family Services [def.] P- (dob) V- (dob)	Ph: Fax:	In February 2004, an LDSFS counselor, initiated an affair with just a few days after terminating her case. Plaintiff claims that LDSFS did not do an adequate background check on and did not adequately supervise him, allowing the sexual misconduct to occur.	<ol> <li>Discovery was extended by mutual agreement for 60 days.</li> <li>We are working on summary judgment; and the plaintiff made a request to mediate.</li> </ol>	
(dob //1 (dob 11/9/56) (dob 11/9/56) SP Ward Bp P- (dob V- t (dob Alleged incident: Oct 2000	paralegal	In 2000, a four-year-old boy was molested in a bathroom at the Church during sacrament meeting by an inactive sixteen year-old boy. The victim is now 14. The perpetrator is 26 and is in prison, serving a 14-year sentence.	1. Decision tree analysis scheduled for late November. Our counsel believes that the best time to talk resolution of this case will be in mid-December, just before the oral argument on the motion for summary judgment.	

Direction	Significant Dates
	12/31/12 - Discovery deadline 4/1/13 - Dispositive motion deadline 4/30/13 - Certificate of readiness for trial due
	11/19/12 - Church briefing on summary judgment due. 11/27/12 Decision Tree Meeting 11/29/12 - Plaintiff's response due. 12/7/12 - Church reply memo due. 12/19/12 - Hearing on Motion for Summary Judgment

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Perp 1- Perp 2- Perp 3- Alleged abuse 1999,2002: Ward Then-Bp Stake Then-SP	Ph: Fax:	claims that, in 1999 and 2002, she told Bishop that she was being sexually abused by older boys with whom she was acquainted.	<ol> <li>Brief filed.</li> <li>Plaintiff will file a reply, and then we will wait for oral argument to be set.</li> <li>Meeting with</li> </ol>		
MARYLAND Brookside Apartments 7176-264 RC05473	Lauri Cleary Lerch Early & Brewer Ph: Fax:	State of Maryland is attempting to deny tax-exempt status to the Church's temple apartments.	<ol> <li>Moot court on November 27th currently, LBW and VGK are scheduled to attend.</li> <li>Oral argument on November 29th.</li> </ol>		10/31/12 Government's reply brief due 11/27/12 Moot court 11/29/12 Oral argument
SP Branch BP (dob 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1,	Tel: Fax:	claims that, in early 2008 when she was 15, Elder kissed and fondled her. Alleged events occurred in the Branch of the Mission. alleges that the Church had prior notice about that stems from his release from the Mission.	1. Working on orientation dates after the New Year.		

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MORIN, Francois Montreal Quebec Stake SP 7176-333 7118-709-15 RMM11028524	Mark Frederick Miller Thomson LLP P: F:	Francois Morin is an inactive member. He has sent a demand letter to his stake president, claiming that about fifteen years ago he was mistreated in an interview with his bishop. The gist of Morin's complaint seems to be that he suffered emotional injury when the bishop asked him about masturbation. Morin's claim is for invasion of privacy and infliction of emotional distress. He demands CD \$4.5 million from the Church.	1. November 1st hearing on our motion to dismiss.	
Mission P1-2- P2- V-	Tel: Fax: @	Less-active Church member claims that in 1985-86, he suffered abuse while he and his younger brother shared a bed with missionaries. Police want mission records. Settlement authority: up to \$50,000 approved by PDR on 5/18/12.	1. Meeting to discuss settlement has been set for November 17th.	

Direction	Significant Dates		
	11/1/12 Argument on motion to dismiss.		
	11/17/12 Settlement discussions.		

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(dob P- (dob (dob ) Alleged abuse 1977-79: n Ward Then-Bp Then-Bp Stake Then-SP	W: C: Fax:	allegedly abused approximately 30 times while serving as assistant Scoutmaster. case.	1. Waiting for court to schedule oral argument.		
Stake** Ward Bp. P -	Randy T. Austin Daniel S. McConkie Kirton and McConkie PCS/kl	Around 1999, when she was age 7, began suffering abuse by whose abusive tendencies were known to local leaders as early as 1994. She now demands compensation from the Church. Local leaders had knowledge that this young lady had been abused and additional abuse occurred thereafter.	1. More drama from Waiting to see if the mediation will go forward.		11/1-2/12 Mediation
PERRY v. Schwarzenegger (Case #09-CV-2292 VRW) FPPC Investigation 7176-254 RC06953	Andrew P. Pugno 101 Parkshore Drive, Suite 100 Folsom, California 95630 Tel. (916) 608-3065 Fax (916) 608-3066 AD/ggh	Case challenging Proposition 8 was filed in U.S. District Court for Northern District of California.	<ol> <li>Conference call today.</li> <li>Supreme Court conference on November 20th. We will probably be on the order list on November 26th.</li> </ol>		11/20/12 Conference on our case. 11/26/12 Order list for our case.

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Defendants: Church and LDSFS		has sued us pro se in federal district court in , claiming that (among other things) his bishop and his LDSFS counselor violated confidentiality when they provided information to civil officials ultimately leading to `s civil commitment in	1. Awaiting ruling on 's petition for rehearing.		
(dob SP P- (dob V- VM-		of "misdemeanor sexual assault with a 10-year age difference" in spring 2010 for having sexual intercourse with fifteen-year-old , who was investigating the Church. had become interested in the Church through the Church through the Son and attended is son attended is son attended is so	1. Scheduling conference went fine. Moving forward on our disclosure issues.		

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(dob ) Last Known Stake SP Last Known Ward Ward Bp	Ben Hathaway Kirton McConkie	has filed a pro se Complaint in Utah federal court against numerous defendants, including President Monson, the Church, K M, IHC, and others. Her claim is difficult to understand, but it seems to be based on a PNG letter that she received about a year ago. Her theory seems to be that she has a right to come to Church, and that this right is being infringed upon.	1. Motion to dismiss set for hearing in late January.	
SOUTHERN NEVADA Water Authority (SNWA) 7176-341 RMM11030725	Paul R. Hejmanowski Lionel Sawyer & Collins Direct Dial: Fax: Severin A. Carlson Kaempfer Crowell Renshaw Gronauer & Fiorentino Fax: ( Phone:	A state water district is attempting to appropriate public water from groundwater sources throughout Nevada, which would affect resources on the Church-owned Cleveland and Rogers Ranch properties in Spring Valley.	<ol> <li>Some discussion about the media attention on the Snake Valley proposal. Even if the two states agreed on this proposal it would not moot our litigation.</li> <li>Additional media scrutiny Vanity Fair. Provide them with our video that is already in the public arena?</li> </ol>	

Direction	Significant Dates
	1/24/13 Hearing on Motion to Dismiss
	1/31/13 Opening briefs by all petitions to be filed. 4/15/13 Oppositions by SNWA and the AG to be filed. 5/23/13 Reply briefs by petitioners to be filed. 6/13/13-6/14/13 Arguments heard in Ely.

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ST. JOHNS River Water Management District 7176-227 RC06452	Scott Johnson Holland & Knight Ph: Fax: Scott:	St. Johns River Water Management District brought an action seeking a declaration that the water district has property interest necessary to utilize the reservoir for a public water supply.	2. If we don't stay	
P- V- Alleged abuse 1967-70: Ward Stake		Plaintiff alleges his Scoutmaster abused him during 1967-1970. Claims the Church concealed its institutional child abuse problem and failed to implement adequate child abuse policies. Settlement authority: \$100,000 approved by CLC on 9/9/11.	1. Still back and forth over confidentiality agreement.	
(dob , / / Stake	P: C: F:	and claim they were abused by Scout leader in	<ol> <li>Haven't heard a word from BSA since my e-mail.</li> <li>Methodist concerns.</li> <li>Preparing for decision tree analysis in late November.</li> </ol>	

Direction	Significant Dates
	11/16/12 Conclude Discovery 1/11/13 Dispositive Motions filed 4/29/13 Pre-Trial Conference 5/13/13 Trial
	11/29-30/12 Decision tree meetings in 12/13-14/12 Mediation in

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SP Ward Bp P- (dob ) Bp V1- (dob ) V2- (dob ) V2- (dob ) V3 - (dob )	Phone: Direct: Fax: Phone: ( Fax:	he was abused by in a meetinghouse when he was 12 or 13	1. Plaintiff's counsel has requested a time to sit down with and to see if they can resolve the case. We'll see.		
P-		New claim. alleges he was abused by on a Scout outing in the early 1960s.	1. No significant developments.		

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P -		alleges abuse by her step-father, She claims she told a bishop and a therapist who did not report.	<ol> <li>This is the long-lost claim.</li> <li>We are beginning our investigation.</li> <li>This claim would be brought against us in California if it is filed.</li> <li>S instructions to Chuck regarding how to proceed.</li> </ol>		
		Plaintiff claims a consignment agreement was in place when the Church purchased the Minerva Teichert painting titled "The Law on the Plates of Brass." An amended complaint was filed February 12, 2012. Settlement authority: up to \$50,000 approved by PDR on 10/12/12.	<ol> <li>Offer of judgment for \$90,000, with us paying \$15,000.</li> <li>Mediation set for November 16th.</li> </ol>		11/16/12 Mediation
Stake SP Ward Bp Stake SP SP Bp P -		(a man in his 40s) claims that he was abused by his Scoutmaster in the early 1980s. Was convicted for abusing several boys a few years later. He was also excommunicated for child abuse. Settlement authority: up to \$50,000 approved by PDR on 10/13/12.	<ol> <li>Ball in plaintiff's court.</li> <li>We are awaiting a demand.</li> </ol>		