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5  
6 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
7 **IN AND FOR THE COUNTY OF SANTA CRUZ**

8 In the matter of:

**Case No.: CV-25-384**

9 **JANE M. DOE,**  
10 Plaintiff,

**RESPONSE TO DEFENDANTS'  
MOTION TO DISMISS**

11 vs.

12 **ESTATE OF VAN OF URANTIA aka**  
13 **GABRIEL OF URANTIA aka GABRIEL**  
14 **OF SEDONA aka PRINCE MELFAX aka**  
15 **TALIASVAN aka ANTHONY JOSEPH**  
16 **DELEVIN; NANCY "NIANN"**  
17 **EMERSON CHASE; TIYIENDEA**  
18 **DELLERBA aka STACY LEE**  
19 **MYSZKA; CENTRIA LILLY aka**  
20 **CATHERINE J. LILLY and JOHN DOE**  
21 **LILLY, husband and wife; MARAYEH**  
22 **CUNNINGHAM aka LINDA**  
23 **CUNNINGHAM; GLOBAL**  
24 **COMMUNITY COMMUNICATIONS**  
25 **ALLIANCE, an Arizona domestic**  
26 **nonprofit corporation; JOHN DOES I-X;**  
**JANE DOES I-X; and ABC**  
**PARTNERSHIPS I-X AND XYZ**  
**CORPORATIONS I-X,**

Defendants.

(Honorable Thomas Fink)

COMES NOW Plaintiff, by and through Counsel, and RESPONDS to Defendants'

1 Motion to Dismiss as follows:

2 **I. INTRODUCTION**

3 Arizona law disfavors motions to dismiss for failure to state a claim upon which  
4 relief can be granted. *State ex rel. Corbin v. Pickrell*, 136 Ariz. 589, 594 (1983). Moreover,  
5 such motions are not to be used as a vehicle to resolve disputes about the facts or merits of  
6 the case. *Coleman v. City of Mesa*, 230 Ariz. 352, 363 ¶46 (2012).

7  
8 Here, Defendants’ Motion to Dismiss both misstates the law and asks the Court to  
9 do what Rule 12(b)(6) does not permit: resolve disputed facts, disregard well-pleaded  
10 allegations, and recharacterize a continuous course of conduct as isolated events. At this  
11 stage, the Court’s role is limited to determining whether Plaintiff has stated a legally  
12 sufficient claim after accepting the allegations as true and drawing all reasonable inferences  
13 in Plaintiff’s favor. *Coleman v. City of Mesa*, 230 Ariz. 352, 356, ¶ 9 (2012). Under that  
14 standard, every count of Plaintiff’s Complaint states a viable claim, and Defendants’  
15 Motion should be denied.  
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18 **II. RELEVANT BACKGROUND FACTS**

19 Defendants are leaders of the closed communal compound known as the Global  
20 Community Communications Alliance (“GCCA”). They attempt to portray Plaintiff’s  
21 physical, sexual, and emotional abuse, and the forced labor imposed on her as a child, as  
22 isolated and time-barred events. *See* Plaintiff’s Second Amended Complaint at pp. 4–15.  
23 They are not.  
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25

26 Before Plaintiff was born, GCCA leadership created a system that controlled nearly

1 every aspect of members' lives, especially those living in the compound. *Id.* Using that  
2 control, Defendants exploited members, stripped them of their possessions, and made them  
3 dependent. *Id.* Once members were dependent, GCCA required them, including children,  
4 to work more than twelve hours a day and dictated nearly every aspect of daily life,  
5 including food, relationships, and discipline of both adults and children. *Id.*

7 Children were often removed from their parents and placed with unrelated adults.  
8 *Id.* These children were vulnerable, placed with adults who did not care about them, and  
9 serious harm occurred. *Id.*

11 Defendants also concealed abuse from both members and authorities. *Id.* When  
12 government investigators visited, Defendants staged false living conditions. *Id.* They  
13 moved items into a house and directed Plaintiff's parents to pretend they lived there with  
14 Plaintiff. *Id.* Defendants did this to mislead investigators and avoid detection of the abuse  
15 and neglect to which Plaintiff was subjected. *Id.* To further support that deception,  
16 Defendants force-fed Plaintiff in the days before the visit to hide the ongoing starvation to  
17 which Defendants had subjected her as punishment. *Id.*

19 During this same time, Plaintiff, a preschool-aged child, was being repeatedly  
20 sexually abused by a teenager known to GCCA leadership to have a history of abusing  
21 children. *Id.* That abuse occurred in the home where Plaintiff actually lived, a home in  
22 which her parents did not live. *Id.*

23  
24  
25 GCCA leadership knew of this abuse and other abuse occurring within the  
26

1 compound.<sup>1</sup> *Id.* Yet instead of protecting children, reporting the abuse, or taking any  
2 meaningful actions to stop the abuse, Defendants blamed and punished the victims,  
3 including Plaintiff. *Id.*  
4

5 These actions were not isolated. They were carried out by GCCA leadership and  
6 enforced through their control over members' lives. *Id.* That control creates liability for  
7 both Defendants' own conduct and the conduct of those they directed. *Id.*  
8

9 Defendants' conduct was ongoing and systemic, not episodic. It continued until  
10 Plaintiff escaped their control. It continues today.

11 At this stage, the Court must accept the allegations as true and draw all reasonable  
12 inferences in Plaintiff's favor. *Cullen v. Auto-Owners Ins. Co.*, 218 Ariz. 417, 419, ¶ 7  
13 (2008). Plaintiff has stated valid claims. The Motion should be denied.  
14

### 15 **III. STANDARD OF REVIEW**

16 A motion to dismiss tests the legal sufficiency of the complaint, not the merits of  
17 the claims. The Court must accept all well-pleaded factual allegations as true and draw all  
18 reasonable inferences in Plaintiff's favor. *Cullen*, 218 Ariz. at 419, ¶ 6. Dismissal is  
19 appropriate only if, as a matter of law, Plaintiff would not be entitled to relief under any  
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21  
22 <sup>1</sup> To be clear, Plaintiff is not alleging (as Defendants suggested) that GCCA is liable because  
23 the perpetrator of Plaintiff's sexual abuse was GCCA's *employee*; the man may have been an employee of  
24 GCCA during his periods of forced labor or in some other circumstances, but the *respondeat superior*  
25 principal applies to the GCCA and all Defendants vis-à-vis the perpetrator because, as explained throughout  
26 this Response, Defendants controlled and directed every aspect of Plaintiff's and her perpetrator's lives,  
and in fact controlled every aspect of life inside the GCCA compound, and because they had constructive  
and actual knowledge that sexual abuse and exploitation was occurring. For this reason they are liable for  
all events that happened via *respondeat superior*.

1 interpretation of the facts susceptible of proof. *Fidelity Sec. Life Ins. Co. v. State*, 191 Ariz.  
 2 222, 224 ¶ 4 (1998); *Coleman*, 230 Ariz. at 356, ¶ 9. The Court may not resolve factual  
 3 disputes, weigh competing inferences, or assess credibility at this stage. *Cullen*, 218 Ariz.  
 4 at 419, ¶¶ 6-7.

6 Every count of Plaintiff’s Complaint states a viable claim, and Defendants’ Motion  
 7 should be denied.

8  
 9 **IV. NONE OF PLAINTIFF’S COUNTS VIOLATE THE STATUTE OF**  
 10 **LIMITATIONS**

COUNT	OFFENSE	STATUTE OF LIMITATIONS	WITHIN SOL OR TOLLED*
I	<b>NEGLIGENCE</b> Defendants’ conduct caused Plaintiff’s sexual exploitation and abuse, and other injuries, to occur and continue to occur	A.R.S, § 12-514(A): <b>Must file by age 30</b> if the count is “an injury that a minor suffers as a result of another person’s <sup>2</sup> negligent or intentional act if that act is a cause of sexual conduct or sexual contact committed against the minor” <b>OR</b> the failure to report pursuant to section 13-3620 sexual conduct or sexual contact committed against a minor.	Within SOL per A.R.S. § 12 514  <b>AND ALSO</b>  Delayed accrual, continuing wrong, and tolling further extend the statute of limitations

25 <sup>2</sup> The statute defines “person” as “an individual, the United States, this state or a public or  
 26 private corporation, local government unit, public agency, partnership, association, firm, trust or estate, or any other legal entity.” A.R.S. § 12-514(B)(1).

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II	<b>GROSS NEGLIGENCE</b> Defendants’ conduct caused Plaintiff’s sexual exploitation and abuse, and other injuries, to occur and continue to occur	<i>See Count One above</i>	<i>See Count One above</i>
III	<b>NEGLIGENT HIRING, RETENTION, AND SUPERVISION</b> Defendants’ conduct caused Plaintiff’s sexual exploitation and abuse, and other injuries, to occur and continue to occur	<i>See Count One above</i>	<i>See Count One above</i>
IV	<b>NEGLIGENCE PER SE – FAILURE TO REPORT CHILD ABUSE</b> Defendants’ conduct caused Plaintiff’s sexual exploitation and abuse, and other injuries, to continue to occur, and “failure to report” is specifically listed as an offense with a SOL of until the victim’s 30th birthday	<i>See Count One above</i>	<i>See Count One above</i>
V	<b>NEGLIGENCE PER SE – CHILD ABUSE</b> Defendants’ conduct caused Plaintiff’s sexual exploitation and abuse, and other injuries, to occur and continue to occur	<i>See Count One above</i>	<i>See Count One above</i>
VI	<b>NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS</b> This was an injury to Plaintiff caused by Defendants’ sexual exploitation, abuse, and negligence	<i>See Count One above</i>	<i>See Count One above</i>
VII	<b>INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS</b> This was an injury to Plaintiff caused by Defendants’ sexual exploitation, abuse, and negligence	<i>See Count One above</i>	<i>See Count One above</i>
VIII	<b>CIVIL CONSPIRACY</b> Defendants together conducted and participated in an enterprise that caused Plaintiff’s injuries, including sexual abuse and exploitation, and other injuries, and which conduct allowed the injuries to continue	<i>See Count One above</i>	<i>See Count One above</i>

1	IX	<b>AIDING AND ABETTING</b> Defendants together concealed Plaintiff's injuries, including her sexual abuse and exploitation, caused by each other and by other GCCA members which allowed the abuse to continue	<i>See Count One above</i>	<i>See Count One above</i>
2	X	<b>TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT</b> Defendants' conduct constituted, as defined in federal law, forced labor, trafficking with respect to peonage, slavery, involuntary servitude, or forced labor, sex trafficking of children or by force, fraud, or coercion affecting interstate or foreign commerce, and sexual exploitation of children affecting interstate or foreign commerce; Defendants' conduct caused Plaintiff's injuries, including sexual abuse and exploitation, and other injuries, and their conduct allowed the injuries to continue	Ten year statute of limitations after age 18 per 18 U.S.C. § 1595; <i>see also H.G. v. Inter-Cont'l Hotels Corp., 489 F. Supp. 3d 697 (E.D. Mich. 2020); Roe v. Howard, 917 F.3d 229 (4th Cir. 2019).</i>	Within SOL Per 18 U.S.C. § 1595  <b>AND ALSO</b>  Delayed accrual, continuing wrong, and tolling further extend the statute of limitations
3	XI	<b>ARIZONA STATE LAW TRAFFICKING</b> Defendants' conduct constituted forced labor and trafficking of children; Defendants' conduct caused Plaintiff's injuries, including sexual abuse, and for the abuse to continue	<i>See Count One above</i>	<i>See Count One above</i>
4	XII	<b>PREMISES LIABILITY</b> Defendants' control and maintenance of a closed, remote, isolated compound caused Plaintiff's sexual abuse and exploitation	<i>See Count One above</i>	<i>See Count One above</i>
5	XIII	<b>VICARIOUS LIABILITY/ RESPONDEAT SUPERIOR</b> Defendant GCCA as an agency caused Plaintiff's injuries, including sexual abuse and exploitation, through the acts	<i>See Count One above</i>	<i>See Count One above</i>

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	and omissions of its principals and servants		
XIV	<b>ARIZONA CIVIL RACKETEERING</b> Defendants together conducted and participated in an enterprise that caused Plaintiff's injuries, including sexual abuse and exploitation, and other injuries, and which conduct allowed the injuries to continue	<i>See Count One above</i>	<i>See Count One above</i>
XV	<b>FRAUDULENT CONCEALMENT</b> Defendants together fraudulently conspired to conceal Plaintiff's injuries, including sexual abuse and exploitation, and their own acts that caused and permitted it	<i>See Count One above</i>	<i>See Count One above</i>
XVI	<b>BREACH OF FIDUCIARY DUTY</b> Defendants acts and omissions, exercised through its control of all GCCA premises and occupants, and its <i>in loco parentis</i> control of Plaintiff, caused Plaintiff's injuries, including sexual abuse and exploitation, and other injuries	<i>See Count One above</i>	<i>See Count One above</i>
XVII	<b>RECKLESS ENDANGERMENT</b> Defendants' conduct caused Plaintiff's sexual exploitation and abuse, and other injuries, to continue to occur	<i>See Count One above</i>	<i>See Count One above</i>
XVIII	<b>FAILURE TO REPORT AND COVER-UP OF CRIMINAL ACTS</b> Defendants' conduct caused Plaintiff's sexual exploitation and abuse, and other damages and injuries, to continue to occur, and "failure to report" is specifically listed as an offense with a SOL of until the victim's 30th birthday; Defendants also covered up their criminal acts which allowed the abuse of Plaintiff to continue	<i>See Count One above</i>	<i>See Count One above</i>
XIX	<b>PUNITIVE DAMAGES</b>	N/A	N/A

	<i>*This is a damages allegation that alleges Defendants' state of mind</i>		
XX	<b>VIOLATION OF THE RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT</b> Defendants together conducted and participated in an enterprise (that meets specific criteria) whose acts caused Plaintiff's injuries, including sexual abuse and exploitation, and other injuries, and which conduct allowed the injuries to continue recurring	<i>See Count Ten above</i>	<i>See Count Ten above</i>
XXI	<b>FEDERAL RICO CONSPIRACY</b> Defendants together conducted and participated in an enterprise (that meets specific criteria) that caused Plaintiff's injuries, including sexual abuse and exploitation, and other injuries, and which conduct allowed the injuries to continue recurring	<i>See Count Ten above</i>	<i>See Count Ten above</i>

As shown in the table above, none of Plaintiff's claims are barred.

First, all claims were filed before the statute of limitations expired. Under A.R.S. §§ 12-502, 12-514, 18 U.S.C. § 1595, and the Trafficking Victims Protection Reauthorization Act of 2022, the limitations period did not expire before Plaintiff filed her Complaint. Arizona law allows claims based on sexual abuse of a minor to be filed until age thirty. *Doe v. Roman Catholic Church of Diocese of Phoenix*, 255 Ariz. 483, 493, ¶ 42 (App. 2023). The federal trafficking allegations grant ten years to file a claim, and potentially longer. 18 U.S.C. § 1595; Eliminating Limits to Justice for Child Sex Abuse Victims Act of 2022; available: <https://www.congress.gov/bill/117th-congress/senate-bill/3103>.

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Plaintiff filed before all deadlines.

Second, the statute of limitations is tolled by fraudulent concealment, continuing wrong, and estoppel. Plaintiff alleges that Defendants took affirmative steps, beginning as early as 2003 and continuing through at least 2025, to conceal abuse and neglect. *See* Plaintiff’s Second Amended Complaint at pp. 18, 22–24. Plaintiff alleges ongoing control, concealment, and continuing harm to the present day. *Id.* Arizona recognizes a limited continuing-wrong principle in cases such as continuing nuisance and continuing trespass, where a new cause of action accrues with each successive injury. *See City of Tucson v. Apache Motors*, 74 Ariz. 98, 106 (1952); *Garcia v. Sumrall*, 58 Ariz. 526, 533 (1942). Plaintiff’s timeliness argument, however, rests principally on A.R.S. §§ 12-502 and 12-514 and on fraudulent concealment and delayed discovery.

Plaintiff alleges affirmative concealment that delayed discovery of both her injuries and Defendants’ role in causing them; under Arizona’s discovery rule and fraudulent-concealment principles, those allegations support delayed accrual or tolling, and at minimum present factual issues not resolvable at this stage.

Third, the Eliminating Limits to Justice for Child Sex Abuse Victims Act of 2022 extended the statute of limitations for some qualifying claims and completely eliminated it for others, specifically including that for claimants 28 and younger subject to sexual abuse while minors, the statute of limitations was eliminated. *See* Senate Bill 3103; available: <https://www.congress.gov/bill/117th-congress/senate-bill/3103>.

But even if any claim were untimely, Plaintiff alleges affirmative concealment that

1 delayed discovery of both her injuries and Defendants’ role in causing them, which at this  
2 stage must be taken as true; under Arizona’s discovery rule and fraudulent-concealment  
3 principles, those allegations support delayed accrual or tolling, and at minimum present  
4 factual issues not resolvable at this stage and cannot be decided on a motion to dismiss.  
5

6 Plaintiff respectfully requests that the Court deny Defendants’ Motion.

7 **V. DEFENDANTS’ STATUTE OF LIMITATIONS ARGUMENT**  
8 **MISSTATES THE LAW**

9 Defendants’ statute-of-limitations argument rests on the false premise that A.R.S. §  
10 12-514 applies only to claims directly against the abuser or only to a narrow category of  
11 damages. That is not what the statute says.  
12

13 The statute applies broadly to injuries suffered by a minor “as a result of another  
14 person’s negligent or intentional act” if that act caused sexual conduct or contact. A.R.S. §  
15 12-514(A)(1)-(2). Arizona courts apply this statute to claims against non-perpetrators,  
16 including claims based on negligent supervision, control, and placement. *Doe v. Roman*  
17 *Catholic Church of Diocese of Phoenix*, 255 Ariz. 483 (App. 2023).  
18

19 The rule is straightforward: if Defendants’ conduct caused or enabled the abuse, the  
20 statute applies. Defendants’ attempt to narrow the statute is not supported by its text or by  
21 Arizona case law.  
22

23 Defendants’ Motion should be denied.

24 **VI. THE STATUTE OF LIMITATIONS IS TOLLED BY FRAUDULENT**  
25 **CONCEALMENT, CONTINUING WRONG, AND THE DISCOVERY**  
26 **RULE**

**A. Fraudulent Concealment**

1 Plaintiff alleges that Defendants actively concealed their conduct. This includes:

- 2 • staging false conditions for inspections,
- 3 • misrepresenting conditions to authorities,
- 4 • suppressing and discouraging disclosure, and
- 5 • isolating Plaintiff from outside help.

6 As explained above, Arizona recognizes a limited continuing-wrong principle in  
7 cases such as continuing nuisance and continuing trespass, where a new cause of action  
8 accrues with each successive injury. *See City of Tucson v. Apache Motors*, 74 Ariz. 98, 106  
9 (1952); *Garcia v. Sumrall*, 58 Ariz. 526, 533 (1942). Plaintiff’s timeliness argument,  
10 however, rests principally on A.R.S. §§ 12-502 and 12-514 and on fraudulent concealment  
11 and delayed discovery.  
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13 Plaintiff alleges affirmative concealment that delayed discovery of both her injuries  
14 and Defendants’ role in causing them; under Arizona’s discovery rule and fraudulent-  
15 concealment principles, those allegations support delayed accrual or tolling, and present  
16 factual issues not resolvable at this stage.  
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### 18 **B. Discovery Rule**

19 A claim accrues when the plaintiff knows or reasonably should know the facts  
20 underlying the claim. *Walk v. Ring*, 202 Ariz. 310, 316 ¶ 22 (2002). Plaintiff was a minor  
21 living in a controlled and coercive environment. She was subjected to isolation,  
22 manipulation, and punishment for disclosure. These conditions prevented her from  
23 recognizing the nature and cause of her injuries. Plaintiff’s legal minority tolls the statute  
24 of limitations until she reaches majority, see A.R.S. § 12-502, and then her inability to  
25  
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1 understand what happened to her due to Defendants' conduct prevented her understanding.

2 Whether a plaintiff discovered or should have discovered a claim is ordinarily a  
3 question of fact. *Doe v. Roe*, 191 Ariz. 313, 323 ¶ 29 (1998). At minimum, that question  
4 cannot be resolved on a motion to dismiss. Plaintiff respectfully requests that the Court  
5 deny Defendants' Motion.  
6

7 **VII. DEFENDANTS' DUTY UNDER A.R.S. § 13-3620 PRESENTS A FACT**  
8 **QUESTION AND CANNOT BE DISMISSED**

9 Defendants argue that they owed no duty under A.R.S. § 13-3620. That argument  
10 fails for two reasons. First, it misstates the statute. Second, it asks the Court to resolve a  
11 fact-intensive issue at the pleading stage.  
12

13 The version of A.R.S. § 13-3620 in effect during Plaintiff's childhood imposed a  
14 duty to report on a broad group of individuals, and did not limit the reporting duty to formal  
15 caregivers or licensed professionals. Instead, the statute specifically included  
16 psychologists, school personnel, counselors, clergy, and any person responsible for the care  
17 or treatment of children, all of whom Defendants were at that time. A.R.S. § 13-3620(A)  
18 (1998).  
19

20 In 2003, the statute was expanded. It imposed a duty to report even on individuals  
21 who did not have care, custody, or control of a child, requiring reports to law enforcement  
22 when abuse was reasonably believed to have occurred. A.R.S. § 13-3620(A), (D), (F)  
23 (2003). That duty remains mandatory today. This means Defendants always had a duty to  
24 report, and at no time did not have a duty to report.  
25

26 Defendants' duty is a question of fact which cannot be decided at this stage, and

1 Plaintiff requests Defendants’ Motion be denied.

2 **VIII. DEFENDANTS’ CONTROL CREATED A DUTY**

3 Under Arizona common law, the duty to report abuse also arises from relationships  
4 recognized by law and public policy. *Gipson v. Kasey*, 214 Ariz. 141, 145 ¶ 18 (2007).  
5 Here, too, duty does not depend on titles. It depends on the relationship and responsibilities  
6 undertaken. As explained in *Doe I v. Warr*, 259 Ariz. 355 (App. 2025), this duty can arise  
7 from certain “special relationships” based on contract, familial ties, or conduct. *Doe I v.*  
8 *Warr*, 259 Ariz. 355, ¶ 11 (App. 2025), *review granted* (Jan. 6, 2026). This duty also arises  
9 where these persons are “‘burdened’ with the common law duty to protect [a minor], in  
10 part, due to the concept of *in loco parentis*, [such as where] . . . school personnel act in  
11 place of parents while children are in their care.” *Doe I v. Warr*, 259 Ariz. at ¶ 13.  
12  
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15 The question, then, is simple: **Did Defendants have a special relationship with**  
16 **and a responsibility for the care of the child?** Plaintiff alleges they did. Plaintiff’s Second  
17 Amended Complaint at 1-2, 4-14.  
18

19 Specifically, as alleged in Plaintiff’s Complaint, Defendants were and remain in the  
20 GCCA’s core leadership group, and as such they each exercised complete control over  
21 every aspect of members’ lives, including (but not limited to) that they:

- 22 • controlled where children lived,
- 23 • decided who cared for the children,
- 24 • oversaw the on-campus mandatory school,
- 25 • directed discipline and behavior of adults and children,
- 26 • controlled medical access,

- 1 • supervised the entire compound,
- 2 • were (and are) clergy and counselors,
- 3 • determined wrongdoing, and
- 4 • imposed discipline and required confessions.

5 These allegations, taken as true, establish a special relationship and responsibility  
6 for the care of children. Plaintiff’s allegations state a claim.

7 Defendants’ argument improperly asks this Court to decide that factual issue in their  
8 favor at the pleading stage. This cannot be resolved in a motion to dismiss. Defendants’  
9 motion should be denied.

### 11 **B. Entity Liability**

12 Defendants argue that the GCCA entity cannot be held liable. That argument fails  
13 as a matter of law.

14 An entity acts through its agents. An employer may be held liable for the acts of its  
15 employees committed within the scope of employment. *Doe v. Roman Catholic Church of*  
16 *Diocese of Phoenix*, 255 Ariz. 483, 491, ¶ 33 (App. 2023); *State v. Schallock*, 189 Ariz.  
17 250, 257–58 (1997). Whether a master-servant relationship exists and whether conduct  
18 falls within the scope of employment are questions of fact. *Ray v. Tucson Med. Ctr.*, 72  
19 Ariz. 22, 33–34 (1951).

20 Religious status does not shield an entity from civil liability. *Rashedi v. Gen. Bd. of*  
21 *Church of Nazarene*, 203 Ariz. 320, 324, ¶ 16 (App. 2002) (explaining that “[b]ecause  
22 religious organizations are part of the civil community, they are subject to societal rules  
23 governing property rights, torts, and criminal conduct. . . . The First Amendment does not  
24  
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1 excuse individuals or religious groups from complying with valid neutral laws.”).  
2 Agencies, including religious agencies, may be liable in suits alleging sexual abuse of  
3 children, like this one, where the questions relates to whether adequate actions were taken  
4 by agency officials to prevent sexual abuse of children. *Id.* at 324–25, ¶ 20.

6 Plaintiff alleges that GCCA leadership knew of the abuse, participated in decisions  
7 that allowed it, and failed to act. Whether those acts are attributable to the entity is a factual  
8 question. Defendants’ Motion should be denied.

#### 10 **IX. PLAINTIFF HAS ADEQUATELY PLED EACH CLAIM**

11 Defendants’ remaining arguments improperly challenge the sufficiency of  
12 Plaintiff’s factual allegations. Arizona is a notice pleading state. At this stage, Plaintiff is  
13 only required to allege facts that, if true, state a plausible claim for relief. Plaintiff has done  
14 so. The Complaint alleges:

- 16 • Defendants owed a duty to Plaintiff,
- 17 • Defendants knew of the risks to Plaintiff,
- 18 • Defendants failed to act or directly engaged in wrongful conduct,
- 19 • Defendants affirmatively concealed their conduct,
- 20 • Plaintiff suffered harm, including ongoing harm, and
- 21 • Defendants’ acts and omissions caused that harm.

22 These allegations are sufficient to support claims for negligence, abuse, aiding and  
23 abetting, emotional distress, failure to report, and related causes of action.

25 The Complaint satisfies Arizona’s pleading standard. Defendants’ Motion should  
26 be denied.

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**X. DEFENDANTS IMPROPERLY SEEK FACTUAL DETERMINATIONS**

Throughout their Motion, Defendants dispute Plaintiff’s factual allegations, minimize the scope of the alleged conduct, and invite the Court to adopt their version of events. Each of these arguments requires factual determinations, which is not permitted on a motion to dismiss.

At this stage, the Court does not decide what happened. It decides whether Plaintiff has stated a claim. *Cullen v. Auto-Owners Ins. Co.*, 218 Ariz. 417, 419, ¶¶ 6–7 (2008). Defendants’ Motion repeatedly asks the Court to go beyond that limited role. The Court should decline to do so.

**XI. CONCLUSION**

Plaintiff has alleged a continuous course of wrongful conduct supported by specific facts establishing duty, breach, causation, and harm. Defendants’ arguments rely on disputed facts and incorrect legal framing. Those issues cannot be resolved at the pleading stage. For these reasons, Plaintiff respectfully requests that the Court deny Defendants’ Motion to Dismiss.

**RESPECTFULLY SUBMITTED** this 27th day of March, 2026.

*Thea M. Gilbert*

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Thea M. Gilbert  
Attorney for Plaintiff

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Original of the foregoing filed this 27th day  
of March, 2026 with copies via e-file and  
USPS Mail the same day to:

Hon. Thomas Fink  
Santa Cruz County Superior Court

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