

<p>DISTRICT COURT, BOULDER COUNTY, COLORADO</p> <p>Court Address: 1777 6th St., Boulder, Colorado 80302</p>	<p>DATE FILED: January 1, 2022 9:50 AM FILING ID: 87B67285CEF2F CASE NUMBER: 2022CV30000</p> <p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Plaintiff: Kate McPhee</p> <p>v.</p> <p>Defendants: John Kelly, Albert Brown, Darcey Brown, Bruce Cranmer, Alan Cranmer, Jeanie Cranmer Clark, and Mark Clark.</p>	
<p><i>Attorney for Plaintiff:</i> James W. Avery, Atty Reg. 13037 DENVER INJURY LAW, LLC d/b/a AVERY LAW FIRM PO Box 6888 Denver, CO 80206 Ph. 303-840-2222 Email: denverinjurylaw.co@gmail.com</p>	<p>Case No.</p> <p>Division:</p>
<p>Complaint and Jury Demand</p>	

The Plaintiff, Kate McPhee, by and through her attorney, James W. Avery, as her complaint against the Defendants, states and alleges:

General Allegations

1. Plaintiff, Kate McPhee, is a natural female person who at all times pertinent hereto, was a minor, age 15 or 16 (her birthday is in June), and a resident of Colorado. She is now an adult. The events in question occurred during the spring and summer of 1977. All of the named Defendants, at the time of

the events in question, were residents of the State of Colorado and subject to the criminal laws of the State.

2. Defendants were at all times pertinent hereto persons 'in a position of trust.'. All but Darcey Brown (herself, a teacher) acted as chaperones of two minor girls (including Plaintiff) on a private Grand Canyon/ Colorado River trip in summer of 1977 where Plaintiff was repeatedly sexually assaulted over the course of three weeks.

3. Defendant Kelly is the principal perpetrator of a series of sexual misconduct and assaults which began in the spring of 1977 before the river trip and continued for three weeks during the summer of 1977 river trip under the supervision of the other adults. Kelly, therefore, was aided and abetted by the other named defendants. The roles of the individual defendants is as follows:

a. John Kelly was in the spring and summer of 1977 an adult in a position of trust, as a 28-30 year old male teacher at Colorado Academy and adult chaperone of the two teenaged girls on the Grand Canyon/Colorado River (the "river") trip.

b. Darcey Brown, a teacher at Colorado Academy, is a person in a position of trust who introduced John Kelly, to the Plaintiff, and engaged in grooming activities with the two teenage girls (e.g., naked swimming, supplied alcohol and drugs, topless massages) with Kelly and the other adults in the spring of 1977 before the raft trip. This introduction occurred at the ranch owned by Humphrey/Brown family in Creede, Colorado (the "Ranch"). Darcey Brown also provided Kelly access to a house where he groomed and solicited sex from the minor Plaintiff.

b. Albert "Boots" Brown, brother of Darcey Brown, was an adult in a position of trust as a chaperone of the two teenage girls on the river trip. Boots Brown was one of the Ranch family members, an organizer and leader of the river trip, who specifically requested Plaintiff to accompany the adults (including Kelly) on the trip. Boots Brown expressly represented that he would personally chaperone Plaintiff on the trip. Boots Brown also aided grooming of Plaintiff by Kelly, by giving Kelly the Plaintiff's phone number so he could contact her directly to facilitate the sexual misconduct. Boots Brown provided alcohol and illicit drugs to the teenage girls during the three weeks on the river where Plaintiff was repeatedly raped by Kelly.

c. Bruce Cranmer was an adult in a position of trust as chaperone of the two teenage girls on the river trip, who also invited the teenage girls on the river trip. Bruce Cranmer was an organizer of the river trip, who provided alcohol and illicit drugs, and who engaged in massages of the topless teenaged girls during the three weeks on the river where Plaintiff was repeatedly raped by Kelly.

d. Al Cranmer was an adult in a position of trust as chaperone of the two teenage girls on the river trip, who provided alcohol and illicit drugs, and who engaged in massages of the topless

teenaged girls during the three weeks on the river where Plaintiff was repeatedly raped by Kelly.

e. Jeannie Clark Cranmer was an adult in a position of trust as chaperone of the two teenage girls on the river trip during the three weeks on the river where Plaintiff was repeatedly raped by Kelly.

f. Mark Clark was an adult in a position of trust as chaperone of the two teenage girls on the river trip during the three weeks on the river where Plaintiff was repeatedly raped by Kelly.

4. Plaintiff and a minor teenaged female friend of hers were invited to the Ranch, where they were invited to swim naked with the adult defendants (including John Kelly) and other adults (including the adult sisters of the teen girls who were employed at the Ranch and other family and friends). The Plaintiff and her teen friend were provided alcohol and illicit drugs encouraged for consumption together with the adults. Plaintiff and her teenage friend were blossoming teenage girls quite innocent but enamored by the ways of these adults, some of whom were teachers they looked up to. They were made to feel by the adults that teen girls consuming alcohol and illicit drugs, swimming naked and having their naked bodies touched and caressed by male adults (for their own sexual gratification) was quite normal and accepted, a form of 'grooming' for sexual exploitation. After these grooming activities, Plaintiff and her friend (the only minors, females) were invited to go on an upcoming Grand Canyon river rafting trip that the adults were organizing.

5. After the Ranch experience, Plaintiff was further groomed by the Defendant, Kelly, who obtained Plaintiff's phone number and invited her to a popular restaurant and lounge in Lower Downtown Denver under the pretext of "discussing and planning" the summer Grand Canyon river adventure). Afterwards, Kelly invited Plaintiff to swim naked on the CA campus pool after hours, where he resided as an employee. After swimming, where he playfully touched Plaintiff, Kelly told Plaintiff to go lay naked on the grass where he subsequently appeared, forcefully restraining Plaintiff as he raped her (full forced vaginal penetration with his penis). Plaintiff was a virgin prior to the rape.

6. After the rape at CA, Kelly continued to groom the Plaintiff. First, the day after the CA rape Kelly invited Plaintiff to where Plaintiff believed was a Brown family home, a mere bike ride from Plaintiff's family residence. When she arrived, Plaintiff found Kelly alone and naked, where he then solicited her to have sexual intercourse with him. On that occasion, Plaintiff was feeling pain and shame from the rape the night before, and claimed she had homework she needed to do and left. Shortly thereafter, Kelly obtained the parental consent for the Plaintiff to go on the river trip by asking permission from her mother, representing he was a teacher at Colorado Academy. At a later date, just prior to the river trip, Plaintiff and her teenage girl friend were invited and met Kelly and the other Defendants at a Brown-family owned house in Aspen to plan the raft trip with the adult Defendants, where Plaintiff and her teenage girl friend were provided alcohol.

7. The adults were intended to chaperone the two minor girls on the Grand Canyon trip, where they illegally provided Plaintiff and her minor girl friend alcohol and illicit drugs. During the time on the river, the Defendants knowingly and deliberately left Plaintiff (age 15), impaired by drugs and

alcohol, alone with Kelly (sleeping bags next to each other away from the others at night) where she was repeatedly sexually assaulted by Kelly (an adult) during the three weeks he and Plaintiff were together on the trip. Kelly left the raft trip early, and the remaining adult Defendants continued a pattern of sexual misconduct involving alcohol, drugs and naked massages. The sexual misconduct was open and nefarious during the raft trip and the present adults aided and abetted Kelly in the commission of a string of sexual assaults, constituting a pattern of sexual abuse.

8. The numerous instances of sexual misconduct referenced herein, particularly over the three weeks when Kelly was serially raping Plaintiff on the river, constituted a “pattern of sexual abuse” by a person(s) in position of trust.

9. The defendants have engaged in decades of fraudulent conduct (deception and deceit) about the events of the Grand Canyon rafting trip and the sexual misconduct which they inflicted upon Plaintiff, an impressionable child, even actively carrying on in recent years despite Plaintiff's reporting of the events to the police and Colorado Academy for investigation. So effective have been the deception and deceit that John Kelly and the other defendants (aiders and abettors) have never been arrested or charged with any offense under Colorado laws.

10. As a direct result of the actions and conduct of the Defendants, the Plaintiff has suffered extreme emotional distress and physical suffering (PTSD characterized by sleep disturbance, nightmares, rapid heart rate, impairment of judgment) all of her adult lifetime, medical and rehabilitative expenses, short term and long term disability, temporary and permanent loss of wages and earning capacity, and loss of enjoyment of life.

11. The conduct of the Defendants, on the river trip, was in violation of the provisions of the criminal laws of the State of Colorado, to wit, first degree misdemeanor or felony offenses under Article 3 of Title 18, C.R.S.

12. The conduct of the Defendants ('actors') is violative of, and this case is brought pursuant to the Colorado Child Sexual Abuse Accountability Act.

WHEREFORE, the Plaintiff prays for compensatory and statutory damages, prejudgment and post-judgment interest, litigation costs and for such other and further relief as the Court deems necessary and just.

THE PLAINTIFF DEMANDS A TRIAL BY JURY.

Dated: January 1, 2022 .

DENVER INJURY LAW, LLC

By: s/James W. Avery
James W. Avery
Attorney for Plaintiff

Plaintiff's Address: c/o Avery Law Firm, PO 6888, Denver, CO 80206.