

FILED DISTRICT COURT
Third Judicial District

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SALT LAKE COUNTY

By _____ Deputy Clerk

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IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

<p>M.J., Plaintiff, v. WARREN JEFFS, et al., Defendants.</p>	<p>CROSS-CLAIM</p> <p>Case No. 070916524 (Judge Sandra Peuler)</p>
<p>UNITED EFFORT PLAN TRUST, by Bruce R. Wisan, as the Court-appointed Special Fiduciary, Third-party Complainant, v. ALLEN STEED, et al., Third-party Defendants.</p>	

Allen Steed, who has been named as a third-party defendant, through his attorneys, hereby files his Cross-claim for relief against plaintiff Elissa Wall and complains and alleges as follows:

PARTIES

1. Cross-claimant Allen Steed currently resides in Hildale, Utah. He was named as a third-party defendant on January 27, 2009, by defendant United Effort Plan Trust. In the first two complaints filed by plaintiff in this matter, Mr. Steed is referred to as "S.J."

2. Cross-claim defendant Elissa Wall is the plaintiff who filed this matter and is also known as "M.J."

FACTUAL BACKGROUND

3. Allen Steed is 28 years old. He has lived his entire life in the community of Hildale and has at all times been a member of the FLDS church.

4. In April 2001 Allen Steed was placed into a marriage by his ecclesiastical leaders. He was joined together with Elissa Wall in a religious marriage ceremony.

5. Subsequent to the marriage ceremony, Mr. Steed and Ms. Wall resided together and effectively lived as husband and wife from 2001 through 2004.

6. During November 2004, at the direction of the FLDS ecclesiastical leaders, Ms. Wall and Mr. Steed were "released" from their marriage. The marriage was terminated when it was discovered that Ms. Wall had been participating in an adulterous affair and had become pregnant as a result of the affair.

7. From 2004 through the present, Mr. Steed has had no contact or communication with Ms. Wall. During that time period, other than providing court testimony, Mr. Steed has not discussed in any public forum the details of his marriage with Ms. Wall.

8. Beginning in 2005, plaintiff Elissa Wall commenced efforts to obtain financial benefit from disclosing and discussing a version of the events occurring during her marriage to Allen Steed. These efforts were made through several mediums, including, but not limited to, the filing of lawsuits, writing and publishing the book *Stolen Innocence: My Story of Growing Up in a Polygamous Sect, Becoming a Teenage Bride, and Breaking Free of Warren Jeffs*, and repeated appearances in person and through electronic media.

9. In each of these mediums plaintiff has incompletely, inaccurately, and falsely portrayed the underlying events related to her marriage to Allen Steed.

10. To facilitate sales and financial benefit, plaintiff has participated in a calculated public relations campaign during which she has repeatedly published and discussed the details of her marriage to Mr. Steed. The forums in which such details have been discussed include, but are not limited to, appearances on:

- a. "The Oprah Winfrey Show";
- b. "Good Morning America";
- c. "20/20";
- d. "Associated Press"; and
- e. "48 Hours."

11. The plaintiff has received substantial financial benefit as a result of her efforts.

12. The underlying events surrounding the marriage of Ms. Wall and Mr. Steed are the subject matter of, and are inaccurately and falsely portrayed in plaintiff's Third Amended Complaint. It is her characterization of these same events which give rise to the claims of Mr.

Steed herein. The following is a non-exhaustive list of the false statements and actionable mischaracterizations made by plaintiff regarding the private marital affairs of Mr. Steed and Ms. Wall detailed in the Third Amended Complaint:

a. “Elissa wall was required to participate, as commanded, in non-consensual sexual intercourse with Allen Steed, resulting in repeated rapes.” (p. 8)

b. “[Allen Steed’s] rapes, some of which resulted in pregnancies and miscarriages, have been physically painful and emotionally devastating.” (p. 9)

13. The underlying events surrounding the marriage of Ms. Wall and Mr. Steed are the subject matter of, and are inaccurately and falsely portrayed in plaintiff’s book. It is her characterization of these same events which give rise to the claims of Mr. Steed herein. The following is a non-exhaustive list of the false statements and actionable mischaracterizations made by plaintiff regarding the private marital affairs of Mr. Steed and Ms. Wall in her book, *Stolen Innocence: My Story of Growing Up in a Polygamous Sect, Becoming a Teenage Bride, and Breaking Free of Warren Jeffs*, which gives rise to the claims herein:

a. “Allen [Steed] is my first cousin.” (p. 135)

b. “ I’d begun to see a lot of Allen. . . . [he] gave me the creeps. Although I still loathed my cousin, the feeling was different now. When we had lived together at the Steed ranch, Allen had been lanky and awkward but a bully. Now he had grown stockier and his oddness made me uncomfortable. . . .there was something that just didn’t seem right about him. The other girls and I talked behind his back about how strange he was.” (pp. 120-121)

c. “On the last night of our honeymoon, I woke up to the sensation of my skin being touched beneath my nightgown ‘I’m doing what I have a right to,’ Allen replied with an air of entitlement. ‘I’m your husband.’ Allen said that he had a ‘right’ to me, like I was his to claim, like someone had just handed me to him and now he could do whatever he wanted.” (pp. 171, 172)

d. “Allen stood in front of me, exposing himself . . . ‘This is what I look like,’ he announced matter-of-factly. Suddenly, he pulled off his underwear and exposed himself to me again. . . . ‘This is what we’re supposed to be doing,’ Allen announced. ‘This is what married people do.’ . . . ‘This is what the prophet told me to do to you.’” (pp. 173, 174)

e. “He ripped the blanket from my grasp, exposing me completely. . . . He took a step back and his gaze crawled over my entire body. ‘I’ve always wanted to see a woman naked,’ he proclaimed. . . . ‘Now do you know what I am going to do to you?’ he said in a weird way.” (p. 175)

f. “‘It’s time for you to be a wife and do your duty,’ [Allen] told me. . . . Allen’s face grew red with anger. He grabbed me and, without saying another word, undressed both of us. . . . He pulled me over to the bed and pushed me down I was crying as he got on top of me. . . . ‘You’re going to learn that this is what’s supposed to happen.’” (p.178)

g. “Since that first night when Allen had violated me, he had forced himself on me many more times. . . . Night after night, he insisted that this was supposed to happen and it was what we needed to do. . . . My repeated refusals made no difference.” (p. 184)

- h. “Teresa told me basics of ‘man-wife’ marital relations. I was still confused because Allen was doing a lot more to me than what she explained.” (p. 185)
- i. “What made it even harder was that he’d make me watch him touch himself, and left me feeling even more embarrassed and impure. . . . Worse, he’d taken to manipulating me and my ignorance about sex, telling me that a man could become very ill if he didn’t have relations at least every few days.” (p. 190)
- j. “As time wore on, Allen confided some of his fantasies. . . . I came to see that he painted his fingernails with clear polish, which was the only color that FLDS girls dared use. . . . the behavior struck me as very offputting in a man.” (p. 191)
- k. “Life was more bearable when [Allen] wasn’t angry, and I preferred getting the sex over with rather than being forced to watch him masturbate, or worse, having him put his fingers inside me to get him turned on.” (p. 196)
- l. “Thinking back to how often Allen had done this [masturbated] in front of me.” (p. 344)
- m. “The sexual encounters between Allen and me were often overpowering, with him in control, but on this night I felt absolutely helpless. . . . Allen was on top of me, ignoring my pleas to stop.” (p. 203)
- n. “. . . he’d refused to stop even as I begged him to. . . . I was merely an object of sexual desire. There was no me, just a body.” (p. 242)
- o. Description of Allen forcing himself on her after a fireside get together in the foothills of the Vermillion cliffs, snapping at her that “‘you are my wife and I am your

priesthood head.’ . . . his grip was pushing me back into the camper shell. ‘We just need to have children and you’ll feel different,’ were the last words I heard from his lips.” (pp. 275-276)

p. “Eventually, his frustration would boil over, making many of our disagreements heated and severe. . . .his kind demeanor crumbled and his assumed authority. . .returned with a vengeance. I did my best to fight him off, but there were times I had no choice but to submit. Some of our arguments culminated in physical struggles. He’d slap me or push me up against the wall. . . . One minute he would threaten me, the next he was trying to hug me. Once he even hurled a lamp in my direction.” (pp. 247-248)

q. “He was furious and lost his temper. He chased after me, and I ran into the second bedroom and tried to close the door behind me. But Allen kicked it in, and the door struck me in the eye. I woke up the next morning with a shiner.” (p. 248)

r. “This was not the only time I sustained bodily injury. My five feet two inches and 145 pounds were no match for his broad frame. At just below six feet, Allen towered over me, and he weighed more than 220 pounds. There was little I could do to stop him once he’d set his mind to having things his way—especially when it came to sex. In the bedroom he’d get rough sometimes, and though I tried hard to fight him off, I was rarely able to stop him once he got going.” (p. 248)

s. “Allen was angry at how I acted the previous night, and with a raised voice, he related his frustration. . . .after a few minutes, he got so upset that he smashed his sunglasses on the steering wheel so hard that a piece of the wheel broke off and fell to the floor.” (p. 176)

t. “Allen grew forceful, telling me we needed to start a family immediately. That’s when he’d force himself on me.” (p. 250)

u. “After one argument in which he hit me, I began to feel that familiar cramping in my abdomen [of a miscarriage]. . .I raced to the bathroom and was greeted by the worrisome sign of a miscarriage: I was bleeding. . .passing blood clots.” (p. 266)

v. “. . .luckily I’d perfected the art of concealing my bruises with makeup, even though we weren’t supposed to have it.” (p. 271)

w. “. . .I felt the sting of Allen’s hand across my cheek.” (p. 311)

x. When Allen goes to retrieve his wife from a party, Lamont Barlow states: “Your wife. . . Are you talking about the one that you masturbated in front of? The wife you raped and beat up? You mean that wife?” (p. 314)

y. “[Allen had been] abusing me since I was fourteen.” (p. 314)

z. “I had tried to forget: my marriage to Allen and the horrible abuse I endured the years I spent as his wife.” (p. 351)

14. The underlying events surrounding the marriage of Ms. Wall and Mr. Steed are the subject matter of, and are inaccurately and falsely portrayed throughout the plaintiff’s appearances on various television shows where she has repeatedly discussed the details of her marriage to Mr. Steed and promoted her book. It is her characterization of these same events which give rise to the claims of Mr. Steed herein. The following is a non-exhaustive list of the false statements and actionable mischaracterizations made by plaintiff regarding the private

marital affairs of Mr. Steed and Ms. Wall detailed in these public forums, all for the purpose of promoting her book *Stolen Innocence*:

a. "20/20"

i. "I was trapped. I felt like I had nowhere to turn. I did not want to go through with this marriage. I felt, honestly, what it was like to die."

ii. "I remember [Allen Steed] walked over and I got this really sick feeling in my stomach. Once I found out I was going to marry Allen, something in me just rose up and I really resisted."

iii. "[Allen Steed] started to touch me and it was extremely uncomfortable for me. Every night would get a little bit more and then he started on my private areas. For a young girl, I was very innocent. I just felt horrible and violated."

iv. "Allen Steed had complete control over me mentally, and because I was his property and was his, he was able to do what he did to me."

v. Ms. Wall said she spent nights out in the desert, huddled in the cab of her pickup truck, and on one of those nights, she said she suffered her fourth miscarriage.

b. "Good Morning America"

i. "I was very young at the time, so it was overwhelming and extremely scary. By that point, I was numb, and I was a 14-year old trying to do what everyone told me to do."

ii. Ms. Wall said she sobbed in the bathroom on her wedding night and also "swallowed painkillers."

c. "The Oprah Winfrey Show"

i. "Allen just grabbed me one day [on their honeymoon] and just brought me in for a kiss. Even as I look at it today, it hurts me to see that I was so uncomfortable. I was blocking him with both my arms to push him away."

ii. "[Allen Steed] told me that that was the prophet's and God's will, that this was his job and right as a husband of mine [to have sex]."

d. "Associated Press"

i. "[Allen Steed] had a violent temper and a calculating and controlling personality."

ii. "I couldn't stand being around him. I had known him my entire life and had a really hard time with him, he was a boy to me, I just didn't feel good around him, something just didn't feel right to me."

e. "48 Hours"

i. Reporter asks "And no matter what you said, no matter how many times you told him no, if he wanted to have sex with you, he would?" Elissa Wall responded, "Yes, by force or not by force."

FIRST CAUSE OF ACTION
(Invasion of Privacy – False Light Portrayal)

15. Cross-claimant hereby incorporates the allegations of paragraphs 1 through 12.

16. The conduct of plaintiff as alleged herein gave publicity to a matter concerning Allen Steed that placed him before the public in a false light as a sadistic person with an

uncontrollable temper. He has been placed before the public as violent and abusive sexual predator.

17. That false light was generated by the statements made by plaintiff, including, but not limited to, her statements that Allen Steed had raped her and that he was physically abusive on many occasions and had hit her causing her to suffer a miscarriage. *See* ¶¶ 13-14 above.

18. The false light in which Allen Steed was placed is highly offensive to a reasonable person, as allegations of abuse and rape are without question offensive.

19. Mr. Steed has a right to be protected from major misrepresentations of his character, activities, and beliefs; and as a direct result of plaintiff's statements, the public has received a false impression of Mr. Steed.

20. Plaintiff had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which Allen Steed would be placed.

21. Because of plaintiff's conduct, Mr. Steed has suffered emotional distress, mental anguish, and humiliation arising from the public disclosure. As a result, Mr. Steed was damaged.

SECOND CAUSE OF ACTION
(Invasion of Privacy - Publicity Given to Private Facts)

22. Cross-claimant hereby incorporates the allegations of paragraphs 1 through 12.

23. In the pursuit of maximizing her financial recovery, plaintiff has continually made public disclosures of private facts regarding Allen Steed, including, but not limited to, revealing intimate matters of their marriage. *See* ¶¶ 13-14 above.

24. The facts plaintiff has publically disclosed and communicated to the public at large are private facts as they occurred in the sanctuary of the home within a marital relationship.

The disclosed facts involve Mr. Steed's private life and sex life and are not left open to public observation.

25. The private facts regarding Allen Steed are ones that are highly offensive and objectionable to the reasonable person of ordinary sensibilities, as allegations of abuse and rape are without question offensive.

26. Because of plaintiff's conduct, Mr. Steed has suffered emotional distress, mental anguish, and humiliation arising from the public disclosure. As a result, Mr. Steed was damaged.

THIRD CAUSE OF ACTION
(Defamation - Libel)

27. Cross-claimant hereby incorporates the allegations of paragraphs 1 through 12.

28. Plaintiff wrote and caused to be published the book *Stolen Innocence*.

29. Plaintiff's publication of defamatory matters regarding Allen Steed is by printed words in the physical form of a book.

30. Plaintiff's publication contains defamatory matter, as plaintiff's assertions portray Allen Steed as a violent and abusive sexual predator. See ¶¶ 13-14 above.

31. Plaintiff's book includes content which is libelous per se, as plaintiff has asserted that Mr. Steed committed a series of serious, morally reprehensible crimes; namely, rape, physical assault, and abuse.

32. Mr. Steed has suffered damages as a result of plaintiff's actions, as damages are presumed where the libel involves reference to a serious, morally reprehensible crime such as rape and abuse.

FOURTH CAUSE OF ACTION
(Defamation - Slander)

33. Cross-claimant incorporates the allegations of paragraphs 1 through 12.

34. Plaintiff has made numerous appearances on television, radio, the Internet, and in person during which she has communicated, through spoken words, defamatory words regarding Allen Steed.

35. Plaintiff's statements on numerous television shows communicated defamatory matter, as plaintiff's assertions portray Allen Steed as a violent and abusive sexual predator. See ¶¶ 13-14 above.

36. Plaintiff's statements during these appearances have included content which is slanderous per se because she has asserted that Mr. Steed has committed a serious, morally reprehensible crime.

37. Mr. Steed has suffered damages as a result of plaintiff's actions, as damages are presumed where the slander involves reference to a serious, morally reprehensible crime such as rape and abuse.

FIFTH CAUSE OF ACTION
(Defamation - Harm to Reputation)

38. Cross-claimant incorporates the allegations of paragraphs 1 through 12.

39. Plaintiff intentionally published defamatory statements directly involving Allen Steed by writing and distributing her book to the public.

40. Plaintiff's publication contained statements that harmed Allen Steed's reputation. Being called a rapist and abuser has lowered Mr. Steed's reputation in the community and has exposed him to the public's hatred and contempt.

41. Because of plaintiff's conduct, Mr. Steed has suffered emotional distress and mental anguish arising from his harmed reputation. As a result, Mr. Steed was damaged.

SIXTH CAUSE OF ACTION
(Intentional or Negligent Infliction of Emotional Distress)

42. Cross-claimant hereby incorporates the allegations of paragraphs 1 through 12.

43. The conduct of plaintiff as alleged herein demonstrates that Ms. Wall intentionally engaged in conduct towards Mr. Steed by portraying Mr. Steed as an abusive rapist through the publication of her book and her numerous appearances on television.

44. Plaintiff's conduct was outrageous and intolerable in that it offends against the generally accepted standards of decency and morality. Plaintiff's statements portraying Allen Steed as an abusive rapist go well beyond petty insults or annoyances. Words alone are sufficient, as such heinous allegations impugn the very character of Mr. Steed. Plaintiff's public assertions that Mr. Steed is a rapist have and will continue to have severe, long-lasting detrimental effects on Mr. Steed.

45. Plaintiff intentionally engaged in the aforementioned conduct with the purpose of inflicting emotional distress upon Allen Steed. Even if no deliberate intent is found, plaintiff engaged in reckless conduct where she acted in deliberate disregard of a high probability that her actions will cause emotional distress. Any reasonable person would realize that publicly calling Mr. Steed a violent rapist would result in the infliction of emotional distress.

46. Plaintiff's actions are of such a nature as to be considered outrageous and intolerable in that they offend against the generally accepted standards of decency and morality.

47. Any reasonable person would have known that has intentionally or negligently caused, or acted in reckless disregard of the likelihood of causing Allen Steed emotional distress.

48. As a direct and proximate result of the actions of wrongful conduct of the plaintiff, Mr. Steed has suffered severe mental and emotional distress and permanent injury.

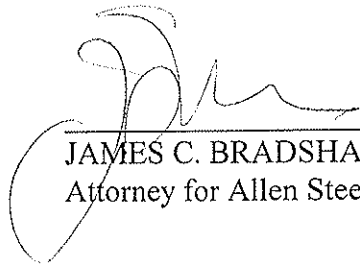
49. As a further direct and proximate consequence of the plaintiff's wrongful conduct, Allen Steed has incurred and will yet incur medical and other expenses, all to his special damages in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Mr. Steed prays for relief and judgment against plaintiff Elissa Wall as follows:

1. For judgment on damages, including punitive damages, as a result of plaintiff's conduct in an amount to be determined at trial.
2. The aforesaid actions of plaintiff were either the result of willful and/or malicious conduct or were the result of a knowing and reckless indifference toward, and a disregard of, the rights of Mr. Steed. In accordance with the provisions of *Utah Code Ann.* §78-18-1 (1953, as amended), reasonable punitive damages should be awarded against plaintiff and in favor of Mr. Steed.
3. Reasonable attorneys' fees and court costs.
4. For such other and further relief as the Court deems just and equitable under the circumstances.

DATED this 3rd day of February 2010.



JAMES C. BRADSHAW
Attorney for Allen Steed

MAILING CERTIFICATE

I hereby certify that on the 3 day of February 2010, a true and correct copy of the foregoing Cross-claim was mailed, postage prepaid, to the following:

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