



In addition to claims against Kelly, the initial lawsuit also named Deputy Superintendent Dr. James ‘Rickie’ Holliday and Superintendent Dr. Tim Markley — both have resigned while the administration was under investigation by the State Bureau of Investigation (SBI). Markley was additionally under investigation by a law firm contracted by the Board of Education to look into allegations of harassment and intimidation; **that investigation was apparently terminated** when Markley agreed to a separation agreement that allowed him to resign with nearly a quarter-million dollars in severance payments.

The most recent amended complaint introduces new plaintiffs, as well as additional background information on former Deputy Superintendent Dr. James ‘Rickie’ Holliday, who, plaintiffs’ attorneys allege, was negligent in supervising Kelly during various times in his employment by NHCS.

The new filing also helps assert a stronger claim for class action filing based on recent legislation, **now passed into law**, that opens the door for civil suits against sexual abusers that would previously have been ‘time-barred’ (that is, prohibited because too much time had elapsed since the abuse occurred).

“[A]ll claims asserted herein by the named Plaintiffs and all claims asserted for the putative class members have been rendered timely by operation of law, specifically N.C. Gen. Stat. Section 1-52 and Session Laws 2019-245, see 4(b) (‘Effective from January 1, 2020 until December 31, 21, this section revives any civil action for child abuse otherwise time-barred under G.S. 1-52 as it existed immediately before the enactment fo this act.’),” according to this week’s filing.

## Four additional plaintiffs

Thursday’s filing introduces four new plaintiffs, alleging abuse by Kelly — and, by extension, negligence by the administration and board — between 2002 and 2014. As with the previous six plaintiffs, all are named ‘John Doe’ in order to preserve their anonymity, a condition agreed to by both the plaintiffs and defense attorneys.

All four plaintiffs allege that at various times Kelly engaged in inappropriate conversation, exposed his genitals to students, and showed students images of videos of genitals, both Kelly’s own and those of others.

**John Doe 7** — A student at Laney High School from 2002 to 2004 alleges that “[o]n numerous occasions, beginning in 2001 and continuing through 2003 or 2004, Kelly inappropriately expose his genitals to the student and showed him pornographic images and video of Kelly’s own penis as well as those of others.”

According to the allegations, Kelly took a “special interest” in the student. He allegedly took the minor student to the sauna at the YMCA. There, Kelly pressured the student to remove his board shorts and on occasion would touch himself “as if he were masturbating,” according to the filing.

**John Doe 8** — A student at Isaac Bear also alleges that between 2008 and 2009 Kelly engaged inappropriate conversations with the student, showing him pornographic — including images and video of Kelly’s own genitals. The student also recalled an instance when Kelly followed him into the student restroom and watched him urinate. According to the student, Kelly grabbed the student’s penis and “remarked about its size.”

**John Doe 9** — A student a Laney between 2002 and 2006 makes similar allegations about Kelly’s inappropriate conversation, exposing himself, and showing the student images and videos of Kelly’s and others’ genitals. The student said this behavior by Kelly was a “frequent occurrence,” possibly occurring more than 100 times during the students’ four years at Laney.

**John Doe 10** — A student at Isaac Bear between 2010 and 2014 makes allegations similar to the other plaintiffs. The student also recounts Kelly’s allegedly inappropriate and illegal behavior was frequent, saying acts of exposure happened more than 50 times during his time at Isaac Bear, including two years at UNCW.

## Class action and exception case status

Attorneys for the plaintiffs have asked both that the case be granted class action and exceptional case status. The former would allow potential plaintiff meeting the general class description — essentially, a victim of Kelly’s inappropriate or illegal behavior and the district’s failure to prevent such behavior — to join in suing for compensation. The latter would designate a single Superior Court judge to oversee the entire case, including a potential trial.

In February, exceptional case status was granted and Senior Resident Superior Court Judge Phyllis Gorham was assigned the case. The class action status has not yet been decided — but the recent filing serves as additional evidence to the probable number of victims.

*Below: The complete filing for the First Amended Complaint (with six plaintiffs) and the Second Amended Complaint (with ten plaintiffs).*

[First Amended Complaint – 0...](#) by [Ben Schachtman](#) on Scribd

[Second Amended Complaint – ...](#) by [Ben Schachtman](#) on Scribd

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