

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Celeste Borys, et al. v. Timothy Ballard, et al.

Borys v. Ballard · No. 2:24-cv-00794-RJS-JCB · Decided May 19, 2026

SUMMARY

The United States District Court for the District of Utah ruled on Aerial Recovery Inc.’s motion to dismiss claims brought under the Trafficking Victims Protection Reauthorization Act. The court dismissed the direct forced-labor liability claim against Aerial Recovery but allowed claims for indirect forced-labor liability and direct and indirect sex-trafficking liability to proceed. The decision applies Federal Rule of Civil Procedure 12(b)(6) pleading standards.

CASE DETAILS

COURT	United States District Court for the District of Utah
WRITING FOR THE COURT	Robert J. Shelby
JURISDICTION	United States District Court for the District of Utah
DECIDED	May 19, 2026
DOCKET	2:24-cv-00794-RJS-JCB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs brought claims under the Trafficking Victims Protection Reauthorization Act against Aerial Recovery Inc. and Timothy Ballard. Aerial Recovery moved under Federal Rule of Civil Procedure 12(b) (6) to dismiss the Second Amended Complaint for failure to state a claim.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, views them in the light most favorable to the nonmoving party, and determines whether the complaint contains sufficient factual matter to state a facially plausible claim for relief. The court does not weigh potential evidence.
PRECEDENTIAL VALUE	unknown
PARTIES	Celeste Borys, Mary Hall, Sashleigha Hightower, Krista Kacey, Kira Lynch, Bree Righter v. Aerial Recovery Inc., Timothy Ballard

TOPICS

motions to dismiss

civil procedure

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plain meaning rule

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Plaintiffs plausibly alleged that Aerial Recovery directly violated 18 U.S.C. § 1589 by knowingly obtaining Plaintiffs' labor through coercion or threats of serious harm.
2. Whether Plaintiffs plausibly alleged that Aerial Recovery was indirectly liable under 18 U.S.C. §§ 1589 and 1595 because it knowingly benefited from a venture that it knew or should have known involved forced labor.
3. Whether Plaintiffs plausibly alleged direct liability under 18 U.S.C. §§ 1591 and 1595 for sex trafficking based on Aerial Recovery's alleged fraudulent representation of the Couples Ruse.
4. Whether Plaintiffs plausibly alleged indirect liability under 18 U.S.C. §§ 1591 and 1595 because Aerial Recovery benefited from and knew or should have known that the venture involved sex trafficking.
5. Whether the alleged transportation of Plaintiffs to international destinations for sexual conduct satisfied the transportation element of 18 U.S.C. § 1591.

HOLDINGS

1. Plaintiffs plausibly alleged that they performed labor and sexual services through coercion, but failed to plausibly allege that Aerial Recovery itself knew the labor was coerced. The direct forced-labor claim against Aerial Recovery was therefore dismissed.
2. Plaintiffs plausibly alleged that Aerial Recovery knowingly benefited from a venture involving the Couples Ruse and knew or should have known that the venture would employ forced labor.
3. Plaintiffs plausibly alleged that Aerial Recovery was directly liable for sex trafficking because it knowingly participated in portraying the Couples Ruse as a legitimate anti-trafficking method despite knowing that it had no legitimate operational basis, thereby using fraud to cause Plaintiffs to engage in commercial sex acts.
4. Plaintiffs plausibly alleged that Aerial Recovery was indirectly liable for sex trafficking because it participated in and benefited from the Couples Ruse venture and knew or should have known that the venture involved transporting Plaintiffs to obtain sexual services.
5. Allegations that Plaintiffs were transported to international destinations where they were subjected to sexual conduct as part of the Couples Ruse plausibly satisfied the transportation component of 18 U.S.C. § 1591.

KEY QUOTATIONS

“'[L]abor or services in § 1589 is not limited to work in an economic sense and extends to forced sexual acts.'” (Analysis, Section I.A)

"The court's function on a Rule 12(b)(6) motion is not to weigh potential evidence that the parties might present at trial, but to assess whether the plaintiff's complaint alone is legally sufficient to state a claim for which relief may be granted." (Legal Standards)

FACTUAL BACKGROUND

Plaintiffs previously worked with Timothy Ballard in undercover operations using the Couples Ruse, in which they posed as romantic partners with Ballard to infiltrate sex-trafficking networks. They alleged that Ballard progressively demanded sexual conduct and used spiritual authority, threats concerning harm to trafficking victims, isolation, transportation control, and confidentiality requirements to compel their participation. Aerial Recovery allegedly co-developed and trained participants in the Couples Ruse despite knowing that it lacked a legitimate undercover purpose, later hired Ballard to its board despite public sexual-misconduct allegations, and collaborated with him on promotional activities.

PROCEDURAL HISTORY

Plaintiffs filed the original complaint on October 22, 2024, amended it on May 27, 2025 to add Aerial Recovery, and filed the Second Amended Complaint on November 21, 2025. Plaintiffs later dismissed O.U.R. and other defendants, leaving Ballard and Aerial Recovery. The court granted in part and denied in part Aerial Recovery's motion to dismiss, dismissing only the direct forced-labor claim against Aerial Recovery.

DISPOSITION

other

CASES CITED

- Beedle v. Wilson, 422 F.3d 1059, 1063 (10th Cir. 2005)
- Maher v. Durango Metals, Inc., 144 F.3d 1302, 1304 (10th Cir. 1998)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 556, 570 (2007)
- Gallagher v. Shelton, 587 F.3d 1063, 1068 (10th Cir. 2009)
- Clinton v. Sec. Ben. Life Ins. Co., 63 F.4th 1264, 1276 (10th Cir. 2023)
- Strauss v. Angie's List, Inc., 951 F.3d 1263, 1267 (10th Cir. 2020)
- Bakkem v. Wilkie, 915 F.3d 1258, 1275 (10th Cir. 2019)
- Bistline v. Parker, 918 F.3d 849, 872 (10th Cir. 2019)
- J.L. v. Best W. Int'l, Inc., 521 F. Supp. 3d 1048, 1072, 1076 (D. Colo. 2021)
- M.A. v. Wyndham Hotels & Resorts, Inc., 425 F. Supp. 3d 959, 966 (S.D. Ohio 2019)
- P.C. v. D Fort Hotel, LLC, No. 24-cv-01584-PAB-TPO, 2025 U.S. Dist. LEXIS 2083, at *14 (D. Colo. Feb. 5, 2025)
- Moulouki v. Epee, 262 F. Supp. 3d 685, 698 (N.D. Ill. 2017)
- Ricchio v. McLean, 853 F.3d 553, 556 (1st Cir. 2017)

- United States v. Lazzaro, 129 F.4th 514, 525 (8th Cir. 2025)

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