

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF ANOKA

TENTH JUDICIAL DISTRICT

Case Type: Personal Injury

Doe 600,

Court File No.:

Plaintiff,

v.

SUMMONS

Circle R Ranch,

Defendant.

THIS SUMMONS IS DIRECTED TO THE DEFENDANT ABOVE NAMED.

1. YOU ARE BEING SUED. The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this Summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this Summons.

2. YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS. You must give or mail to the person who signed this Summons a **written response** called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this Summons located at Jeff Anderson & Associates, P.A., 366 Jackson Street, Suite 100, St. Paul, MN 55101.

3. YOU MUST RESPOND TO EACH CLAIM. The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

4. YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.

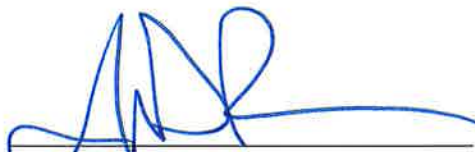
If you do not Answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the Complaint.

5. LEGAL ASSISTANCE. You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**

6. ALTERNATIVE DISPUTE RESOLUTION. The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

Dated: 6/15/2020

JEFF ANDERSON & ASSOCIATES, P.A.



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STATE OF MINNESOTA

DISTRICT COURT

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Plaintiff,

v.

COMPLAINT

Circle R Ranch,

Defendant.

Plaintiff Doe 600, for her cause of action against Defendant Circle R Ranch, alleges that:

PARTIES

1. Plaintiff Doe 600 ("Doe 600") is a resident of the State of Minnesota. At all times material, Doe 600 was a minor and resident of the State of Minnesota. Venue is proper in Anoka County as a portion of this cause of action arose in Anoka County, as Defendant Circle R Ranch's agent Scott Fortier sexually abused Doe 600 in Blaine, Minnesota in Anoka County. The identity of Doe 600 has been disclosed under separate cover to Defendant Circle R Ranch ("Circle R Ranch").

2. At all times material, Circle R Ranch was and continues to be a company authorized to conduct business and conducting business in the State of Minnesota. Circle R Ranch maintains an office at 32549 State 27, Long Prairie, Minnesota 56347. Circle R Ranch operates a co-ed horseback riding educational summer camp for minor children. According to its Website, www.circclerranch.com, "the Circle R Ranch is a unique Summer Horse Camp that offers a rich experience for youngsters ages 7 through 17." Jack McCoy was and continues to be the owner and president of Circle R Ranch.

experience for youngsters ages 7 through 17.” Jack McCoy was and continues to be the owner and president of Circle R Ranch.

FACTS

3. Scott Francis Fortier (“Fortier”) is an adult male resident of the State of Minnesota. At all times material, Fortier was an adult employed by Circle R Ranch as a camp counselor, program director, and/or volunteer supervisor of Circle R Ranch’s junior counselors and campers. At all times material, Fortier remained under the direct supervision, employ and/or control of Circle R Ranch. Circle R Ranch placed Fortier in positions where he had access to and worked with children.

4. Upon information and belief, Fortier has been associated with Circle R Ranch since he was approximately 10-years-old in approximately 1988. Fortier was associated with Circle R Ranch first as a camper, then as an employee, volunteer, and agent of Circle R Ranch.

5. Doe 600 was a resident camper at Circle R Ranch entrusted to the care of Circle R Ranch for extended periods during the summer months from approximately 2010 to 2016, when she was approximately 10 to 17 years old.

6. While Doe 600 was a camper at Circle R Ranch, she was away from her family and lacked the normal opportunities for self-protection. Doe 600 was under Circle R Ranch’s care, custody and control. Circle R Ranch accepted complete custody and control of the minor Doe 600, and Circle R Ranch was responsible for her care and well-being.

7. Doe 600 became an unpaid junior counselor at Circle R Ranch when she was approximately 15 years old in the summer of 2014. Doe 600’s duties as a junior counselor included, but were not limited to: cleaning up and handling tasks at the camp that the camp counselors did not have time to do. As a minor and junior counselor, Doe 600 was entrusted to the care, custody

and control of Circle R Ranch. Doe 600 was away from her family and lacked the normal opportunities for self-protection.

8. In approximately 2015, when she was approximately 16 years old, Doe 600 became a camp counselor under the supervision and control of Circle R Ranch. As a minor and camp counselor, Doe 600 was entrusted to the care, custody and control of Circle R Ranch. Doe 600 was away from her family and lacked normal opportunities for self-protection.

9. Doe 600 met Fortier at Circle R Ranch in approximately 2010 or 2011, during her first years as a young camper at Circle R Ranch when she was approximately 10 or 11 years old. Fortier was in his 30s when Doe 600 first met him.

10. Doe 600 and her family came in contact with Fortier as an agent and representative of Circle R Ranch.

11. Doe 600 participated in youth activities and educational activities at Circle R Ranch. Doe 600 therefore developed great admiration, trust, reverence and respect for Circle R Ranch and its agents, including Fortier.

12. During and through these activities, Doe 600, as a minor and vulnerable child, was dependent on Circle R Ranch and Fortier. Circle R Ranch had custody of Doe 600 and accepted the entrustment of Doe 600.

13. Doe 600 knew Fortier as an adult program director and/or counselor at Circle R Ranch when she was a camper there. Fortier was in charge of many of the activities at Circle R Ranch that Doe 600 and the other minor children took part in.

14. From approximately 2015 to 2016, when Doe 600 was approximately 16 to 17 years old, Fortier engaged in unpermitted sexual contact with her. Doe 600 was a minor at the time of the unpermitted sexual contact.

15. Fortier sexually abused Doe 600 at Circle R Ranch in Todd County, and also at his home in Blaine, in Anoka County, in the State of Minnesota.

16. In December 2016, Fortier was charged with two counts of criminal sexual conduct and using a minor in producing pornography for his sexual abuse and exploitation of Doe 600 and another minor camper from Circle R Ranch.

17. Fortier was convicted of production and possession of child pornography in January 2018, and was sentenced to 25 years in prison. The Federal Judge in Fortier's criminal case referred to Fortier and the children at Circle R Ranch as "a wolf let loose in a field of sheep."

18. Prior to the sexual abuse of Doe 600, Circle R Ranch learned, or should have learned that Fortier was not fit to work with children.

19. Circle R Ranch knew or should have known that Fortier was a danger to children before he sexually abused and sexually assaulted Doe 600.

20. At all times material, Doe 600, as a minor and vulnerable child, was dependent on and relied on Circle R Ranch. Circle R Ranch had custody of Doe 600 and accepted the entrustment of Doe 600. Circle R Ranch had responsibility for Doe 600 and authority over Doe 600.

21. By accepting custody of the minor Doe 600, Circle R Ranch established an *in loco parentis* relationship with Doe 600 and in so doing, owed Doe 600 a duty to protect Doe 600 from injury.

22. Further, Circle R Ranch, by holding itself out as being able to provide a safe environment for vulnerable children, solicited and/or accepted this position of empowerment. This empowerment prevented Doe 600 from effectively protecting herself and Circle R Ranch thus entered into a fiduciary relationship with Doe 600.

23. Circle R Ranch had a special relationship with Doe 600.

24. At all times material, Circle R Ranch employed, had responsibility for, and/or had control over Fortier, including the ability to control and supervise his conduct and access to minor children, including Doe 600.

25. Circle R Ranch had a special relationship with Fortier.

26. Circle R Ranch owed Doe 600 a duty of reasonable care because it had superior knowledge about the risk that Fortier posed, the risk of abuse and sexual assault in general in its programs, and/or the risks that its facilities posed to minor children.

27. Circle R Ranch owed Doe 600 a duty of reasonable care because it solicited youth and parents for participation in its programs; encouraged vulnerable youth and parents to have vulnerable youth participate in its programs; undertook custody of minor children, including Doe 600; promoted its facilities and programs as being safe for children; and held its agents out as well-trained and safe to work with and supervise children at its facilities and/or participating in its programs.

28. Circle R Ranch owed a duty to Doe 600 to protect her from generally foreseeable harm because Circle R Ranch's actions created a foreseeable risk of harm to Doe 600. As a vulnerable child participating in the programs and activities that Circle R Ranch offered to minors, Doe 600 was a foreseeable victim. As a vulnerable child who Fortier had access to through Circle R Ranch's facilities and programs, Doe 600 was a foreseeable victim.

29. As a child under the custody and care of Circle R Ranch, Doe 600 was a foreseeable victim.

30. Circle R Ranch's breach of its duties include, but are not limited to: failure to have sufficient policies and procedures to prevent child sexual abuse and sexual assault, failure to properly implement the policies and procedures to prevent child sexual abuse and/or sexual assault,

failure to take reasonable measures to make sure that the policies and procedures to prevent child sex abuse and sexual assault were working, failure to adequately inform families and children of the risks of child sexual abuse and sexual assault, failure to investigate risks of child sexual abuse and sexual assault, failure to properly train its employees, failure to have any outside agency test its safety procedures, failure to protect the children in its programs from child sexual abuse and sexual assault, failure to adhere to the applicable standard of care for child safety, failure to investigate the amount and type of information necessary to represent the institution, programs, leaders, and people as safe, failure to realize Doe 600 and other minors had initially been assaulted by Fortier and then failing to prevent further assaults from Fortier on Doe 600, and failure to train its employees properly to identify signs of child molestation and sexual assault by fellow residents in its programs.

31. Circle R Ranch failed to use ordinary care in determining whether its facilities, including Circle R Ranch, were safe and/or in determining whether it had sufficient information to represent its facilities as safe. Circle R Ranch's failures include, but are not limited to: failure to have sufficient policies and procedures to prevent abuse at its facilities, failure to investigate risks at its facilities, failure to properly train workers at its facilities, failure to have any outside agency test its safety procedures, failure to investigate the amount and type of information necessary to represent its facilities as safe, and failure to train its employees properly to identify signs of sexual assault by residents.

32. Circle R Ranch also breached its duties to Doe 600 by failing to warn her and her family of the risks of sexual assault at camps like Circle R Ranch. Circle R Ranch also failed to warn them about any of the knowledge that Circle R Ranch had about child sex abuse and sexual assault.

33. Circle R Ranch knew or should have known that some its facilities were not safe.

34. Circle R Ranch knew or should have known that it did not have sufficient information about whether or not its facilities were safe.

35. Circle R Ranch knew or should have known that there was a risk of child sex abuse and sexual assault for children participating in Circle R Ranch's programs.

36. Circle R Ranch knew or should have known that it did not have sufficient information about whether or not there was a risk of child sexual abuse or sexual assault for children participating in its programs, including Circle R Ranch.

37. Circle R Ranch knew or should have known that Circle R Ranch had employees and/or agents and/or volunteers who had sexually assaulted children. Circle R Ranch knew or should have known that there was a specific danger of child sexual abuse and sexual assault for children participating in its youth programs, including those under its care at Circle R Ranch.

38. As a direct result of Circle R Ranch's conduct described herein, Doe 600 has suffered, and will continue to suffer, great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation, physical, personal and psychological injuries. Doe 600 was prevented, and will continue to be prevented, from performing normal daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for psychological treatment, therapy, and counseling, and, on information and belief has and/or will incur loss of income and/or loss of earning capacity.

COUNT I: NEGLIGENCE

Doe 600 incorporates all consistent paragraphs of this Complaint as if fully set forth under this count and further alleges the following:

39. Circle R Ranch owed Doe 600 a duty of reasonable care.

40. Circle R Ranch owed Doe 600 a duty of care because it had a special relationship with Doe 600.

41. Circle R Ranch owed Doe 600 a duty to warn and protect her from harm because it had a special relationship with Fortier.

42. Circle R Ranch owed Doe 600 a duty to protect her from harm because Circle R Ranch's active misfeasance created a foreseeable risk of harm.

43. Circle R Ranch owed Doe 600 a duty to protect her from harm because Circle R Ranch invited her onto its property, and Fortier posed a dangerous condition on Circle R Ranch's property.

44. Circle R Ranch owed Doe 600 a duty of care because the sexual abuse she suffered was foreseeable.

45. By establishing and operating Circle R Ranch, accepting the enrollment, attendance, and participation of minor Doe 600, holding Circle R Ranch out to be a safe environment for Doe 600 to attend camp and participate in youth activities and educational activities, accepting custody of minor Doe 600 *in loco parentis*, and by establishing a fiduciary relationship with Doe 600, Circle R Ranch entered into an express and/or implied duty to properly supervise Doe 600 and provide a reasonably safe environment.

46. By establishing and operating Circle R Ranch, which offered educational and recreational programs and activities to minor children, and by accepting the enrollment and participation of minor Doe 600 as a child participant, attendee and camper in those programs, Circle R Ranch owed Doe 600 a duty to properly supervise Doe 600 from generally foreseeable dangers.

47. Circle R Ranch breached its duties to Doe 600. Circle R Ranch's failures include but are not limited to: failing to properly supervise Fortier, failing to properly supervise and warn Doe 600, and failing to protect Doe 600 from a known danger at Circle R Ranch.

48. Circle R Ranch's breach of its duty was a proximate cause of Doe 600's injuries.

49. As a direct result of Circle R Ranch's negligent conduct, Doe 600 has suffered the injuries and damages described herein.

COUNT II: NEGLIGENT SUPERVISION

Doe 600 incorporates all consistent paragraphs of this Complaint as if fully set forth under this count and further alleges the following:

50. At all times material, Fortier was employed by Circle R Ranch and/or was under Circle R Ranch's direct supervision, employ and control when he committed the wrongful acts alleged herein.

51. Fortier engaged in the wrongful conduct while acting in the course and scope of his employment with Circle R Ranch and/or accomplished the sexual abuse by virtue of his job-created authority.

52. Circle R Ranch knew, had reason to know, or should have known that Fortier was a danger to minors before he sexually abused Doe 600.

53. Fortier's wrongful conduct was foreseeable by Circle R Ranch because it was a well-known and foreseeable risk that educators, camp employees, camp volunteers and/or youth workers may engage in sexually inappropriate conduct with students and children in youth programs and activities, including attendees and campers at camps, including overnight camps.

54. Circle R Ranch failed to exercise ordinary care in supervising Fortier in his duties and/or employment at Circle R Ranch and failed to prevent the foreseeable misconduct of Fortier from causing harm to others, including Doe 600.

55. As a direct result of Circle R Ranch's negligent conduct, Doe 600 has suffered the injuries and damages described herein.

COUNT III: NEGLIGENT RETENTION

Doe 600 incorporates all consistent paragraphs of this Complaint as if fully set forth under this count and further alleges the following:

56. Circle R Ranch, by and through its agents, servants and/or employees, became aware, or should have become aware, of problems indicating that Fortier was an unfit employee with dangerous and exploitive propensities, prior to Fortier's sexual abuse of Doe 600, yet Circle R Ranch failed to take any appropriate action to remedy the problem and failed to investigate or remove Fortier from his employment and/or from having access to and working with children.

57. As a direct result of Circle R Ranch's negligent conduct, Doe 600 has suffered the injuries and damages described herein.

COUNT IV: NEGLIGENT HIRING

Doe 600 incorporates all consistent paragraphs of this Complaint as if fully set forth under this count and further alleges the following:

58. Circle R Ranch owed Doe 600 a duty of reasonable care in hiring its agents and employees.

59. Circle R Ranch further assumed this duty by holding Fortier out to campers and families as a competent and trustworthy supervisor, mentor and agent.

60. Circle R Ranch knew or should have known of Fortier's unfitness for his positions at Circle R Ranch, which could have been discovered by reasonable investigation by Circle R Ranch prior to hiring him. Circle R Ranch further knew the risk of child sexual abuse in education and camp settings, including that it was a well-known and foreseeable risk that employees, agents and volunteers may engage in sexually inappropriate contact with minor campers. Circle R Ranch

therefore had a duty to hire camp counselors and volunteers who were fit for carrying out Circle R Ranch's duty to protect campers from such harm.

61. Circle R Ranch breached its duties to Doe 600 by failing to exercise reasonable care in hiring its employees, including Fortier.

62. As a direct result of Circle R Ranch's negligent conduct, Doe 600 has suffered the injuries and damages described herein.

COUNT V: RESPONDEAT SUPERIOR

Doe 600 incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

63. The wrongful acts of Circle R Ranch's managers, supervisors, employees, servants, volunteers and/or agents, and specifically those of its employee/agent, Fortier, were committed incidental to the employment of this person and would not have occurred but for the employment of said person.

64. The wrongful acts of Circle R Ranch's managers, supervisors, employees, servants, volunteers and/or agents, and specifically those of its employee, Fortier, were committed within work-related limits of time and place of employment of Circle R Ranch.

65. The wrongful acts of its managers, supervisors, employees, servants, volunteers and/or agents are a known hazard within this industry and a foreseeable risk of doing business within said industry.

66. Circle R Ranch is liable for the negligent and wrongful acts of its managers, supervisors, employees, servants, volunteers and/or agents and is vicariously liable for the injuries suffered by Doe 600.

67. Fortier's sexual assault and abuse of Doe 600 would not have occurred but for his employment and/or affiliation with Circle R Ranch. Circle R Ranch is responsible for the actions of Fortier and its other employees, under the theory of respondeat superior.

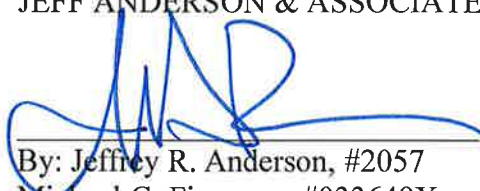
PRAYER FOR RELIEF

Doe 600 demands judgment against Circle R Ranch in an amount in excess of \$50,000.00, plus costs, disbursements, reasonable attorney's fees, interest, and such other and further relief as the court deems just and equitable.

DEMAND IS HEREBY MADE FOR A TRIAL BY JURY.

Dated: June 15, 2020.

JEFF ANDERSON & ASSOCIATES, P.A.



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ACKNOWLEDGMENT

The undersigned hereby acknowledges that sanctions, including costs, disbursements, and reasonable attorney fees may be awarded pursuant to Minn. Stat. § 549.211 to the party against whom the allegations in this pleading are asserted.

