

STATE OF MINNESOTA
COUNTY OF ANOKA

DISTRICT COURT
TENTH JUDICIAL DISTRICT

Case Type: Personal Injury

Doe 602,

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.

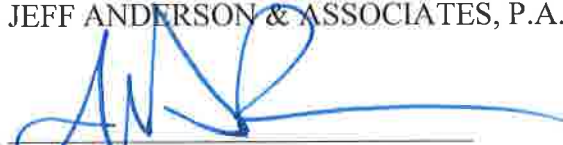
If you do not Answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. 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: November 17, 2022.

JEFF ANDERSON & ASSOCIATES, P.A.



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STATE OF MINNESOTA

DISTRICT COURT

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Case Type: Personal Injury

Doe 602,

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Plaintiff,

v.

COMPLAINT

Circle R Ranch,

Defendant.

Plaintiff Doe 602, for her cause of action against Defendant Circle R Ranch, alleges that:

PARTIES

1. Plaintiff Doe 602 (“Doe 602”) is a resident of the State of Minnesota. At all times material, Doe 602 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 602 in Blaine, Minnesota in Anoka County. The identity of Doe 602 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.

FACTS

3. Defendant Circle R Ranch operates a co-ed horseback riding educational summer camp for children on 800 acres of land in Long Prairie, Minnesota. All Circle R Ranch staff are subordinate to Jack McCoy. Under Jack McCoy in the Circle R Ranch hierarchy are the program director and riding director, and under them are counselors, and junior counselors. Many of Circle R Ranch's staff start out as campers before being selected to work at the camp as junior counselors, counselors, or directors. Circle R Ranch considers junior counselors to be "counselors in training" - or *potential counselors*. These potential counselors do not receive a paycheck, but stay at Circle R Ranch free of charge while they receive training and are evaluated for their potential to become counselors. Circle R Ranch allows minors, including Doe 602, to come to camp as counselors in training when they are as young as 15-years-old.

2005 - Defendant Circle R Ranch Learns that Scott Fortier is a Danger to Minor Girls

4. Scott Francis Fortier ("Scott Fortier" or "Fortier") was born on March 17, 1979. At all times material, Scott Fortier was an adult male resident of the State of Minnesota. Fortier was an adult employed by Circle R Ranch as a camp counselor, program director, and/or volunteer at Circle R Ranch. 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. Fortier is currently a prisoner at FCC Pekin in Pekin, Illinois as a result of convictions from his sexual abuse and sexual exploitation of Doe 602 and another minor Circle R Ranch counselor.

5. 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 from 1988 to 2016

as among other things, a camper, counselor, program director, activities director, entertainment director, DJ, and volunteer, at the camp.

6. From approximately 2000 to 2001, Scott Fortier provided alcohol to a minor Circle R Ranch counselor he met at the camp and began a sexual relationship with her beginning when she was a 17-year-old high school student, and Fortier was an adult. Fortier secretly recorded himself having sex with the girl, telling her about it after the fact. Fortier showed the girl a secret camera in his apartment bathroom he used to record guests using the bathroom without their knowledge at parties he hosted.

7. In approximately 2003, Fortier had sexual contact with another minor Circle R Ranch counselor at the camp when Fortier was an adult.

8. In approximately 2005, Fortier was working for Circle R Ranch as program director. That year, the two minor Circle R Ranch counselors Fortier sexually abused from 2000 to 2003 described above, both now adult employees of Circle R Ranch, met with Jack McCoy personally to report the abuse they suffered and their concerns about Scott Fortier continuing to have access to minor girls at the camp. The counselors reported to Jack McCoy that Scott Fortier had sexual contact with them when they were minors and Fortier was an adult. The girls reported that Fortier told them he could have sex with minors at Circle R Ranch as long as the girls were counselors or junior counselors, and Fortier was not on Circle R Ranch's payroll. The girls reported to Jack McCoy that they believed Fortier was currently having sexual contact with a girl he met at Circle R Ranch who was 15-years-old. The two counselors reported that they believed Fortier was using his position and status at Circle R Ranch to meet minor girls, and start relationships with them at, and outside of camp so he could engage in sexual contact with them.

9. Also in approximately 2005, the father of a Circle R Ranch counselor contacted Jack McCoy by telephone to report concerns about Scott Fortier's activities with minor girls from the camp. The father warned Jack McCoy that Scott Fortier was using Circle R Ranch as a "hunting ground" to meet underage girls for sexual contact, and that he wanted Circle R Ranch to stop allowing Fortier on its property.

10. After the 2005 reports, Circle R Ranch fired Scott Fortier.

11. Circle R Ranch never investigated the 2005 sexual abuse reports and never reported the allegations of sexual abuse of minors to proper authorities. This failure to report was a violation of Circle R Ranch's obligations under Minnesota's mandatory reporting laws.

2008 - Despite Learning of Fortier's Dangerous Propensities, Defendant Circle R Ranch Allows Fortier Back to its Property, and Provides him Access to Minor Girls with Inadequate Policies or Practices to Protect Them

12. In 2008, Circle R Ranch allowed Fortier to return to Circle R Ranch, and allowed Fortier to work with, hire, and supervise minor counselors and junior counselors for years.

13. From 2008 to 2016, Scott Fortier was well-known at Circle R Ranch. At all times material to this Complaint, Scott Fortier was an agent of Circle R Ranch, volunteered there, helped organize and plan camp activities, DJ'ed dance parties for campers and counselors at Circle R Ranch, supervised and ran evening activities for minor campers, provided tours to parents at camp when they dropped their children off for the week, and performed other duties associated with operating the youth summer camp. Fortier was allowed to wear a Circle R Ranch "Staff" t-shirt while he was working at camp, was included in Circle R Ranch staff Christmas cards, and was believed by Circle R Ranch employees to be a person with authority over them. During these years, Jack McCoy and Circle R Ranch introduced Scott Fortier to campers and their families with other staff during camp check-in. On some occasions, Circle R Ranch's owner introduced Fortier as "The Man," "The Legend," or "The Dude."

14. From approximately 2008 to 2016, Circle R Ranch allowed Fortier to attend its training weekends for counselors. Fortier actually drafted Circle R Ranch's training manual, and provided training to counselors and staff at these training weekends, including training counselors on Circle R Ranch's sexual abuse and mandatory reporting policies.

15. From approximately 2008 to 2016, Circle R Ranch allowed Fortier to make hiring decisions for the camp. During this time, Fortier recommended campers and junior counselors to be hired as full time counselors, and interviewed potential hires. During this time period, Fortier discussed hiring decisions directly with Jack McCoy and Circle R Ranch directors.

16. From approximately 2008 to 2016, Circle R Ranch held Fortier out as an employee or agent of the camp, and a person in a position of authority.

17. Despite Fortier's extensive work at Circle R Ranch from 2008 to 2016, Circle R Ranch never put Fortier on its official payroll after the 2005 reports were made to Jack McCoy.

18. In addition to being an employee, agent, representative and volunteer at Circle R Ranch, between 2008 and 2016, Scott Fortier had a personal relationship with the owner of Circle R Ranch, Jack McCoy.

19. At all times material, Jack McCoy and Circle R Ranch had the authority to restrict Scott Fortier's access to Circle R Ranch property, the minor campers and employees under its care there, including Fortier's access to Doe 602.

20. From 2008 to 2016, Circle R Ranch permitted Scott Fortier to access and use its property and buildings both during summer and winter months.

21. On multiple occasions between 2008 and 2016, once Circle R Ranch granted Scott Fortier access to its property, Scott Fortier hosted gatherings at Circle R Ranch for Circle R Ranch

counselors and former counselors, many of whom were minor girls who Circle R Ranch knew or should have known Fortier had a propensity to sexually exploit and abuse.

22. On multiple occasions between 2008 and 2016, Scott Fortier provided alcohol to minors at these gatherings on Circle R Ranch property. Several Circle R Ranch employees, including directors and counselors, were aware Fortier provided minors alcohol and allowed them to drink on camp property.

23. Between 2008 and 2016, Scott Fortier hosted parties and gatherings for Circle R Ranch counselors and former counselors at his home in Blaine, Minnesota. Circle R Ranch's program directors and assistant program directors were aware of these parties and attended them with other Circle R Ranch counselors. Some of Circle R Ranch's program directors, assistant program directors, counselors, and counselors in training who attended the parties were minors Fortier met and knew from his regular presence at Circle R Ranch after 2005.

24. Between 2008 and 2016, Scott Fortier had sexual contact with multiple minor Circle R Ranch camp counselors and junior counselors he met at Circle R Ranch after Circle R Ranch learned Scott Fortier was using the camp to meet minor girls to have sex with. Sometimes, Scott Fortier had sexual contact with minor counselors he met at Circle R Ranch on Circle R Ranch property, and sometimes Fortier would meet them at Circle R Ranch and then provide them alcohol elsewhere and sexually abuse them.

25. Some of the agents and employee counselors and directors at Circle R Ranch during the period 2008 to 2016, referred to the minor and young adult girls from Circle R Ranch Scott Fortier had sexual contact with as "Scottie's Hotties."

26. Circle R Ranch's Assistant Program Director was aware that the words "Scottie's Hotties" was written on a tree near the pool at Circle R Ranch prior to the sexual abuse of Doe 602.

27. Scott Fortier has admitted that between at least 2008 and 2016 he took and collected explicit photographs of Circle R Ranch counselors, some of whom were minors. The girls and young women who sent Fortier naked photographs for his collection were referred to as "Fight Club." Circle R Ranch's acting assistant program director knew of "Fight Club" by at least 2013 when Fortier was 34-years-old. Fortier was convicted of possession of child pornography stemming in part from his possession of explicit photographs of Circle R Ranch counselors.

28. Scott Fortier has admitted he had sexual contact with minors he met at Circle R Ranch, and testified in his criminal trial that many of his sexual partners in his life came from Circle R Ranch. Fortier testified regarding his sexual abuse of minors and exploitation of Circle R Ranch counselors that, "I know in the world we live in there was a big age difference there and that's not normal, but it was - - it was part of my world in all the years that I had been involved with people from [Circle R Ranch] and the group of friends that I had so it wasn't - - it never - - it never came up as abnormal to me."

29. In approximately 2010, Fortier, then 31-years-old, began a sexual relationship with a 17-year-old former camper and employee of Circle R Ranch he met at camp. Jack McCoy was aware of Fortier's relationship with Circle R Ranch's minor employee. Neither Jack McCoy, nor any other Circle R Ranch employee reported the potential sexual abuse by Scott Fortier of a minor employee to authorities.

30. Circle R Ranch provided inadequate training to its counselors and agents, including Doe 602, regarding sexual abuse, sexual exploitation, and mandatory reporting laws.

31. In 2015 or 2016, when Fortier was 36 or 37 years old, Circle R Ranch employees, including at least one counselor and Circle R Ranch's riding director, learned that Fortier had sexual contact with a 16-year-old junior counselor from Circle R Ranch. Circle R Ranch's riding director believed she was not obligated to report the sexual abuse because the 16-year-old girl was a counselor at the time, not a camper. Circle R Ranch's riding director believed that Minnesota's mandatory reporting laws did not require her to report the sexual abuse of the 16-year-old girl. Circle R Ranch allowed Scott Fortier to provide its training on the camp's mandatory reporting and sexual abuse policies during this time period.

32. Circle R Ranch permitted Scott Fortier access to teenage girls at Circle R Ranch, including Doe 602, for years after learning Fortier had a propensity to sexually abuse and exploit teenage girls it met there.

33. Circle R Ranch failed to have policies or procedures in place to protect the minor girls under its care from sexual abuse by adult men at the camp. Circle R Ranch adopted a policy that sexual contact between minor employees under its care and adult men was legal and permitted.

Scott Fortier Meets Plaintiff Doe 602 at Defendant Circle R Ranch's Camp Years After Defendant Circle R Ranch Learns he is a Threat to Girls Like Her, and Fails to Warn Her about Fortier's Dangerous Propensities

34. Scott Fortier was 22 years old when Doe 602 was born in 2001.

35. Doe 602 was born three years after Scott Fortier began working at Circle R Ranch.

36. Doe 602 began attending Circle R Ranch as a resident camper beginning in approximately 2011, when she was approximately 10 years old. Scott Fortier was approximately 32 years old in 2011. Doe 602 was entrusted to the care of Circle R Ranch for extended periods during the summer months from approximately 2011 to 2016, when she was approximately 10 to 15 years old.

37. While Doe 602 was a camper at Circle R Ranch, she was away from her family and lacked the normal opportunities for self-protection. Doe 602 was under Circle R Ranch's care, custody and control. Circle R Ranch accepted complete custody and control of the minor Doe 602, and Circle R Ranch was responsible for her care and well-being.

38. Doe 602 became an unpaid junior counselor or "counselor in training" at Circle R Ranch when she was approximately 15-years-old, in the summer of 2016. Doe 602's duties as a junior counselor included, but were not limited to: cleaning up, helping with camp activities, tending to horses, and handling other tasks at the camp that the camp counselors did not have time to do. As a minor and a counselor in training, Doe 602 was entrusted to the care, custody and control of Circle R Ranch. Doe 602 was far from her family, dependent on Circle R Ranch for protection, shelter, food and care, and lacked the normal opportunities for self-protection.

39. Doe 602 met Scott Fortier at Circle R Ranch when she was approximately 12 or 13 years old and a camper there.

40. Doe 602 knew Scott Fortier as an adult counselor at Circle R Ranch, and as an agent and representative of Circle R Ranch.

41. Doe 602 and her family came in contact with Scott Fortier as an agent and representative of Circle R Ranch.

42. Doe 602 participated in youth activities and educational activities at Circle R Ranch. During and through these activities, Doe 602, as a minor and vulnerable child, was dependent on Circle R Ranch and Scott Fortier. Circle R Ranch had custody of Doe 602 and accepted the entrustment of Doe 602.

43. During the summer of 2016, Scott Fortier was at Circle R Ranch's property with Circle R Ranch's permission while camp was in session. Doe 602 was a 15-year-old counselor in

training at Circle R Ranch at the time. Fortier, then 37-year-old, had a conversation with the 15-year-old Doe 602, in which he told her she could come to parties at his home if she became his friend.

44. Later that year, in September of 2016, when Doe 602 was still 15-years-old, Scott Fortier invited Doe 602 and another minor girl he met at Circle R Ranch, to his home in Blaine, Minnesota, where he provided the girls with alcohol until they were intoxicated.

45. After providing alcohol to Doe 602 and the other minor Circle R Ranch counselor until they were intoxicated, Fortier sexually assaulted Doe 602 and the other minor girl throughout the night and early next morning. Fortier video recorded himself sexually assaulting both minor girls. Doe 602 was unconscious during some of the sexual assaults Fortier video recorded. As a result of the sexual abuse, Doe 602 has suffered, and will continue to suffer the damages alleged herein.

46. In December 2016, after the abuse was reported to police, Fortier was arrested and charged with two counts of criminal sexual conduct and using a minor for production of pornography for his sexual abuse and exploitation of Doe 602 and the other minor Circle R Ranch counselor.

47. Fortier was convicted of production and possession of child pornography in Federal District Court in January 2018, and was sentenced to 25 years in prison for his sexual abuse and exploitation of Doe 602 and the other minor Circle R Ranch counselor. 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."

48. Fortier pled guilty to sexually abusing Doe 602 in Anoka County District Court in 2019.

49. Prior to the sexual abuse of Doe 602, Circle R Ranch learned, or should have learned that Fortier was not fit to work with minor girls and children.

50. Circle R Ranch knew or should have known that Fortier was a danger to minor girls and children before he sexually abused, sexually exploited, and sexually assaulted Doe 602.

51. At all times material, Doe 602, as a minor and vulnerable child, was dependent on and relied on Circle R Ranch. Circle R Ranch had custody of Doe 602 and accepted the entrustment of Doe 602. Circle R Ranch had responsibility for Doe 602 and authority over Doe 602.

52. By accepting custody of the minor Doe 602, Circle R Ranch established an *in loco parentis* relationship with Doe 602 and in so doing, owed Doe 602 a duty to protect Doe 602 from injury.

53. 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 602 from effectively protecting herself, and Circle R Ranch thus entered into a fiduciary relationship with Doe 602.

54. Circle R Ranch had a special relationship with Doe 602.

55. 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 girls and children he met at its facilities, including Doe 602.

56. Circle R Ranch had a special relationship with Fortier because Circle R Ranch had the ability to control Fortier's access to its property and the minor girls there that Circle R Ranch knew or should have known Fortier had a propensity to sexually abuse and exploit.

57. Circle R Ranch made the decision to allow Scott Fortier access to its facilities and minor girls there despite knowledge that Fortier used his position at Circle R Ranch to create relationships with, groom, and sexually exploit, and sexually abuse minor girls he met there.

58. Circle R Ranch owed Doe 602 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.

59. Circle R Ranch owed Doe 602 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 602; 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.

60. Circle R Ranch owed a duty to Doe 602 to protect her from generally foreseeable harm because Circle R Ranch's actions created a foreseeable risk of harm to Doe 602. As a vulnerable child participating in the programs and activities that Circle R Ranch offered to minors, Doe 602 was a foreseeable victim. As a vulnerable child who Fortier had access to through Circle R Ranch's facilities and programs, Doe 602 was a foreseeable victim.

61. Despite knowing of Fortier's dangerous propensities, Circle R Ranch continued to allow Fortier access to minors at its facilities, including Doe 602. In doing so, Circle R Ranch created a foreseeable risk of harm to minor campers and counselors at its facilities, including Doe 602.

62. As a child under the custody and care of Circle R Ranch, Doe 602 was a foreseeable victim.

63. By 2016, Circle R Ranch knew or should have known that Scott Fortier had dangerous propensities to sexually abuse minor girls he met and accessed at Circle R Ranch, and yet continued to allow Fortier access to its facilities and the minor girls there, including Doe 602.

64. As a teenaged girl who Fortier accessed through his position and status at Circle R Ranch, Doe 602 was a foreseeable victim.

65. As a teenaged girl who Fortier accessed at Circle R Ranch when he was there with Circle R Ranch's permission, Doe 602 was a foreseeable victim.

66. 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 prevent further sexual assaults from Fortier despite knowing Fortier had a propensity to sexually abuse and exploit minors; failure to prevent Scott Fortier from accessing its property and facilities; failure to report allegations and suspicions of sexual abuse of minors to proper authorities in accordance with mandatory reporting laws; failure to restrict Scott Fortier's access to minor girls on its property despite the fact it knew or should have known Fortier used Circle R Ranch to meet minor girls to sexually abuse and exploit; and failure to train its

employees properly to identify signs of child molestation, sexual exploitation, and sexual assault by adults.

67. 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.

68. Circle R Ranch also breached its duties to Doe 602 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.

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

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

71. 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.

72. 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.

73. Circle R Ranch knew or should have known that Circle R Ranch had employees and/or agents and/or volunteers, including but not limited to Scott Fortier, who had sexually assaulted and exploited children. Circle R Ranch knew or should have known that there was a specific danger of child sexual abuse and sexual assault for minor girls participating in its youth programs, including those under its care at Circle R Ranch.

74. Circle R Ranch knew or should have known Scott Fortier had a sexual interest in minor girls he met and accessed at Circle R Ranch. As a minor girl under the care of Circle R Ranch, Defendant had a duty to warn her about the risk Fortier posed to her, and owed Doe 602 a duty to protect her from foreseeable sexual abuse by Scott Fortier.

75. Circle R Ranch owed Doe 602 a duty to protect her from sexual abuse by Scott Fortier specifically, and to control Scott Fortier's access to minor girls at its facilities.

76. As a direct result of Circle R Ranch's conduct described herein, Doe 602 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 602 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 602 incorporates all consistent paragraphs of this Complaint as if fully set forth under this count and further alleges the following:

77. Circle R Ranch owed Doe 602 a duty of reasonable care.

78. Circle R Ranch owed Doe 602 a duty of care because it had a special relationship with Doe 602.

79. Circle R Ranch owed Doe 602 a duty to warn and protect her from harm because it had a special relationship with Fortier, knew or should have known of Fortier's dangerous propensities to sexually abuse minor girls he met and accessed at Circle R Ranch, and because Circle R Ranch had the ability to control Fortier's access to its facilities and the minor girls there, including Doe 602.

80. Circle R Ranch owed Doe 602 a duty to protect her from harm because Circle R Ranch's active misfeasance created a foreseeable risk of harm.

81. Circle R Ranch owed Doe 602 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.

82. Circle R Ranch owed Doe 602 a duty of care because the sexual abuse she suffered was foreseeable.

83. By establishing and operating Circle R Ranch, accepting the enrollment, attendance, and participation of minor Doe 602, holding Circle R Ranch out to be a safe environment for Doe 602 to attend camp and participate in youth activities and educational activities, accepting custody of minor Doe 602 *in loco parentis*, and by establishing a fiduciary relationship with Doe 602, Circle R Ranch entered into an express and/or implied duty to properly supervise Doe 602 and provide a reasonably safe environment.

84. 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 602 as a child participant, attendee and camper in those programs,

Circle R Ranch owed Doe 602 a duty to properly supervise Doe 602 from generally foreseeable dangers.

85. Circle R Ranch breached its duties to Doe 602. Circle R Ranch's failures include but are not limited to: failing to properly supervise Fortier, failing to properly supervise and warn Doe 602, failing to control Scott Fortier's access to the minor Doe 602, failing to control Scott Fortier's access to Circle R Ranch's property, failing to properly train and supervise Circle R Ranch counselors and junior counselors about sexual abuse, allowing Fortier to provide training on Circle R Ranch's sexual abuse and mandatory reporting policies after learning he had a propensity to sexually abuse and exploit minor girls, allowing Fortier to work at Circle R Ranch for years without putting him on the payroll after learning Fortier believed he could have sex with minor girls from the camp as long as he was not on Circle R Ranch's payroll, and failing to protect Doe 602 from a known danger at Circle R Ranch.

86. Circle R Ranch's breach of its duty was a proximate cause of Doe 602's injuries.

87. As a direct result of Circle R Ranch's negligent conduct, Doe 602 has suffered the injuries and damages described herein.

COUNT II: NEGLIGENT SUPERVISION

Doe 602 incorporates all consistent paragraphs of this Complaint as if fully set forth under this count and further alleges the following:

88. 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.

89. 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.

90. Circle R Ranch knew, had reason to know, or should have known that Fortier was a danger to minors before he sexually abused Doe 602.

91. 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.

92. 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 602.

93. As a direct result of Circle R Ranch's negligent conduct, Doe 602 has suffered the injuries and damages described herein.

COUNT III: NEGLIGENCE RETENTION

Doe 602 incorporates all consistent paragraphs of this Complaint as if fully set forth under this count and further alleges the following:

94. 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 602, 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.

95. As a direct result of Circle R Ranch's negligent conduct, Doe 602 has suffered the injuries and damages described herein.

COUNT IV: NEGLIGENCE HIRING

Doe 602 incorporates all consistent paragraphs of this Complaint as if fully set forth under this count and further alleges the following:

96. Circle R Ranch owed Doe 602 a duty of reasonable care in hiring its agents and employees.

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

98. 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, and should have been known because it received reports of his unfitness resulting in his initial firing in 2005. 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.

99. Circle R Ranch breached its duties to Doe 602 by failing to exercise reasonable care in hiring its employees, including Fortier.

100. As a direct result of Circle R Ranch's negligent conduct, Doe 602 has suffered the injuries and damages described herein.

COUNT V: RESPONDEAT SUPERIOR

Doe 602 incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

101. 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.

102. 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.

103. 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.

104. 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 602.

105. Fortier's sexual assault and abuse of Doe 602 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 602 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: November 17, 2022.

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.

