STATE OF MINNESOTA | DISTRICT COURT

COUNTY OF HENNEPIN | FOURTH JUDICIAL DISTRICT
Case Type: Personal Injury

Laura Adams,

Plaintiff,

vs.

The Children's Theatre Company, a Minnesota Non-Profit Corporation, and Jason McLean,

Defendants.

The Honorable Francis J. Magill, Jr.
Court File No: 27-CV-15-20713

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER FOR JUDGMENT

The above-entitled matter came for a jury trial before Honorable Francis J. Magill, Judge of District Court, on January 15, 2019 through January 30, 2019. Jeffrey R. Anderson, Esq, Molly K. Burke, Esq., Mike Finnegan, Esq., and Trusha Patel Goffe, Esq. from Jeff Anderson & Associates, P.A. appeared for Plaintiff. Theresa M. Bevilacqua, Esq., from Dorsey & Whitney LLP, and Sally J. Ferguson, Esq., and Blake W. Duerre, Esq. from Arthur, Chapman, Kettering, Smetak & Pikala, P.A., appeared for Defendant CTC. Defendant Jason McLean did not appear at trial and a default judgment as to liability was entered for Plaintiff on January 15, 2019.

The Jury returned the following Special Verdict on January 31, 2019:

1. Was the Children's Theatre Company generally negligent in the time period before the sexual assault of Laura Stearns in May/June 1983?
   Yes X No ___

   If your answer to Question 1 is "Yes," then answer Question 2. If your answer to Question 1 is "No," then skip to Question 3.

2. Was the Children's Theatre Company's general negligence a direct cause of the sexual assault of Laura Stearns by Jason McLean?
   Yes ___ No X

3. Was the Children's Theatre Company negligent in its supervision of Jason Mclean in the time period before the sexual assault of Laura Stearns in May/June 1983?
   Yes ___ No X

If your answer to Question 3 is "Yes," then answer Question 4. If your answer to Question 3 is "No," then skip to Question 5.

4. Was the Children's Theatre Company's negligent supervision of Jason McLean a direct cause of the sexual assault of Laura Stearns by Jason McLean?

Yes ___ No ___

5. Was the Children's Theatre Company negligent in retaining Jason McLean as an employee in the time period before the sexual assault of Laura Stearns in May/June 1983?

Yes ___ No X

If your answer to Question 5 is "Yes," then answer Question 6. If your answer to Question 5 is "No," then skip to Question 7.

6. Was the Children's Theatre Company's negligent retention of Jason McLean as an employee a direct cause of the sexual assault of Laura Stearns by Jason McLean?

Yes ___ No ___

Regardless of your answers to Questions 1-6 above, answer questions 7-8:

7. What amount of money will fairly and adequately compensate Laura Stearns for damages directly caused by the sexual assault committed by Jason McLean, up to the time of this verdict, for:

   a. Past loss of earnings? $ 220,000

   b. Past pain, disability, and emotional distress? $ 3,000,000

8. What amount of money will fairly and adequately compensate Laura Stearns for damages reasonably certain to occur in the future and directly caused by the sexual assault committed by Jason McLean for:

   a. Future health care expenses? $ 350,000

   b. Loss of future earning capacity? $ 0

   c. Future pain, disability, and emotional distress? $ 113,000

FINDINGS OF FACT

1. The Court adopts the Jury's answers to the Special Verdict interrogatories as its Findings of Fact.

2. As a result of the sexual abuse of Plaintiff Laura Stearns by Jason McLean in May/June 1983, Plaintiff sustained past and future damages totaling $3,683,000.00.

CONCLUSIONS OF LAW

1. Plaintiff Laura Stearns is entitled to recovery against Defendant Jason McLean as a result of Jason McLean's sexual abuse of Laura Stearns in May/June 1983.

2. Plaintiff Laura Stearns is not entitled to recovery against Defendant Children's Theatre Company as a result of Jason McLean's sexual abuse of Laura Stearns in May/June 1983.

3. Defendant Children's Theatre Company is awarded judgment of dismissal with prejudice of Plaintiff's action.

4. Plaintiff Laura Stearns is the prevailing party as to Defendant Jason McLean and is entitled to tax its costs and disbursements under Minn. Stat. § 594.04.

5. Defendant Children's Theatre Company is the prevailing party as to Plaintiff and is entitled to tax its costs and disbursements under Minn. Stat. § 594.04.

Based upon the above Findings of Fact and Conclusions of Law:

ORDER FOR JUDGMENT

1. Plaintiff Laura Stearns is entitled to judgment against Defendant Jason McLean in the amount of $3,683,000.00.

2. Plaintiff is also entitled to judgment against Defendant Jason McLean for her taxable costs, disbursements, pre-judgment interest, and post-judgment interest.

3. Defendant Children's Theatre Company is entitled to judgment against Plaintiff Laura Stearns for its taxable costs and disbursements.

Dated: _____, 2019

BY THE COURT

Magill, Frank
2019.03.06
10:12:06 -06'00'

Honorable Francis J. Magill
Judge of Hennepin County District Court

Dated: _____, 2019

DISTRICT COURT ADMINISTRATOR

_____

Dated: February 15, 2019

s/ Sally J. Ferguson
Michael S. Ryan (#130643)
Sally J. Ferguson (#131829)
Blake W. Duerre (#171293)
Adina R. Florea (#395026)
Kari M. Dahlin (#314365)
500 Young Quinlan Building
81 South Ninth Street
Minneapolis, MN 55402-3214
P: (612) 339-3500
F: (612) 339-7655
msryan@ArthurChapman.com
sjferguson@ArthurChapman.com
bwduerre@ArthurChapman.com
arflorea@ArthurChapman.com
kmdahlin@ArthurChapman.com

DORSEY & WHITNEY LLP

Dated: February 15, 2019

s/Theresa M. Bevilacqua
Theresa M. Bevilacqua (#031500X)
John T. ("Jack") Sullivan (#390975)
50 South Sixth Street, Suite 1500
Minneapolis, MN 55402-1498
P: (612) 340-2600
F: (612) 340-2868
bevilacqua.theresa@dorsey.com
sullivan.jack@dorsey.com

Attorneys for Defendant
The Children's Theatre Company