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MONTANA FIRST JUDICIAL DISTRICT COURT  
LEWIS AND CLARK COUNTY

D.R.E.,

Cause No: DDV-2019-154

Plaintiff,

vs.

SUMMONS

STATE OF MONTANA, DEPARTMENT OF  
PUBLIC HEALTH AND HUMAN SERVICES,  
an agency of the State of Montana; STATE OF  
MONTANA, DEPARTMENT OF  
CORRECTIONS, an agency of the State of  
Montana, and DOES 1-10.

Defendants.

COPY

THE STATE OF MONTANA sends greetings to the above-named Defendant:

State of Montana, Department of Corrections  
C/O: Reginald Michael, Director of Department of Corrections  
5 S. Last Change Gulch  
Helena, MT 59601

YOU ARE HEREBY SUMMONED to answer the Complaint in this action, which is filed in the Office of the Clerk of this Court, a copy of which is herewith served upon you in the County wherein you reside, and to file your answer and serve a copy thereof upon the Plaintiff's attorney within forty-two (42) days after the service of this Summons, exclusive of the day of service; and in case of your failure to appear or answer, judgment will be taken against you, by default, for the relief demanded in the Complaint.

WITNESS my hand and the Seal of said Court this 5<sup>th</sup> day of December, 2019.



Angie Sparks, Clerk of District Court

MARY M GOYINS

By: \_\_\_\_\_  
Deputy Clerk

1 Timothy W. McKeon  
2 Meghan M. Doud  
3 McKEON DOUD, P.C.  
4 828 Great Northern Blvd, Suite 2A  
5 Helena, MT 59601  
6 Telephone: 406-996-1830  
7 Fax: 406-996-1831  
8 *Attorneys for Plaintiff*

FILED

MAY 06 2019

ANGIE SPARKS, Clerk of District Court  
By MARY M GOYINS Deputy Clerk

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MONTANA FIRST JUDICIAL DISTRICT COURT  
LEWIS AND CLARK COUNTY

D.R.E,

Cause No. DDV-2019-154

Plaintiff,

vs.

AMENDED  
COMPLAINT

STATE OF MONTANA, DEPARTMENT OF  
PUBLIC HEALTH AND HUMAN  
SERVICES, an agency of the State of Montana;  
STATE OF MONTANA, DEPARTMENT OF  
CORRECTIONS, an agency of the State of  
Montana, and DOES 1-10,

Defendants.

Based upon information and belief available to Plaintiff, D.R.E, at the time of the filing of this Amended Complaint for Damages, Plaintiff makes the following allegations:

PARTIES

1. Plaintiff D.R.E. is, and at all times material to this Complaint was, a citizen of the State of Montana, and is currently residing in Lewis and Clark County, Montana.
2. Plaintiff is informed and believes, and on that basis alleges, Defendant State of Montana, Department of Public Health and Human Services (DPHHS) is an agency of the State of Montana.

COPY

AMENDED COMPLAINT

D.R.E V. STATE OF MONTANA, DEPT OF PUBLIC HEALTH AND HUMAN SERVICES, ET AL. PAGE 1



1 3. Plaintiff is informed and believes, and on that basis alleges, Defendant State of  
2 Montana, Department of Corrections (DOC) is an agency of the State of Montana.

3 4. Defendants, Does 1 through 10, inclusive, are individuals and/or business or corporate  
4 entities incorporated in and/or doing business in Montana whose true names and capacities are  
5 unknown to Plaintiffs, who therefore, sues such Defendants by such fictitious names, and who  
6 will amend the Complaint to show the true names and capacities of such Doe Defendant when  
7 ascertained. Each such Defendant Doe is legally responsible in some manner for the events,  
8 happenings, and/or tortious and unlawful conduct that caused the injuries and damages alleged  
9 in this Complaint.  
10

11 5. Each Defendant is the agent, servant, and/or employee of other Defendants, and  
12 each Defendant was acting within the course and scope of his, her or its authority as an agent,  
13 servant, and/or employee of the other Defendants. Defendants, and each of them, are  
14 individuals, corporations, partnerships, and other entities which engaged in, joined in and  
15 conspired with the other wrongdoers in carrying out the tortious and unlawful activities  
16 described in this Complaint, and Defendants, and each of them, ratified the acts of the other  
17 Defendants as described in this Complaint.  
18

19  
20 **JURISDICTION**

21 6. This court has subject matter jurisdiction over this complaint pursuant to Montana  
22 Code Annotated § 3-5-302. This Court has jurisdiction over Defendant State of Montana,  
23 Department of Public Health and Human Services (DPHHS) because DPHHS is an agency of  
24 the State of Montana.

25 7. This court has subject matter jurisdiction over this complaint pursuant to Montana  
26 Code Annotated § 3-5-302. This Court has jurisdiction over Defendant State of Montana,  
27 Department of Corrections (DOC) because DOC is an agency of the State of Montana.

AMENDED COMPLAINT

D.R.E V. STATE OF MONTANA, DEPT OF PUBLIC HEALTH AND HUMAN SERVICES, ET AL. PAGE 2

1 8. Defendant Does 1 through 10, inclusive, are individuals and/or business or corporate  
2 entities incorporated in and/or doing business in Montana whose true names and capacities are  
3 unknown to Plaintiff, who therefore sues such Defendants by such fictitious names, and who  
4 will amend the Complaint to show the true names and capacities of each such Doe Defendant  
5 when ascertained. Each such Defendant Doe is legally responsible in some manner for the  
6 events, happenings, and/or tortious and unlawful conduct that caused the injuries and damages  
7 alleged in this Complaint.  
8

#### 9 VENUE

10 9. Venue is proper in Lewis and Clark County, pursuant to Mont. Code Ann. 25-2-  
11 126(1), because one Defendant is the State of Montana.

12 10. Venue is proper in Lewis and Clark County, pursuant to Mont. Code Ann. 25-2-  
13 118, because at least one defendant resides in this district.  
14

#### 15 STATEMENT OF FACTS

16 11. D.R.E attended Capital High School in Helena, Montana from January of 2014  
17 until May of 2015.

18 12. D.R.E.'s attendance at Capital High School was interrupted by a stay at Pine Hills  
19 from May to November of 2014.

20 13. Because of D.R.E.'s learning disabilities and emotional issues, he had routine  
21 contact with the resource department and Rene Carter.  
22

23 14. At the time, Rene Carter was employed by the Helena School District and worked as a  
24 resource teacher at Capital High School.

25 15. A relationship between Rene Carter and D.R.E. began in the winter/spring of  
26 2014/15 while he was a resource student of Rene Carter.  
27

16. While D.R.E. was in Pine Hills, the Carter family drove to Miles City to visit D.R.E.

AMENDED COMPLAINT



1 several times.

2 17. Plaintiff is informed and believes that the Carters trips to visit D.R.E. at Pines Hills  
3 were suggested and encouraged by D.R.E.'s juvenile probation officer (DOC) and the  
4 Department of Family Services.

5 18. Rene Carter would send gifts and pictures of herself and her children to D.R.E. while  
6 he was at Pine Hills.

7 19. Plaintiff is informed and believes that when D.R.E. was being released from Pine  
8 Hills, DOC and the Department of Family Services were encouraging the placement of D.R.E.  
9 into the Carter home.

10 20. The Carters had several children, one being a female child who was approximately the  
11 same age as D.R.E., residing in her home.

12 21. DPHHS agreed to and approved the placement of D.R.E. as a foster child into the  
13 Carter home.

14 22. Plaintiff is informed and believes that DOC agreed to and encouraged the placement of  
15 D.R.E. as a foster child into the Carter home.

16 23. Sexual relations between Rene Carter (foster mother) and D.R.E. (foster child) were  
17 routine within the Carter foster home and at Capital High School.

18 24. D.R.E. continued to reside in the Carter foster home from November 2014 through  
19 May 2015.

20 25. Following an investigation by the Helena Police Department, Rene Carter has been  
21 charged with felony rape.

22 **COUNT 1.**

23 **NEGLIGENCE**  
24 **(Against All Defendants)**

25 **AMENDED COMPLAINT**

26 **D.R.E V. STATE OF MONTANA, DEPT OF PUBLIC HEALTH AND HUMAN SERVICES, ET AL.**

27 **PAGE 4**

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26. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

27. Defendants' negligently and recklessly placed DRE, a minor at the time, in the foster home of Lee and Rene Carter.

28. While in the Carter home, D.R.E. was repeatedly raped and emotionally abused as a result of the negligent and reckless foster home placement.

29. Defendants, by and through their agents, servants and employees, were negligent in the encouragement and selection of the Carters as foster parents to D.R.E.

30. Defendants, by and through their agents, servants and employees, were negligent in the placement and subsequent supervision of D.R.E. within the Carter home.

31. Defendants breached their duty of care to Plaintiff by negligently failing to supervise, screen, and monitor D.R.E.s placement within the Carter home.

32. As a result of the above-described conduct, Plaintiff was repeatedly raped by his foster mother and has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

**COUNT II.**

**NEGLIGENT SUPERVISION  
(Against All Defendants)**

33. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.



1 34. Defendants had a duty to provide reasonable supervision once D.R.E. was placed  
2 within the Carter home.

3 35. Defendants failed to provide reasonable supervision of D.R.E. after he was placed in  
4 the Carter home and failed to use reasonable care in investigating the placement of D.R.E.

5 36. As a result of the above-described conduct, Plaintiff was repeatedly raped  
6 and has suffered, and continues to suffer great pain of mind and body, shock, emotional  
7 distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem,  
8 disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer  
9 spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily  
10 activities and obtaining the full enjoyment of life; has sustained and will continue to sustain  
11 loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses  
12 for medical psychological treatment, therapy, and counseling.  
13  
14

15 **COUNT III.**

16 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**  
17 **(ALL DEFENDANTS)**

18 37. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

19 38. By way of Defendants' negligent acts and/or omissions, Plaintiff has suffered  
20 severe emotional distress.

21 39. Plaintiff's severe emotional distress was a reasonably foreseeable consequence of  
22 Defendants' negligent acts and/or omissions.

23 40. The severe emotional distress experienced by Plaintiff was so severe that no  
24 reasonable person could be expected to endure it.

25 41. Plaintiff has sustained severe damages as a result of the severe emotional distress that  
26 he has experienced.  
27