

Brad H Bearnson (#3633)  
Daniel K. Dygert (#8467)  
BEARNSON & PECK, L.C.  
Attorneys for Plaintiff  
74 West 100 North  
P.O. Box 675  
Logan, Utah 84321  
Telephone: (435)787-9700  
Facsimile: (435)787-2455

FILED  
U.S. DISTRICT COURT  
2005 APR 20 A 11: 56  
BY: \_\_\_\_\_  
CLERK

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, NORTHERN DIVISION

\_\_\_\_\_, as parent and guardian  
for and on behalf of \_\_\_\_\_, a  
minor,

Plaintiff,

vs.

WORLD WIDE ASSOCIATION OF  
SPECIALTY PROGRAMS AND  
SCHOOLS, INC.; MAJESTIC RANCH  
ACADEMY, INC.; PEART RANCH, LLC;  
SEAN E. COOMBS; and JOHN DOES I -  
X,

Defendants.

**COMPLAINT**

and

**JURY DEMAND**

Civil No. \_\_\_\_\_

Judge: \_\_\_\_\_

Judge Dee Benson  
DECK TYPE: Civil  
DATE STAMP: 04/20/2005 @ 12:00:31  
CASE NUMBER: 2:05CV00364 DB

\_\_\_\_\_, as guardian for and on behalf of J \_\_\_\_\_ H \_\_\_\_\_, a minor (Plaintiff), hereby  
complains against Defendants World Wide Association of Specialty Programs and Schools, Inc.; Majestic  
Ranch Academy, Inc.; Peart Ranch, LLC; Sean E. Coombs and John Does I-X (Defendants) as follows:

**PARTIES**

1. Plaintiff [REDACTED] is the mother and general guardian of J [REDACTED] H [REDACTED], a minor, both of whom reside in Newport Beach, California.

2. Defendant World Wide Association of Specialty Programs and Schools, Inc., is a Utah non-profit corporation with its principal place of business in St. George, Utah.

3. Defendant Majestic Ranch Academy, Inc., is a Utah corporation with its principal place of business in Randolph, Rich County, Utah.

4. Defendant Peart Ranch, LLC, is a Utah limited liability company with its principal place of business in Randolph, Rich County, Utah.

5. Defendant Sean E. Coombs is an individual residing in Logan, Utah. At all times relevant hereto, Defendant Coombs was the employee of Defendant Majestic Ranch Academy, Inc., and was acting within the scope of his employment.

6. John Does I-X are individuals or entities unknown to Plaintiffs at this time, who were engaged in or responsible for incidents of abuse, neglect and humiliation toward [REDACTED].

**JURISDICTION AND VENUE**

7. Utah courts have personal jurisdiction over Defendants because all Defendants reside in the State of Utah.

8. In this action, Plaintiffs seek compensation for damages in excess of \$75,000, exclusive of interest and costs.

9. This Court has subject matter jurisdiction of this lawsuit under 28 U.S.C. § 1332(a)

(diversity jurisdiction).

10. Venue is proper in this Court under 28 U.S.C. §§ 1391(a) and (c) because Defendants reside in the State of Utah and the acts of Defendants complained of herein occurred in Rich County, State of Utah.

### **BACKGROUND**

11. This is a civil action against Defendants for battery, intentional infliction of emotional distress, negligent infliction of emotional distress, false imprisonment, negligence, negligent supervision and negligent hiring and retention.

12. Peart Ranch, LLC owns and operates a ranch located in Rich County (the "Ranch").

13. Majestic Ranch Academy, Inc. (the "Academy") owns and operates an academy for troubled youth aged 7-13 that is located on the Ranch. Youth enrolled at the Academy are required to work on and perform services for the Ranch, which work and/or services inures to the benefit of the Ranch.

14. World Wide Association of Specialty Programs and Schools, Inc. ("WWASPS") is an association of residential programs and specialty and boarding schools, one of which is the Majestic Ranch Academy. WWASPS endorses Majestic Ranch Academy, Inc., provides marketing services to Majestic Ranch Academy, Inc., and establishes the programs used by Majestic Ranch Academy. Upon information and belief, WWASPS provided training, guidance, programs, orders and directions to Majestic Ranch Academy, Inc. with respect to the operation of the Academy that resulted in the abuse, neglect and humiliation suffered by J██████ H██████.

15. Defendant Coombs was employed by Majestic Ranch Academy, Inc., as a staff member, counselor and supervisor at the Academy at all times relevant hereto.

16. On or about June 3, 2004, while J [REDACTED] H [REDACTED] was a resident at the Ranch, Defendant Coombs repeatedly slammed [REDACTED] against a wall and a table, threw him to the ground, and struck him with his hands, causing serious bodily injury to J [REDACTED] H [REDACTED].

17. During J [REDACTED]'s stay at the Ranch, he was repeatedly restrained and placed in handcuffs without consent or lawful justification.

18. During J [REDACTED]'s stay at the Ranch, he was subjected to numerous incidents of verbal and emotional abuse.

19. During J [REDACTED]'s stay at the Ranch, he was also subjected to other acts of physical, psychological and emotional abuse, neglect and humiliation.

20. On August 4, 2004, Defendant Coombs pled guilty to 1 count of Child Abuse/Neglect, a Class B misdemeanor, in the Rich County Justice Court with respect to the assault on [REDACTED].

**FIRST CLAIM FOR RELIEF**  
**(Battery)**

21. Paragraphs 1-20 are incorporated herein by reference.

22. Defendant Coombs, intending to cause harmful contact with J [REDACTED] H [REDACTED], directly caused harmful contact with J [REDACTED] H [REDACTED] by, among other things, repeatedly slamming J [REDACTED] against a wall and a table, throwing him to the ground, and striking him with his hands.

23. Defendant Coombs was acting within the scope of his employment when committing the foregoing acts and Defendant Majestic Ranch Academy, Inc., is liable for the acts and omissions of Defendant Coombs.

24. As a result of Defendants' conduct, J [REDACTED] H [REDACTED] suffered severe emotional distress, bodily injury and illness, and psychological injury and illness, and has incurred attorneys' fees and court costs.

**SECOND CLAIM FOR RELIEF**  
**(Intentional Infliction of Emotional Distress)**

25. Paragraphs 1-24 are incorporated herein by reference.

26. During J [REDACTED] H [REDACTED]'s stay at the Ranch, Defendants committed numerous acts of physical, emotional and psychological abuse, neglect and humiliation directed toward J [REDACTED] H [REDACTED].

27. Defendants' conduct was outrageous and intolerable in that it offended generally accepted standards of decency and morality.

28. Defendants intended to cause, or acted in reckless disregard of the likelihood of causing, emotional distress to J [REDACTED] H [REDACTED].

29. As a result of Defendants' conduct, J [REDACTED] H [REDACTED] has suffered severe emotional distress, bodily injury and illness, and psychological injury and illness, and has incurred attorneys' fees and court costs.

**THIRD CLAIM FOR RELIEF**  
**(Negligent Infliction of Emotional Distress)**

30. Paragraphs 1-29 are incorporated herein by reference.

31. During J [REDACTED] H [REDACTED]'s stay at the Ranch, Defendants committed numerous acts of physical, emotional and psychological abuse, neglect and humiliation directed toward J [REDACTED] H [REDACTED].

32. Defendants' conduct was outrageous and intolerable in that it offended generally accepted standards of decency and morality.

33. Defendants should have realized that their conduct involved an unreasonable risk of causing distress to J [REDACTED] H [REDACTED] and should have known that the distress they caused might result in illness or bodily harm to [REDACTED] H [REDACTED].

34. As a result of Defendants' conduct, J [REDACTED] H [REDACTED] has suffered severe emotional distress,

bodily injury and illness, and psychological injury and illness, and has incurred attorneys' fees and court costs.

**FOURTH CLAIM FOR RELIEF**  
**(False Imprisonment)**

35. Paragraphs 1-34 are incorporated herein by reference.

36. Defendant Coombs and other employees of the Academy, intending to confine J [REDACTED] H [REDACTED] within boundaries fixed by Defendant Coombs and such other employees, directly, repeatedly and without lawful justification caused the confinement of J [REDACTED] H [REDACTED], and J [REDACTED] H [REDACTED] was conscious of and was harmed by such confinement.

37. Defendant Coombs and such other employees were acting within the scope of their employment when committing the foregoing acts and Defendant Majestic Ranch Academy, Inc., is liable for the acts and omissions of Defendant Coombs and such employees.

38. As a result of Defendants' conduct, J [REDACTED] H [REDACTED] has suffered severe emotional distress, bodily injury and illness, and psychological injury and illness, and has incurred attorneys' fees and court costs.

**FIFTH CLAIM FOR RELIEF**  
**(Negligence)**  
**(Against Defendant Majestic Ranch Academy, Inc.)**

39. Paragraphs 1-38 are incorporated herein by reference.

40. During his stay at the Ranch, J [REDACTED] H [REDACTED] was subjected to numerous incidents of physical, psychological and emotional abuse, neglect and humiliation by the employees and staff members of Defendant Majestic Ranch Academy, Inc.

41. Defendant Majestic Ranch Academy, Inc. had a duty to exercise due care in the selection, hiring, retention and supervision of its employees, staff members and counselors so as to prevent such acts

of abuse, neglect and humiliation.

42. Defendant Majestic Ranch Academy, Inc. was negligent in selecting, hiring and retaining Defendant Coombs and other employees who committed acts of abuse, neglect and humiliation toward J [REDACTED] K [REDACTED] to work as employees, staff members and counselors, and in failing to supervise its employees, staff members and counselors so as to prevent such acts of abuse, neglect and humiliation.

43. As a result of Defendant's conduct, J [REDACTED] K [REDACTED] has suffered severe emotional distress, bodily injury and illness, and psychological injury and illness, and has incurred attorneys' fees and court costs.

**SIXTH CLAIM FOR RELIEF**  
**(Negligence)**  
**(Against Peart Ranch, LLC)**

44. Paragraphs 1-43 are incorporated herein by reference.

45. During his stay at the Ranch, J [REDACTED] H [REDACTED] was subjected to numerous incidents of physical, psychological and emotional abuse, neglect and humiliation by employees and staff members of Defendant Majestic Ranch Academy, Inc.

46. Defendant Peart Ranch, LLC, is the owner of the Ranch, and holds the Ranch open to the public for entry for its business purposes, including, without limitation, for the operation of the Ranch and the Academy.

47. Defendant Peart Ranch, LLC had a duty to exercise due care to discover and prevent the acts of abuse, neglect and humiliation that were occurring on the Ranch and/or give a warning to J [REDACTED] H [REDACTED] to avoid the harm and/or protect J [REDACTED] H [REDACTED] against the acts of abuse, neglect and humiliation that were occurring on the Ranch.

48. Defendant Peart Ranch, LLC either knew or should have known that J [REDACTED] K [REDACTED] was

being subjected to acts of abuse, neglect and humiliation by Defendant Majestic Ranch Academy, Inc.

49. Defendant Peart Ranch, LLC was negligent in failing to exercise due care to discover and prevent the acts of abuse, neglect and humiliation that were occurring on the Ranch and/or failing to give a warning to J█████ H█████ to avoid the harm and/or failing to protect J█████ H█████ against the acts of abuse, neglect and humiliation that were occurring on the Ranch.

50. As a result of Defendant's conduct, J█████ H█████ has suffered severe emotional distress, bodily injury and illness, and psychological injury and illness, and has incurred attorneys' fees and court costs.

**SEVENTH CLAIM FOR RELIEF**

**(Negligence)**

**(Against World Wide Association of Specialty Programs and Schools, Inc.)**

51. Paragraphs 1-50 are incorporated herein by reference.

52. During his stay at the Ranch, J█████ H█████ was subjected to numerous incidents of physical, psychological and emotional abuse, neglect and humiliation by employees and staff members of Majestic Ranch Academy, Inc.

53. The Academy is one of many schools that are operated as part of a network of schools under the direction and control of Defendant WWASPS.

54. Defendant WWASPS had a duty to exercise due care in providing training, guidance, programs, orders and directions to Majestic Ranch Academy, Inc. with respect to the operation of the Academy. Defendant WWASPS also had a duty to exercise due care in the selection of Majestic Ranch Academy, Inc. to operate the Academy as a member of Defendant WWASPS' association.

55. Defendant WWASPS was negligent in failing to exercise due care in providing training, guidance, programs, orders and directions to Majestic Ranch Academy, Inc. so as to discover and prevent

the acts of abuse, neglect and humiliation that were occurring at the Academy and/or failing to give a warning to J [REDACTED] H [REDACTED] to avoid the harm with respect to the operation of the Academy and/or failing to protect J [REDACTED] H [REDACTED] against the acts of abuse, neglect and humiliation that were occurring at the Academy. Defendant WWASPS was also negligent in the selection of Majestic Ranch Academy, Inc. to operate the Academy as part of its association.

56. As a result of Defendant's conduct, J [REDACTED] H [REDACTED] has suffered severe emotional distress, bodily injury and illness, and psychological injury and illness, and has incurred attorneys' fees and court costs.

**JURY DEMAND**

57. Under Rule 38, Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury.

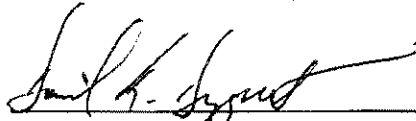
WHEREFORE, Plaintiff prays for the following relief:

A. Under all Counts, judgment against Defendant for compensatory and punitive damages resulting from Defendants' conduct in an amount to be determined by a jury at trial, plus court costs.

B. For such other relief as the Court deems just and appropriate.

DATED this 19<sup>th</sup> day of April, 2005.

BEARNSON & PECK, L.C.



Brad H. Bearnson

Daniel K. Dygert

Attorneys for Plaintiffs