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GALLATIN COUNTY CLERK  
OF DISTRICT COURT  
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2014 APR 24 PM 4 45

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DEPUTY

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MONTANA EIGHTEENTH JUDICIAL DISTRICT COURT  
GALLATIN COUNTY  
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<p>RONALD CLOUTIER, individually and as Personal Representative of the Estate of BENJAMIN CLOUTIER, and ADELLE CLOUTIER, individually,</p> <p>Plaintiffs,</p> <p>v.</p> <p>ANIMALS OF MONTANA Inc., a corporation, TROY HYDE, individually, and JOHN DOES 1-5</p> <p>Defendants.</p>	<p>Cause No: <i>DV-14-322C</i></p> <p><b>PLAINTIFFS' COMPLAINT FOR DAMAGES AND REQUEST FOR JURY TRIAL</b></p> <p><i>(2) Summons Issued</i></p>
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Plaintiffs Estate of Benjamin Cloutier, Adelle Cloutier, and Ronald Cloutier, through their attorneys at Beck & Amsden pllc, bring this action against Defendants Animals of Montana Inc. (hereinafter "AMI"), Troy Hyde, and John Does 1-5 and allege the following:

### **PARTIES, JURISDICTION AND VENUE**

1. Benjamin Cloutier resided in Montana at all times relevant.
2. ~~Plaintiffs Adelle and Ronald Cloutier are Benjamin's parents who reside in Pennsylvania~~
3. Defendant AMI, upon information and belief, has its principal place of business in Gallatin County, Montana.
4. Defendant Troy Hyde, upon information and belief, resides in Gallatin County.
5. This Court has jurisdiction over the parties and the subject matter of this action. Venue properly lies in the Eighteenth Judicial District of Montana, Gallatin County.

### **GENERAL ALLEGATIONS**

6. Upon information and belief, Troy Hyde is the sole AMI shareholder.
7. On November 4, 2012, Benjamin Cloutier was killed on AMI's premises.
8. Benjamin Cloutier was killed by a grizzly bear(s) owned by AMI.

9. ~~Defendants failed to take reasonable measures to safeguard Benjamin Cloutier's safety.~~

### COUNT ONE – NEGLIGENCE

10. Plaintiffs re-allege and incorporate the foregoing allegations as if fully set forth herein.

11. Defendants owed a duty of care to Benjamin Cloutier to operate AMI in a reasonably safe and prudent manner. ~~Defendants breached that duty by not taking reasonable measures to ensure that dangerous animals could not physically harm Benjamin Cloutier~~

12. Benjamin Cloutier died as a result of Defendants' negligence.

13. Defendants are liable for Benjamin Cloutier's death.

14. Plaintiffs are entitled to recover special and general damages as allowed by law.

### COUNT TWO – WRONGFUL DEATH AND SURVIVORSHIP

15. Plaintiffs reallege the allegations in the paragraphs above as if fully set forth herein.

16. Benjamin Cloutier suffered fatal injuries as a result of the November 4, 2012, incident.

17. Benjamin Cloutier lived an appreciable length of time prior to his death during which time he endured pain and suffering, emotional terror, loss of

established course of life and loss of earning capacity and causing Plaintiff Ronald Cloutier, as Representative of the Estate of Benjamin Cloutier, to pay funeral and burial expenses, all of which Plaintiff Ronald Cloutier is entitled to recover on behalf of the Estate of Benjamin Cloutier.

18. Under the Montana Wrongful Death Act and Survival Statute, Mont. Code Ann. §§ 27-1-501, -513, *et seq.*, Plaintiff Ronald Cloutier, as Representative of the Estate of Benjamin Cloutier, is entitled to recover special and general damages as allowed by law.

### **COUNT THREE – STRICT LIABILITY FOR INJURY CAUSED BY WILD ANIMALS**

19. Plaintiffs reallege the allegations in the paragraphs above as if fully set forth herein.

20. Defendants possessed wild animals.

21. The wild animals harmed Benjamin Cloutier.

22. Benjamin's harm resulted from a dangerous propensity that these wild animals naturally pose.

### **COUNT FOUR - NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

23. Plaintiffs reallege the allegations in the paragraphs above as if fully set forth herein.

24. Losing their child at such a young age has caused Adelle and Ronald Cloutier to suffer serious emotional distress.

25. Knowing that Benjamin was killed by grizzly bears has caused Adelle and Ronald Cloutier to suffer serious emotional distress.

26. Adelle's and Ronald's emotional distress over losing their child is directly and proximately caused by the Defendants' actions.

### JURY DEMAND

27. Plaintiffs request that all issues of fact be determined by a jury.

### CLAIMS FOR RELIEF

WHEREFORE, Plaintiffs request judgment as follows:


28. ~~For a reasonable sum of money to fully compensate Plaintiffs for their damages arising from Defendants' actions and omissions.~~

29. For costs and prejudgment interest as permitted by law.

30. For such other and further relief as is deemed just and equitable.

DATED, this 24<sup>th</sup> day of April 2014.

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