

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

Case Type: Other Civil

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SARAH B. VAN BOGART, as trustee for heirs  
and next of kin of JORDAN LANCE MARKIE

Plaintiff,

Case No.

v.

FIRST AMENDED COMPLAINT

JURY TRIAL REQUESTED

SCHEELS ALL SPORTS, INC. and  
WILLIAM BALLANTYNE

Defendants.

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Plaintiff Sarah B. Van Bogart, as trustee for the heirs and next of kin of Jordan Lance Markie (“Ms. Van Bogart”), by her undersigned counsel, states and alleges for her first amended complaint against Defendants Scheels All Sports, Inc. (“Scheels”) and William Ballantyne (“Ballantyne”) (collectively, “Defendants”) as follows:

### INTRODUCTION

1. In the summer of 2022, Jordan Markie was 19 years old and on the cusp of adulthood. Jordan loved music and awed his friends and family with his gift for the classical piano. He had begun composing his own songs and was looking forward to recording them. But Jordan did not survive the summer. In an impulsive act, he killed himself with a handgun made available to him through Defendants’ negligent conduct, even though he was not old enough to purchase the gun. Jordan would be alive today if Defendants had taken basic, industry-standard steps pertaining to the display and sale of handguns. Instead, Jordan was buried on the Red Lake Reservation

following a vigil held by his family. His mother, Ms. Van Bogart, and all of his family, miss Jordan and his kind and artistic spirit every day.

2. This lawsuit seeks to hold accountable those who, through their actions and

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Firearms and Explosives publishes information about preventing suicide by guns. Suicide by firearms, especially among teenagers, is a serious, widely known problem about which Scheels

and its employees were or should have been aware. Scheels therefore should never have supplied a gun to Jordan, who was both too young to purchase it and acting unusually while in the store.

5. Scheels' carelessness with respect to the display and delivery of guns is well-

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<sup>1</sup> See *sporting goods store with rifle*, ABC 4 (Sept. 25, 2021), <https://www.abc4.com/news/local-news/police-searching-for-alleged-rifle-thief-in-sandy/> [https://perma.cc/JK63-JR26]; Linh Ta, *Man stuffed rifle down pants from Scheel's, police say*, Des Moines Register (Sept. 28, 2017), <https://www.desmoinesregister.com/story/news/crime-and-courts/2017/09/28/man-stuffed-rifle-down-pants-scheels-police-say/714933001/> [https://perma.cc/BN5M-BMFP].

Suite 101, Fargo, ND 58103. Defendant Scheels owns and operates a store located at 8301 Flying Cloud Drive, Eden Prairie, MN 55344 (the “Eden Prairie Store”). . . .

9. Defendant William Ballantyne, who negligently handed Jordan the handgun, is an

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<sup>3</sup> *Gun Violence in Minnesota, Everytown* (last updated Jan. 2021), <https://everystat.org/wp-content/uploads/2021/02/Gun-Violence-in-Minnesota-2.9.2021.pdf> [<https://perma.cc/NP2D-WRDT>].

<sup>4</sup> See, e.g., *Suicide Prevention: A role for Firearms Dealers and Range Owners*, Harvard T.H. Chan School of Public Health (last accessed July 31, 2024), <https://www.hsph.harvard.edu/means-matter/gun-shop-project> [<https://perma.cc/8H4R-F6MW>]; NSSF Suicide Prevention Program for Retailers and

13. For example, the NSSF, in partnership with the American Foundation for Suicide Prevention (“AFSP”), a leading national suicide-prevention organization, has developed educational materials devoted to suicide prevention (“Suicide Prevention Toolkit”) and releases

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<sup>9</sup> See, e.g., *id.*; see also Twin Cities Suicide Prevention Coalition, Healthcare Informational Toolkit, at 10 (Sept. 2021), [https://mn.gov/mdva/assets/2022-03-22-tc-healthcare-toolkit\\_tcm1066-522244.pdf](https://mn.gov/mdva/assets/2022-03-22-tc-healthcare-toolkit_tcm1066-522244.pdf) [<https://perma.cc/XKS4-A6RQ>] (discussing research showing that “during an acute phase of suicidal crisis ... time and space may save a life”).

15. In developing its suicide-prevention resources, the NSSF and AFSP conducted a survey of 266 of the NSSF’s gun retailer and shooting range members. One in five of the respondents reported that they had experienced a suicide death or suicide event inside their store

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<sup>14</sup> *Gun Violence in Minnesota, supra n.5.*

<sup>15</sup> Jennifer Mascia and Olga Pierce, *Youth Gun Suicide Is Rising, Particularly Among Children of Color* (Feb. 24, 2022), <https://www.thetrace.org/2022/02/firearm-suicide-rate-cdc-data-teen-mental-health-research/> [https://perma.cc/HQK2-2UFL].

17. All told, it is clear that suicide is tragically a completely foreseeable consequence of providing firearms to underage individuals, especially for firearm retailers who are trained on these statistics.

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Check out Eden Prairie SCHEELS for a one-stop shopping and entertainment experience. With a wide variety of attractions and activities, like our Ferris Wheel and Fuzziwig’s candy store, the whole family will find something they love at Eden Prairie SCHEELS.”)

<sup>17</sup> *Id.*

21. The Eden Prairie Store has rows and rows of boxes of ammunition displayed openly on shelves with no or minimal security measures in place, making them easily accessible to anyone walking by the shelves of ammunition in the store. Customers can walk through the aisles of

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<sup>20</sup> Natalie Shaw, *Letter: It's time for Scheels to reconsider their gun sales*, InForum (Mar. 1, 2018), <https://www.inforum.com/opinion/letter-its-time-for-scheels-to-reconsider-their-gun-sales> [https://perma.cc/6E3T-US85].



**C. The Death of Jordan Markie**

25. On August 22, 2022, 19-year-old Jordan rode his bicycle to the Eden Prairie Store and proceeded to the firearms department on the second floor.

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of age, nor did he ask Jordan any other questions to determine whether it would be appropriate to place the handgun in Jordan's hands.

32. Less than half a minute passed from the time Jordan indicated the gun he wanted to see to him holding the unlocked and operable Taurus Handgun. Ballantyne simply unlocked the cabinet and handed the gun to Jordan.



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38. Industry custom and the practice of responsible firearms dealers require them and their employees, when delivering a handgun to a customer, to take steps reasonably necessary to ensure that the customer does not use the handgun to harm himself or others, including, but not

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<sup>21</sup> S for Federal Firearms Licensees, U.S. Dept of Justice (June 2021), <https://www.atf.gov/firearms/docs/guide/safety-and-security-information-federal-firearms-licensees-atf-p-33172/download> [<https://perma.cc/8EAR-2CHF>].

<sup>22</sup> See, e.g., NSSF Suicide Prevention Toolkit Items, *supra* n.5.

former employees makes clear that Scheels utilizes dangerous and careless practices with regard to the sale of firearms.<sup>23</sup> There is even a stand-up comedy routine devoted to Scheels' careless gun sales practices, illustrating the widely known nature of the problem.<sup>24</sup>

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<sup>24</sup> Nate Bargatze, *Go Visit Scheels Gun Section*, YouTube (Feb. 28, 2023), <https://www.youtube.com/watch?v=es718a4cyQM>.

47. Such negligent entrustment further occurred because Defendants took no steps to determine whether Jordan was of sufficient age to receive or purchase a handgun, despite the fact that Jordan looked substantially younger than his actual age and it is industry practice to ask for

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magazine ready to receive ammunition, and if ammunition is easily accessible.

52. Defendants knew or should have known that by failing to follow adequate safety measures to prevent persons under the age of 21 or persons experiencing visible signs of distress from receiving handguns, Defendants would end up delivering guns and ammunition to underage and vulnerable individuals, including Jordan, who in turn, cause grave bodily harm or death to themselves or others.

53. Furthermore, if the handgun had been equipped with a trigger lock or was otherwise disabled and/or did not contain a magazine, Jordan would have been unable to load and discharge the handgun. If Defendants had not entrusted the operable handgun to a person they knew or should have known was too young to purchase a handgun and who they knew or should have known was exhibiting unusual behavior indicating distress, Jordan would be alive today.

54. Under all of the circumstances described herein, Ballantyne could have and should have demanded to see Jordan's identification, in which case Ballantyne would have learned that Jordan had no identification on him, thereby preventing the verification of his age and preventing Jordan from ever possessing and using the Taurus Handgun.

55. Defendants' negligent entrustment of the handgun to Jordan was a substantial factor in bringing about Jordan's death, and therefore proximately caused Jordan's death and harm to Ms. Van Bogart and each of Jordan's heirs and next of kin, including pain and suffering, loss of enjoyment of life, and other compensable injuries and damages, all in an amount to be determined at trial.

**COUNT II – WRONGFUL DEATH  
(Against Defendants Scheels and Ballantyne)**

56. Ms. Van Bogart incorporates and realleges the above paragraphs as if fully stated herein.

57. This count is brought pursuant to Minnesota's Wrongful Death Statute, § 573.02.

58. The wrongful conduct of Defendants described herein was a substantial factor in bringing about the death of Jordan on August 22, 2022.

59. As a proximate result of Defendants' wrongful conduct, Jordan suffered severe bodily injury resulting in pain and suffering and ultimately death.

60. Ms. Van Bogart brings this claim for all damages allowed by law.

**RELIEF REQUESTED**

WHEREFORE, Ms. Van Bogart demands judgment as follows:

- a) For compensatory damages for the harm suffered by Ms. Van Bogart as the trustee for the heirs and next of kin of Jordan in an amount in excess of Fifty Thousand and no/100 (\$50,000) Dollars together with interest, costs, and disbursements herein including interest allowed by Minn. Stat. § 549;
- b) For any and all other relief that may be justified.

Dated: September 4, 2024

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**ACKNOWLEDGEMENT**

The undersigned, being counsel of record for Plaintiff in the above-entitled action, hereby acknowledges the costs, disbursements and reasonable attorney and witness fees may be awarded to the opposing party, provided that the Court finds reasonable cause for said award pursuant to the provision of Minn. Stat. § 549.211.

Dated: September 4, 2024

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