

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

Case Type: Other Civil

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.

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 inactions, proximately caused Jordan's death. State law prohibits firearms stores like Scheels from supplying a handgun to any person whom Scheels knows or has reason to know, by reason of the person's youth, inexperience, or otherwise, is likely to use the handgun in a manner involving unreasonable risk of physical harm to themselves or others.

3. In violation of this duty, Defendants entrusted a handgun to Jordan despite the fact that he was 19 at the time and appeared well under the age of 21 and was acting nervously in the minutes before Defendants handed him the weapon. Contrary to industry custom and practice, Defendants neither requested nor received proof of age before placing the firearm in his hands. In an act of further negligence, Defendants delivered the handgun to Jordan without a trigger lock or other disabling device, and with a magazine in place and ready to receive ammunition, which was easily accessible to customers and openly available in abundance on the shelves in Scheels' store. This made it all too easy for Jordan to take the gun Defendants unlawfully entrusted to him, load it with a bullet, and end his life moments later right in the Scheels store.

4. Death by firearm suicide—particularly among teens in America—is a well-known problem that plagues this country and the firearms industry in particular. Firearms account for nearly one-half of suicides among young people. The gun industry's principal trade association, the National Shooting Sports Foundation ("NSSF"), publishes suicide-prevention toolkits for use and display by its member retail firearms establishments. The Bureau of Alcohol, Tobacco, 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-documented. Numerous incidents of individuals leaving Scheels stores with a firearm they did not purchase have been reported.<sup>1</sup> Given this history, Scheels was acutely on notice about the importance of taking great care in the delivery of firearms. Yet, despite this awareness, Scheels provided an operable handgun to an underage person without taking the simplest precautions.

6. Ms. Van Bogart brings this action for negligent entrustment and wrongful death to hold Defendants accountable for their negligent conduct, achieve just compensation for the harm Defendants have caused, and prevent a similar tragedy from occurring in the future.

#### PARTIES

7. Plaintiff Sarah Bay Van Bogart, the mother of Jordan Lance Markie, is and was at all times relevant hereto a resident and citizen of Minnesota. On June 4, 2024, Sarah Bay Van Bogart was duly qualified and appointed by the Hennepin County District Court as the Trustee to commence, prosecute and/or settle any action or actions on account of the death of Jordan Lance Markie. Sarah Bay Van Bogart brings this action as next of kin and trustee for the heirs of Jordan Lance Markie.

8. Defendant Scheels All Sports, Inc. is a corporation organized and existing under the laws of the State of North Dakota with its principal place of business at 1707 Gold Drive South,

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<sup>1</sup> See, e.g., Craig Proffer, *UPDATE: Police announce arrest of man who apparently walked out of sporting goods store with rifle*, ABC 4 (Sept. 23, 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 employee at the Scheels Eden Prairie Store and was at all times relevant hereto a resident and citizen of Minnesota.

### **JURISDICTION AND VENUE**

10. This Court possesses jurisdiction over this action pursuant to Minn. Const. art. VI, § 3 and Minn. Stat. § 484.01, subd. 1.

11. Venue is proper in this district pursuant to Minn. Stat. §§ 542.01 and 542.09 because a substantial portion of the events or omissions giving rise to the claims occurred in this district.

### **FACTUAL ALLEGATIONS**

#### **A. Suicide is a Reasonably Foreseeable Consequence of Supplying a Handgun to Underage and Vulnerable Individuals**

12. Suicide by firearm is a leading cause of death in the United States.<sup>2</sup> In Minnesota, an alarming 77% of gun deaths are suicides.<sup>3</sup> For this reason, both gun stores and gun industry trade associations educate and train gun store employees about the prevalent risk of suicide by firearm.<sup>4</sup>

<sup>2</sup> See e.g., *Suicide Data and Statistics*, Centers for Disease Control and Prevention (last accessed July 31, 2024), [https://www.cdc.gov/suicide/facts/data.html?CDC\\_AAref\\_Val=https://www.cdc.gov/suicide/suicide-data-statistics.html](https://www.cdc.gov/suicide/facts/data.html?CDC_AAref_Val=https://www.cdc.gov/suicide/suicide-data-statistics.html) [<https://perma.cc/QQJ9-T35U>].

<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 publications and webinars about firearms and suicide prevention.<sup>5</sup> The purpose of the Suicide Prevention Toolkit is “to help firearms retailers, shooting range operators and customers understand risk factors and warning signs related to suicide, know where to find help and encourage secure firearms storage options.”<sup>6</sup>

14. Suicide-prevention efforts, like the NSSF and AFSP’s, recognize that many suicidal episodes are brief and fleeting, and that limiting access to lethal means during such crises leads to a reduction in deaths by suicide.<sup>7</sup> Further, it is a myth that a person in crisis who loses or cannot access one lethal method will simply look for another.<sup>8</sup> Instead, removing someone’s access to lethal means during a time of crisis can save their life.<sup>9</sup>

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Ranges, National Shooting Sports Foundation (last accessed July 31, 2024), <https://www.nssf.org/safety/suicide-prevention/> [<https://perma.cc/SJ4D-KX4Q>].

<sup>5</sup> See, e.g., NSSF Suicide Prevention Toolkit Items, National Shooting Sports Foundation (last accessed July 31, 2024), <https://www.nssf.org/safety/suicide-prevention/suicide-prevention-toolkit/> [<https://perma.cc/DF7C-DSCW>]; Webinar on Firearms and Suicide Prevention, National Shooting Sports Foundation & American Foundation for Suicide Prevention (Mar. 21, 2018), <https://vimeo.com/261188420> [<https://perma.cc/XCZ6-8LQC>].

<sup>6</sup> NSSF Suicide Prevention Program for Retailers and Ranges, *supra* n.4.

<sup>7</sup> See, e.g., National Shooting Sports Foundation, NSSF Suicide Prevention Toolkit Welcome Letter (last accessed July 31, 2024), <https://www.nssf.org/wp-content/uploads/2021/11/NSSF-AFSP-Suicide-Prevention-Welcome-Letter.pdf> [<https://perma.cc/WP9P-8NEV>].

<sup>8</sup> See *id.*

<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 or range.<sup>10</sup>

16. The use of toolkits and other methods of preventing suicide are in response to alarming statistics that should come as no surprise to gun retailers. Firearms are the most common means of dying by suicide nationwide.<sup>11</sup> And over the past decade, the firearm suicide rate among young people has increased faster than among any other age group.<sup>12</sup> In fact, firearm suicide makes up over one-third of all youth gun deaths and nearly half of suicides among young people.<sup>13</sup> In Minnesota, 57% of firearm deaths among children and teens are due to suicide.<sup>14</sup> Teenagers who belong to minority groups are at a particularly high risk for suicides stemming from firearm use. Data from the CDC suggests that between 2012 and 2020, the firearm suicide rate *more than doubled* among Black, Latino, and Asian teenagers, while it increased by 88% for Native Americans and 35% for white teens.<sup>15</sup>

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<sup>10</sup> See Webinar on Firearms and Suicide Prevention, *supra* n.5.

<sup>11</sup> *Suicide Data and Statistics*, Centers for Disease Control and Prevention, *supra* n. 2.

<sup>12</sup> *The Rise of Firearm Suicide Among Young Americans*, Everytown (June 2, 2022), <https://everytownresearch.org/report/the-rise-of-firearm-suicide-among-young-americans/> [<https://perma.cc/3FGL-2P3V>].

<sup>13</sup> *Id.* (citing Everytown analysis of Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, WONDER, Underlying Cause of Death. Based on five-year average: 2016 to 2020. Ages 10–24).

<sup>14</sup> *Gun Violence in Minnesota*, *supra* n.3.

<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.

**B. Scheels and the Eden Prairie Store**

18. Scheels is an employee-owned sporting goods company with locations across the country, including a location inside the Eden Prairie Shopping Center, located at 8301 Flying Cloud Drive, Eden Prairie, MN 55344.

19. Scheels advertises itself implicitly and explicitly as a store for the “whole family.”<sup>16</sup> The Eden Prairie Store consists of two floors, which include a café, a candy shop, a toy shop, an aquarium, arcade games, a hockey rink, and a 45-foot indoor Ferris wheel, in addition to its various sporting goods departments. Scheels’ marketing and advertising targets people of all ages, including children, with “entertainment experience[s],”<sup>17</sup> and therefore one would expect Scheels to be hypervigilant about safety in displaying and selling guns, which it is not.

20. The Eden Prairie Store has a large firearms department stocked with handguns, long guns, ammunition, and firearms accessories. The handguns are maintained in locked showcases but without trigger locks or other disabling devices, and with magazines inserted and ready to be loaded with ammunition.

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<sup>16</sup> *Eden Prairie Attractions & Entertainment*, Scheels (last accessed July 31, 2024) <https://www.scheels.com/stores/minnesota/eden-prairie/features/eden-prairie-attractions-entertainment.html> [<https://perma.cc/59D7-CRV3>] (“Looking for fun things to do in the Twin Cities area? 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 ammunition completely out of sight of any employees.

22. In 2018, driven by the alarming rise of mass shootings carried out by teenagers who had legally acquired firearms used to commit these horrific crimes, Dick's Sporting Goods announced that the company and its subsidiary chain, Field and Stream, would no longer sell firearms to anyone under the age of 21.<sup>18</sup> Mere hours later, Walmart adopted a nearly identical policy.<sup>19</sup> Despite these massive policy shifts by gun retailers nationwide—and despite public requests for Scheels to consider adopting similar policies to prevent suicides and mass shootings<sup>20</sup>—Scheels did nothing.

23. At all relevant times, Ballantyne was employed as a sales clerk in the firearms department at the Scheels Eden Prairie Store.

24. At all relevant times Ballantyne was a Certified Instructor in the safe and proper use of firearms, certified by the U.S. Concealed Carry Association, the National Rifle Association, and the Minnesota Department of Natural Resources.

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<sup>18</sup> Emily Cohn and Kate Taylor, *Dick's Sporting Goods will stop selling assault-style rifles after selling gun to suspect in Florida school shooting*, Business Insider (Feb. 28, 2018), <https://www.businessinsider.com/dicks-sporting-goods-will-stop-selling-assault-rifles-2018-2> [<https://perma.cc/5B8W-CPQ3>].

<sup>19</sup> Dennis Green, *Walmart follows Dick's Sporting Goods' lead in raising age minimum for gun purchases in the wake of Florida school shooting*, Business Insider (Feb. 28, 2018), <https://www.businessinsider.com/walmart-dicks-change-gun-policies-2018-2> [<https://perma.cc/S6SG-TJPU>].

<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.

26. Jordan appeared much younger than his age, and well below the age of 21. On this day, he was dressed like a typical teenager: jeans, sneakers, and a plaid shirt.

27. Jordan walked into and out of the gun department several times, appearing anxious and confused. Several Eden Prairie Store employees were located behind the sales counter and in the aisles of the firearms department and had an opportunity to observe Jordan's movements and what was occurring in the aisles of its department, but surveillance video from the store indicates that most of the gun department employees were not paying attention at all.

28. At one point, Jordan asked an employee at the sales counter of the firearms department to use the store's telephone. The employee denied Jordan's request.

29. Jordan continued to walk around the firearms department for several more minutes. During this time, his behavior was unusual. He fidgeted nervously and appeared to test whether the gun cabinets were locked as if he were considering trying to steal a firearm.

30. Jordan approached firearms department employee Ballantyne and asked to see a Taurus G2C 9mm handgun (the "Taurus Handgun"), which was inside a locked cabinet. The Taurus Handgun was not secured with a trigger lock or plastic tie, or otherwise disabled, and it was equipped with a magazine ready to be loaded with ammunition.

31. Despite Jordan's youthful appearance and nervous and unusual behavior in the store, Ballantyne did not ask Jordan for identification to determine whether Jordan was 21 years 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.

33. For approximately 28 seconds, Jordan handled the gun in front of Ballantyne and, among other things, appeared to examine whether the handgun contained a magazine.

34. Jordan then ran off with the Taurus Handgun to another part of the store, loaded it with a round of 9mm ammunition, pointed it at himself and pulled the trigger, thereby tragically ending his life.

35. Customers, including young children, ran upon hearing the shot fired. A man, three young children, and a dog stumbled upon Jordan's body in an attempt to run and hide from the sound of the shot. Upon encountering Jordan's body, the family ran in the opposite direction. Jordan's body was then discovered by another customer, who sought assistance from Scheels employees.

36. Upon information and belief, the ammunition Jordan used to take his life was available on the shelves of the Eden Prairie Store and, on at least two occasions prior to August 22, 2022, Jordan had taken ammunition from that store without paying for it, inasmuch as it was easily accessible on unlocked and unmonitored shelves in the store.

**D. Defendants Violated Industry Custom and Practice**

37. Industry custom and the practice of responsible firearms dealers require them and their employees to confirm, with appropriate legal identification like a driver's license, that a customer is of a sufficient age to purchase a gun, before placing a handgun in the hands of that customer.

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 limited to, placing trigger locks or plastic ties on the handgun to disable it, removing the magazine from the handgun so that it cannot be loaded with ammunition, and questioning customers to ascertain the legality of a potential sale.<sup>21</sup>

39. Further, responsible firearms dealers are trained to be aware of signs that a customer is at risk of suicide or of harming themselves or others and to take steps to prevent customers who exhibit such signs from obtaining lethal means, like an operable handgun.

40. Defendants violated industry custom and practice when Ballantyne delivered the Taurus Handgun to Jordan, without checking to see that he was at least 21 years of age, without first removing the magazine or using a trigger lock or other device to disable the gun, and without screening or questioning Jordan about relevant information, including, but not limited to, his age and his intended use of a handgun.

41. Defendants knew or should have known that some people seek to obtain guns to harm others or themselves.<sup>22</sup>

42. Defendants knew or should have known that firearms laws and industry security standards exist to prohibit and/or hinder persons from obtaining guns in order to harm others or themselves. However, publicly available evidence from police departments, customers, and

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<sup>21</sup> See, e.g., Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF Safety and Security Information for Federal Firearms Licensees, U.S. Dep't 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>

43. As a seller of firearms, Defendants knew or should have known that unless they used reasonable care in the sale of firearms in line with the law and industry custom and practice, individuals like Jordan would obtain firearms and use them to cause injury or death to themselves or others.

**CLAIMS FOR RELIEF**  
**COUNT I – NEGLIGENT ENTRUSTMENT**  
**(Against Defendants Scheels and Ballantyne)**

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

45. Defendant Scheels is vicariously liable for the actions or inactions of its agents and/or employees while they were acting in the scope of their agency and/or employment.

46. At the time Ballantyne entrusted the gun to Jordan, Defendants knew or reasonably should have known that Jordan, at 19 years old, was not of sufficient age to legally receive or purchase a handgun from a firearms dealer like Scheels. Jordan was an incompetent trustee by virtue of his age.

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<sup>23</sup> See *supra* at para 4. In one reported instance, Scheels sold a firearm to a high-volume gun trafficker, who then re-sold the firearm in a private sale, despite having serious concerns about the purchaser. Tragically, but unsurprisingly, the trafficked gun was quickly resold within the criminal market and was ultimately used by a shooter to murder his ex-girlfriend and her son. See April Baumgarten, *How did a felon get a gun to shoot his ex-girlfriend and her son at a Fargo restaurant*, InForum (Mar. 11, 2023), <https://www.inforum.com/news/fargo/how-did-a-felon-get-a-gun-to-shoot-his-ex-girlfriend-and-her-son-at-a-fargo-restaurant#:~:text=The%20man%20said%20he%20sold,plans%20to%20contact%20Buyer%204> [https://perma.cc/N57T-3E3U].

<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 identification before providing a potential customer with a firearm to ensure that said customer is legally old enough to buy the firearm.

48. Moreover, Jordan's unusual behavior in the firearms department should have further indicated to Defendants that he was at risk of harming himself or another, and thus an incompetent trustee.

49. Contrary to industry custom and practice of responsible gun retailers, Defendants were either not aware of the warning signs to look out for, or observed but disregarded the signs that Jordan was at risk to himself or others. Jordan's young appearance and unusual behavior should have put Defendants on notice that he would use a gun to harm himself or others, given that he could not legally possess the handgun. Nevertheless, Defendants entrusted Jordan with an operable handgun.

50. Jordan's actions in taking his own life with the handgun Defendants negligently entrusted to him were foreseeable. Defendants knew, or reasonably should have known, that Jordan was likely to use the Taurus Handgun in a manner involving unreasonable risk of physical injury to himself or others.

51. It is reasonably foreseeable that when vulnerable people, including individuals under the age of 21, are provided with a handgun, they pose a risk of harm to themselves or others with that handgun, particularly if the handgun is not secured with a trigger lock and contains a 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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