

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Timothy M. Bechtold
Bechtold Law Firm, P.L.L.C.
PO Box 7051
Missoula, MT 59807
406-721-1435
tim@bechtoldlaw.net
Attorneys for Plaintiffs

CLERK OF DISTRICT COURT
2016 FEB -3 AM 10:38
FILED
BY _____ DEPUTY *[Signature]*

MONTANA ELEVENTH JUDICIAL DISTRICT COURT, FLATHEAD COUNTY

SUSAN CAHILL and STEVE MARTINEZ,)	CAUSE NO. <i>DV-16-108P</i>
)	
Plaintiffs,)	DAVID M. ORTLEY
)	
vs.)	COMPLAINT AND JURY DEMAND
)	
ZACHARY KLUNDT; KENNY KLUNDT;)	
TWYLA KLUNDT; MICHELLE REIMER;)	
HOPE PREGNANCY MINISTRIES OF)	
KALISPELL, MONTANA, INC.; and DOES)	
1-20,)	
Defendants.)	

Plaintiffs allege as follows:

1. Susan Cahill is a licensed Physician Assistant who provided primary health care to over 400 of her patients at her medical office, operating as All Families Health Care, PC.
2. From about September, 2007, until December, 2013, Plaintiff Susan Cahill's

1 medical office was located at 1060 N. Meridian Road, Kalispell, Montana.

2 3. On December 1, 2013, Defendant Michelle Reimer purchased the building
3 located at 1060 N. Meridian Road and subsequently evicted Susan Cahill
4 and All Families Healthcare.
5

6
7 4. On or about February 15, 2014, Susan Cahill relocated her medical office to
8 505 First Avenue East, Kalispell, Montana.
9

10 5. On or about March 4, 2014, Defendant Zachary Klundt vandalized Susan
11 Cahill's medical office and destroyed or rendered unable virtually every
12 item in the office, including, but not limited to, medical equipment, patient
13 records, and personal items.
14

15
16 6. As a result of the destruction Defendant Zachary Klundt caused, Susan
17 Cahill was unable to provide health care to her patients, and was forced to
18 retire from her healthcare practice, causing loss of income, untimely
19 withdrawals from retirement and benefits accounts, and early Social
20 Security.
21

22
23 7. As a result of the destruction Defendant Zachary Klundt caused, Susan
24 Cahill was unable to sell her business to likely successors because the
25 professional equipment and materials has been destroyed.
26
27
28

PARTIES

1
2 8. Plaintiffs Susan Cahill and Steve Martinez are a married couple who are
3
4 residents of Kalispell, Flathead County, Montana.

5 9. Defendant Zachary Klundt is a resident of Kalispell, Flathead County,
6
7 Montana who is currently incarcerated.

8 10. Defendants Kenny Klundt and Twyla Klundt are residents of Kalispell,
9
10 Flathead County, Montana, and the biological parents of Defendant
11
12 Zachary Klundt.

13 11. Defendant Michelle Reimer is a resident of Kalispell, Flathead County,
14
15 Montana.

16 12. Defendant Hope Pregnancy Ministries of Kalispell, Montana, Inc. is a
17
18 Montana corporation with its principal place of business in Flathead County,
19
20 Montana.

21
22 **CLAIMS**

23 **Count One**

24 **Conversion**

25 13. Plaintiffs incorporate by reference all paragraphs in this Complaint.

26 14. Susan Cahill owned and possessed her professional and personal
27
28

1 possessions located at the All Families Healthcare office.

2 15. Defendant Zachary Klundt exercised dominion over Susan Cahill's
3 possessions and rendered the possessions valueless by entering the All
4 Families Healthcare office and destroying and vandalizing the possessions.
5

6
7 16. Susan Cahill suffered damages as a result of Defendant Zachary Klundt's
8 conversion of her personal and professional property at the All Families
9 Healthcare office.
10

11 **Count Two**

12 **Nuisance**

13
14 17. Plaintiffs incorporate by reference all paragraphs in this Complaint.
15

16 18. Susan Cahill had an ownership and proprietary interest in certain personal
17 property located at the All Families Healthcare office. Susan had the right to
18 exclusive use and quiet enjoyment of her property.
19

20 19. Defendants' conduct constitutes a private nuisance because it has caused
21 substantial injury and interference with Susan's comfortable enjoyment
22 and use of her personal property, and her right to use her property in the
23 customary manner.
24

25
26 20. Defendants' conduct constitutes a public nuisance because it has caused
27
28

1 substantial injury and interference with Susan's comfortable enjoyment
2 and use of her personal property, and her right to use her property in the
3 customary manner. Defendants' conduct has affected a considerable
4 number of persons, including the patients of All Families Healthcare, who
5 lost their primary healthcare provider as result of Defendants' conduct as
6 alleged in this Complaint.
7
8

- 9
10 21. As a direct result of the nuisance created by Defendants, Susan has
11 sustained damages as alleged in this Complaint.
12

13 **Count Three**

14 **Tortious Interference with Business Relationship**

- 15
16 22. Plaintiffs incorporate by reference all paragraphs of this Complaint.
17
18 23. Susan Cahill had an identifiable business relationship with her patients, a
19 health care provider-patient relationship.
20
21 24. Defendants were aware that Susan had a health care provider-patient
22 relationship with her patients.
23
24 25. Defendants' malicious conduct as alleged in this Complaint interfered with
25 Susan's ability to provide health care to her patients.
26
27 26. Defendants' conduct was unjustified in light of all circumstances.
28

1 27. As a result of Defendants' tortious interference with Susan's business
2 relationship, she has suffered damages as alleged in this Complaint.
3

4 **Count Four**

5 **Intentional Infliction of Emotional Distress**

6
7 28. Plaintiffs incorporate by reference all paragraphs of this Complaint.

8 29. Defendants' intentional and malicious conduct in evicting Susan Cahill from
9 her office, attempting to drive her out of business, destroying Susan's
10 possessions, and vandalizing Susan's office was outrageous and exceeded
11 all bounds of decency, and is regarded as atrocious, odious, and utterly
12 intolerable in a civilized community.
13
14

15
16 30. Defendants' intentional conduct, as alleged in this Complaint, caused Susan
17 and Steve severe emotional distress.
18

19 31. It was reasonably foreseeable that Defendants' intentional conduct would
20 cause Susan and Steve to suffer severe emotional distress.
21

22 32. As a result of Defendants' intentional conduct, Susan and Steve have
23 suffered damages, as alleged in this Complaint.
24

25 **Count Five**

26 **Negligent Infliction of Emotional Distress**
27
28

- 1 33. Plaintiffs incorporate by reference all paragraphs in this Complaint.
- 2 34. Defendants' negligent conduct in evicting Susan Cahill from her office,
3 attempting to drive her out of business, destroying Susan's possessions,
4 and vandalizing Susan Cahill's office was outrageous and exceeded all
5 bounds of decency, and is regarded as atrocious, odious, and utterly
6 intolerable in a civilized community.
- 7
8
9
10 35. Defendants' negligent conduct, as alleged in this Complaint, caused Susan
11 and Steve severe emotional distress.
- 12
13 36. It was reasonably foreseeable that Defendants' negligent conduct would
14 cause Susan and Steve to suffer severe emotional distress.
- 15
16 37. As a result of Defendants' negligent conduct, Susan and Steve have
17 suffered damages, as alleged in this Complaint.

18
19 **Count Six**

20 **Negligence**

- 21
22 38. Plaintiffs incorporate by reference all paragraphs in this Complaint.
- 23 39. Defendants, and each of them, owed Susan Cahill and Steve Martinez a
24 duty to act with reasonable care, so as not to jeopardize Susan's and
25 Steve's property, health, and welfare.
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

40. Defendants breached their duty of care by, *inter alia*, negligently, carelessly, and recklessly evicting Susan from her office, destroying her possessions and vandalizing her office, aiding and abetting the eviction, destruction, and vandalism, failing to notify proper authorities of the impending vandalism, and failing to warn Susan and Steve of the impending vandalism.

41. As a direct and proximate result of Defendants' negligent conduct, Susan and Steve have suffered damages, as alleged in this Complaint.

WHEREFORE, Plaintiffs demand judgment against Defendants as follows:

1. For damages to compensate Plaintiffs for all harm they have suffered as a result of Defendants' conduct;
2. For damages for loss of use and enjoyment of property;
3. For damages for annoyance, inconvenience, and discomfort over the loss and prospective loss of property value, economic opportunities, and other legal rights;
4. For damages for emotional distress;
5. For exemplary and punitive damages for Defendants' malicious

1 actions;

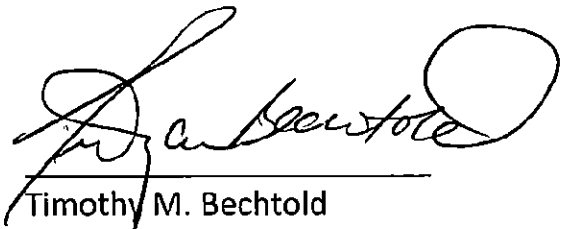
2 6. For an award of attorney's fees and costs as provided by any
3 applicable provision of law;

4
5 7. For such other and further relief as the Court deems just and
6 equitable.
7

8 **JURY DEMAND**

9
10 Plaintiffs demand a trial by jury on all issues so triable.

11 DATED this 1st day of February, 2016.

12 
13
14 Timothy M. Bechtold

15 BECHTOLD LAW FIRM, PLLC

16
17 ATTORNEYS FOR PLAINTIFFS
18
19
20
21
22
23
24
25
26
27
28