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*Attorneys for Plaintiffs and the Proposed Class*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

HEAVENLEE SEARS, GLORIA  
LUCERO, ERYN FERGUSON,  
LANCE STODDARD, HEATHER  
FOX, SARAH DAVIS, SHAWNA  
RAE BROWN, CANDEN WILKE,  
JENELL RENE LEO, FELICIA  
ROBERTS, DAVID ALAN  
MOORSE, ANTHONY  
MELBOURNE, MATTHEW  
BATTLE, TRISTAN DODGE, TORI  
HUTZENBIELER, TWILA MARIE  
COCHRAN, TYLOR BUTTOLPH,  
JORDAN NORUNNER, AMBER  
BURNETT, CRYSTAL BLAKELY,  
BLAINE OLDS, ALBARO PICOTTE  
JR., DIANE WALTERS, CODY  
DAVIDSON, DANIELLE  
REGIMBAL, JOSEPH BROWN,  
and KASEY HUGS,

Plaintiffs,

v.

SUMMIT FOOD SERVICE, LLC  
and DOES 1-5,

Defendants.

Case No. CV-25-108-GF-JTJ

**COMPLAINT AND  
DEMAND FOR JURY TRIAL**

Plaintiffs Heavenlee Sears, Gloria Lucero, Eryn Ferguson, Lance Stoddard, Heather Fox, Sarah Davis, Shawna Rae Brown, Canden Wilke, Jenell Rene Leo, Felicia Roberts, David Alan Moorse, Anthony Melbourne, Matthew Battle, Tristan Dodge, Tori Hutzenbieler, Twila Marie Cochran, Tylor Buttolph, Jordan Norrunner, Amber Burnett, Crystal Blakely, Blaine Olds, Albaro Picotte Jr., Diane Walters, Cody Davidson, Danielle Regimbal, Joseph Brown, and Kasey Hugs, individually and on behalf of the proposed class described herein, bring this action against Defendants Summit Food Service, LLC, (“Summit”) and Does 1-5 and submit their Complaint and Demand for Jury Trial as follows:

**SUMMARY OF ACTION**

1. Plaintiffs were each inmates in the Cascade County Detention Center (“CCDC”) on or about September 28, 2025, and bring this action against Defendants for negligence and other violations in the service of food contaminated by human blood to CCDC inmates on that date.
2. Summit is a South Dakota based company that was providing food services at CCDC on or about September 28, 2025.
3. Does 1-5 are employees of Summit who were preparing and supervising the preparation and serving of the meal at issue at CCDC on September 28, 2025.

4. Summit, through its employees acting in the course and scope of their employment, failed to remove food it knew or should have known was contaminated by human blood from the trays of food provided to Plaintiffs at CCDC on or about September 28, 2025.

5. The individual whose blood contaminated the food at issue was positive for Hepatitis C.

6. Plaintiffs were each provided food contaminated by human blood by Defendants on or about September 28, 2025 and were thereby damaged.

7. Through this Complaint, Plaintiffs seek to remedy these harms for being served food contaminated with Hepatitis C infected human blood on or about September 28, 2025 by Defendants.

### **JURISDICTION AND VENUE**

8. Plaintiffs are citizens and residents of Montana.

9. Summit is a New Mexico limited liability company with its principal place of business in South Dakota.

10. Does are each currently unidentified employees of Summit working in the course and scope of their employment with Summit at all times relevant to this Complaint.

11. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332 as the amount in controversy is greater than \$75,000 and the adverse parties are citizens of different states.

12. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 as Plaintiffs' claims under 42 U.S.C. § 1983 arise under the Constitution of the United States.

13. The exercise of personal jurisdiction over Defendants comports with both due process and Montana's long-arm statute because Defendant Summit has purposefully directed activities into Montana and Plaintiffs' claims arise out of this contact with Montana, including Defendant Summit's transaction of business within Montana, entry into a contract for services to be rendered in Montana, and commission of acts resulting in the accrual of a tort action within Montana.

14. Venue is proper in the Great Falls Division pursuant to Local Rule 1.2(c)(3) and 28 U.S.C. § 1391(b)(2) as a substantial part of the events or omissions giving rise to the claim occurred in Cascade County, Montana.

### **FACTUAL ALLEGATIONS**

15. On September 28, 2025, Defendants were preparing food and supervising the preparation of food to be served for lunch to inmates at CCDC that same day.

16. At approximately 11:12 a.m. that day, an individual inmate working on preparing and serving food while being supervised by Doe employees of Summit suffered a nosebleed during preparation of the meal.

17. The individual's blood contaminated the food being prepared.

18. Another individual inmate being supervised by Does witnessed the contamination and attempted to dispose of the contaminated food.

19. Does prohibited the individuals from disposing of the contaminated food despite being informed of the contamination, explaining that inmates could "scoop around" the blood.

20. Does directed the inmates to place the contaminated food back into the serving line.

21. The individual whose blood fell into the food was positive for Hepatitis C.

22. The blood-contaminated food was ultimately served to inmates of CCDC on September 28, 2025.

23. Plaintiffs here were each inmates of CCDC who were served the contaminated food on September 28, 2025.

24. Plaintiffs each either saw the blood in the tray of food served to them on September 28, 2025, or were later made aware that the food they had been served was contaminated with human blood.

25. Plaintiffs were each subsequently made aware that the individual whose blood had contaminated the food served to them on September 28, 2025, was positive for Hepatitis C.

26. Plaintiffs experienced, among other things, revulsion, disgust, anger, horror, humiliation, embarrassment, despair, anxiety, worry, concern, and nausea at being served food contaminated with human blood.

27. Plaintiffs experienced , among other things, further revulsion, disgust, anger, horror, humiliation, embarrassment, despair, anxiety, worry, concern, and nausea when they were informed that the blood in the food was positive for Hepatitis C.

28. Plaintiffs have been offered bloodborne pathogen testing after the incident on September 28, 2025, and have been informed they will need to re-test 60 to 90 days after initial testing.

29. Some of Plaintiffs have since tested positive for the first time in their lives with Hepatitis C.

30. Plaintiffs who have tested positive for Hepatitis C for the first time after the incident on September 28, 2025, have experienced further revulsion, disgust, anger, horror, humiliation, embarrassment, despair, nausea, anxiety, worry, and concern, among other things, as a result of being informed they have Hepatitis C and have further experienced, among other

things, jaundice, weight loss, confusion, and fatigue.

31. Plaintiffs who have tested positive for Hepatitis C for the first time after the incident on September 28, 2025, have incurred medical expenses and are likely to incur additional medical expenses in the future treating Hepatitis.

**FIRST CAUSE OF ACTION**  
**Negligence**

32. Plaintiffs incorporate the above allegations, as if fully set forth here.

33. Defendants assumed or otherwise owed Plaintiffs a duty of care to prevent food Defendants knew or should have known was contaminated with human blood from being served to Plaintiffs.

34. Defendants breached this duty of care by prohibiting the disposal of food Defendants knew or should have known was contaminated with human blood and serving the contaminated food to Plaintiffs.

35. Summit is liable for the actions of Does who were acting in the course and scope of employment with Summit at all relevant times.

36. Defendants' negligence caused Plaintiffs to suffer revulsion, disgust, anger, horror, humiliation, embarrassment, despair, anxiety, worry, concern, and nausea as a result of being served with, or learning that they had been served with food contaminated with human blood positive for

Hepatitis C.

37. Defendants' negligence caused those Plaintiffs who have since testified positive for Hepatitis C for the first time in their lives to suffer further revulsion, disgust, anger, horror, humiliation, embarrassment, despair, nausea, anxiety, worry, and concern as a result of testing positive, pain and suffering as a result of having Hepatitis C, and past and future medical expenses related to treating Hepatitis C.

**SECOND CAUSE OF ACTION**  
**42 U.S.C. § 1983**

38. Plaintiffs incorporate the above allegations, as if fully set forth here.

39. Defendants were engaged in the performance of a traditional government function of incarceration in providing food to inmates at CCDC and were, consequently, state actors at all times relevant to Plaintiffs' Complaint.

40. Does knew or should have known that human blood in food served to inmates had substantial risk of harming inmates who ingested the human blood and disregarded that risk and reprimanded the individual who attempted to dispose of the food and instead directed the food to be placed back into the service line.

41. Does' conduct was inconsistent with contemporary standards of



decency, shocks the conscious, and was deliberately indifferent to Plaintiffs' rights protected by the Eighth and Fourteenth Amendments to the United States Constitution—specifically Plaintiffs' rights to be free from cruel and unusual punishment, rights to basic human needs including adequate food and sanitation, and rights to substantive due process.

**THIRD CAUSE OF ACTION**  
**Violation of Plaintiffs' Montana Constitutional Rights**

42. Plaintiffs incorporate the above allegations, as if fully set forth here.

43. Defendants are state actors and entities subject to the Montana Constitution.

44. Plaintiffs are persons protected by the Montana Constitution.

45. The Montana Constitution, Article II, §17 provides: "No person shall be deprived of life, liberty, or property without due process of law."

46. Pursuant to the Montana Constitution, see *Dorwart v. Caraway*, 58 P.3d 128 (Mont. 2002), Plaintiffs have the fundamental, inalienable, and self-executing rights not to be deprived of life, liberty, or property without due process of law; not to be deprived the equal protection of the laws; to be free from unlawful incarceration; and to be free from excessive use of force.

47. These Constitutional Rights are fundamental, self-executing, and violations of these rights are remedied by injunctive, declaratory, and monetary damages.

48. Defendants' acts and omission related to the incident described above violated Plaintiffs' rights established by the Montana Constitution.

49. The acts and omissions of Defendants related to the incident described violated Plaintiffs' rights under the Montana Constitution.

50. Plaintiffs have the right to seek recourse against those who violate their constitutional rights.

51. Plaintiffs are entitled to compensatory damages and attorneys' fees for Defendants' violations of their state constitutional rights.

#### **FOURTH CAUSE OF ACTION**

##### **Battery**

52. Plaintiffs incorporate the above allegations, as if fully set forth here.

53. Defendants knowingly caused harmful or offensive contact through contaminated food without Plaintiffs' consent, which constitutes battery under Montana law.

54. Plaintiffs suffered harm from the contact with contaminated food, including physical harm, emotional distress, and offense to their personal dignity.

**FIFTH CAUSE OF ACTION**  
**Punitive Damages**

55. Plaintiffs incorporate the above allegations as if fully set forth here.

56. Defendants acted knowingly, deliberately, intentionally, and maliciously without regard for Plaintiffs' rights, interests, and well-being.

57. Defendants exhibited a reckless or callous disregard for Plaintiffs' rights and well-being, and Defendants' conduct was precipitated by evil motive or intent.

58. Defendant Does were acting at all relevant times in the course and scope of their employment with Summit and in pursuit of the interests of Summit.

59. Summit is vicariously liable for Does' conduct.

60. Defendants' unlawful acts and omissions were willful and/or reckless; Does deliberately acted with indifference to the high probability of injury to Plaintiffs. Such conduct justifies the imposition of punitive damages under MCA §§ 27-1-220, 221, in the amount that a jury at trial finds to be

sufficient to punish Defendants and to serve as a warning to other persons and legal entities similarly situated that conduct of the kind engaged in by Defendants is unacceptable in our society and will not be tolerated.

**JURY DEMAND**

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

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for Orders:

- A. entering judgment for Plaintiffs;
  - B. awarding Plaintiffs compensatory and punitive damages;
  - C. awarding Plaintiffs attorneys' fees;
  - D. awarding pre- and post-judgment interest as prescribed by law;
- and
- E. granting such further and other relief as may be just and proper.

RESPECTFULLY SUBMITTED this 5th day of December, 2025.

/s/Timothy M. Bechtold  
/s/Elijah L. Inabnit  
**BECHTOLD LAW FIRM**

/s/John Heenan  
**HEENAN & COOK**

*Attorneys for Plaintiffs*