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MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA

Margaret Boelman, Thomas	)	Dept. No. _____
Boelman, Jacob Boelman, John	)	
Boelman, and Esther Boelman,	)	Cause No. _____
	)	
<i>Plaintiffs,</i>	)	COMPLAINT
v.	)	AND JURY DEMAND
	)	
Butte-Silver Bow County, a Political	)	
Subdivision of the State of Montana,	)	
the Butte-Silver Bow County	)	
Coroner, and Lori Durkin, in her	)	
official capacity as Butte-Silver Bow	)	
County Coroner,	)	
	)	
<i>Defendants.</i>	)	

* * * * *

COMPLAINT

COME NOW, the above-named Plaintiffs, and allege:

1. On the evening of Saturday, August 10, 2024, in Butte, Montana, Plaintiffs' son/brother, Caleb Boelman, died. He was 32 years old and healthy. There was no clear cause of death present, such as physical trauma.

2. It was reported to the Butte-Silver Bow County authorities that Caleb had been found unresponsive in bed.
3. After arriving at Caleb's residence, the Butte-Silver Bow County authorities arranged for Caleb to be transported to St. James Hospital.
4. Later, at the hospital, Deputy Coroner Joseph Shagina pronounced Caleb as dead at 11:59 PM, August 10, and noted that actual time of death was 11:40 PM, August 10, nineteen minutes earlier.
5. In the early morning hours of August 11, Butte-Silver Bow County authorities arranged to transfer the body from the hospital to county property.
6. The Plaintiffs drove from Missoula to Butte the night of August 10 / early morning of August 11 to see the body. Defendants communicated to Plaintiffs that they could not see the body because it needed to be preserved for an autopsy, as the death would be labeled medically suspicious / unusual due to Caleb's age and health.
7. Someone from the County Coroner's Office said that the body would be taken to Missoula in the morning (Aug. 11) for an autopsy. On information and belief, that person was Deputy Coroner Joseph Shagina.
8. On information and belief, no autopsy of Caleb Boelman's body was ever performed.

9. Defendant County Coroner Lori Durkin called Plaintiffs, in Missoula, Montana. Coroner Ms. Durkin told Plaintiffs that Caleb's body was not properly stored in a cooler. She told Plaintiffs that the body was stored in a body bag, but was not stored in a cooler because the person with access/keys to the cooler was gone that weekend.
10. The improper storage of the human remains of Caleb Boelman resulted in significant and out-of-the-ordinary decomposition and degradation of the body.
11. The County Coroner told Plaintiffs that because the organs were moderately decomposed, the body was not able to be examined properly, therefore the medical examiner could not determine a cause of death.
12. The improper storage of the human remains, and resulting significant decomposition and degradation, caused the Garden City Funeral Home Director to strongly recommend that Plaintiffs refrain from viewing Caleb's body. This was because of the grotesque disfigurement of Caleb's body.
13. In Missoula, several of the Plaintiffs chose to view the body over the Funeral Home Director's strong recommendation not to. Those Plaintiffs were required to sign a waiver of liability as to the Funeral Home.
14. The grotesque nature of the remains, due to the excessive decomposition and degradation, caused Plaintiffs severe emotional distress.

15. In Missoula, the other Plaintiffs chose not to view the body, due to the Funeral Home Director's recommendation.
16. The fact that those Plaintiffs lost their only opportunity for a viewing of the body, due to the excessive decomposition and degradation, caused those Plaintiffs severe emotional distress.
17. The state of the decomposition and degradation of the body compromised the medical examination of the body.
18. The fact that the state of decomposition and degradation of the body resulted in the medical examiner concluding the cause and manner of death were undetermined, caused the Plaintiffs severe emotional distress.
19. Butte-Silver Bow County, by and through its Coroner, had a duty to properly preserve the human remains of Caleb Boelman.
20. The County and the County Coroner breached that duty when the Coroner and the Deputy Coroner acted as described in this Complaint.
21. Not long after August 10, 2024, the County Coroner assured the Plaintiffs that a full investigation of the death had been completed.
22. In actuality, the Plaintiffs later learned that no police reports were completed regarding the death, and no substantial investigation had occurred.
23. If Plaintiffs had known that no substantial investigation had occurred, when the Coroner represented that one had occurred, Plaintiffs would have

requested a full, substantial investigation into the unexplained death of Caleb.

24. By the time Plaintiffs learned that no substantial investigation had occurred, it was too late for any substantial investigation to occur.
25. On September 24, 2024 the County Coroner, Ms. Durkin, called and spoke with Plaintiff Jacob Boelman, who was in Missoula.
26. The County Coroner told Plaintiff Jacob that preliminary results showed that Caleb had alcohol, THC, meth, and cocaine in his body when he died.
27. Later that day, Plaintiff Jacob (Caleb's brother) and Plaintiff Margaret (Caleb's mother) called the County Coroner. They spoke for about half an hour. The County Coroner reiterated that meth and cocaine, or byproducts of cocaine, were found in Caleb's system. The County Coroner spoke about people living a double life, and how it was understandable that Caleb's family might be unaware of him using hard drugs. The County Coroner stated that "overdose" would likely be found to be the cause of death.
28. The Plaintiffs were devastated and distraught to hear this news.
29. Next, Deputy Coroner Joseph Shagina called Jacob, and told Jacob that he had seen the report and the Caleb had a "smorgasbord" of drugs in his system including Fentanyl and "a sex drug." Mr. Shagina suggested that the Boelman Plaintiffs may want to show up at Caleb's husband's house and

confront him about the events of Caleb's death.

30. The Plaintiffs were again distraught to hear this news.
31. The Plaintiffs told their family members and friends about the reported cause of Caleb's death. The Plaintiffs sought professional counseling to come to grips with what Defendants had represented to Plaintiffs as Caleb's drug-related death.
32. The County Coroner later called the Plaintiffs, and said she had good news.
33. The County Coroner told Plaintiffs that none of those drugs: cocaine, meth, Fentanyl, or the "sex drug," were actually in Caleb's system.
34. Instead, Caleb only had trace amounts of THC in his system, indicating a small amount of legal, recreational, marijuana. Additionally, the "alcohol" present was merely the normal bodily production of alcohol present when a person dies.
35. The above described actions by the Defendants caused the Plaintiffs severe emotional distress.
36. The Defendants' grossly negligent and outrageous behavior unnecessarily harmed the Plaintiffs.
37. Here, serious and severe emotional distress to the Plaintiffs was the reasonably foreseeable consequence of the Defendants' negligent acts and omissions, as described in this Complaint.

FURTHER EXPLANATION OF CLAIMS

38. By this action, Plaintiffs seek recovery from Defendants for personal injury which they have suffered. This Complaint does not attempt to name each particular cause of action or plead the specific legal elements of each claim which provides remedies for the conduct alleged herein. Pursuant to M.R.Civ.P 8(c), a complaint must only “put a defendant on notice of the facts the plaintiff intends to prove.” *Kunst v. Pass*, 1998 MT 71, ¶ 35, 288 Mont. 264, 957 P.2d 1. Plaintiff reserves the right to recovery under each and every claim and cause of action supported by the facts alleged in this Complaint, including but not limited to the following:

A) Interference with the personal right to bury the body of a family member, *see Contreras v. Michelotti-Sawyers*, 271 Mont. 300, 896 P.2d 1118 (1995);

B) Negligent infliction of emotional distress;

C) Negligent treatment, preservation, mishandling, and mutilation of human remains, *see Contreras*;

D) Negligence;

E) Respondeat superior; and

F) Negligent hiring, supervision, and training.

WHEREFORE, Plaintiffs request the following relief:

1. Judgment against Defendants;
2. Compensatory damages, i.e., special and general damages for harms and

losses caused by Defendants' conduct;

3. Interest on damages awarded in this action;

4. Costs of suit herein expended and such other and further relief as the Court and jury deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury for all issues so triable.

DATED this 29th day of January, 2025.

/s/ Lincoln Palmer
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CERTIFICATE OF SERVICE

I, Lincoln Palmer, hereby certify that I have served true and accurate copies of the foregoing Complaint - Complaint to the following on 01-29-2025:

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Electronically Signed By: Lincoln Palmer
Dated: 01-29-2025