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Attorney for Plaintiffs

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

AMBER YOUNG

Plaintiff(s),

vs.

**JOSEPH "JOE" RAMAKER,
TREASURE WELLNESS, PLLC, AN
IDAHO CORPORATION AND DOES I
THROUGH X**

Defendant(s).

CASE NO. CV01-20-07994

COMPLAINT AND DEMAND FOR
JURY TRIAL

Filing Fee: \$
Fee Category: A

COMES NOW The Plaintiff, by and through the attorney of record, Jeffrey McKinnie of McKinnie Law Office and for her claims against the Defendants captioned above, alleges the following:

JURISDICTION, PARTIES, AND VENUE

1. All times mentioned herein, the Plaintiff, Amber Young ("Plaintiff", or "Amber"), was and is a resident of Ada County, Idaho, and is a citizen of the State of Idaho for jurisdictional purposes.
2. At all times mentioned herein, the Defendant, Joseph Ramaker ("Defendant", or "Joe"), was and is a resident of Ada County, Idaho, and is a citizen of the State of Idaho for Jurisdictional purposes.
3. At all times mentioned herein, Defendant Treasure Wellness, PLLC. ("Defendant Treasure Wellness"), was and is an Idaho corporation, with its corporate headquarters in Boise, Idaho, doing business in Idaho as provided by Idaho Code 5-514.
4. "Treasure Wellness" is where the subject incident at issue in this Complaint originated and/or

occurred. Said Defendant is vicariously liable for any conduct complained of herein done by its agents or employees. At all times relevant hereto, the Defendants served and functioned as the agents and principals of each other and are thereby liable for the negligence and reckless conduct of each other pursuant to the doctrine of apparent agent and principal, including, without limitation, the doctrine of apparent agency. Said Defendants are also vicariously liable for the acts and omissions of their employees pursuant to the doctrine of respondeat superior. Defendants were acting in concert at all times relevant hereto and are therefore jointly (as well as severally) liable to the Plaintiff.

5. Venue is proper in Ada County pursuant to Idaho Code Section 5-404.
6. The amount in controversy exceeds 10,000.00, the jurisdictional minimum of this Court.
7. Plaintiff is ignorant of the true names and capacities of the Defendants sued herein as Does I through X, inclusive, and therefore sues those Defendants by such fictitious names. Plaintiff is informed and believes, and on that basis alleges, that the Defendants sued herein as Does I through X are in some manner legally culpable for the injuries and damages suffered by the Plaintiff. Plaintiff will amend this Complaint to allege their true names and capacities when ascertained.

FACTS AND ALLEGATIONS

8. On or about December 2014, Amber and her then husband Michael Young attained the services of the Defendants Joe and Treasure Wellness for the purpose of marriage counseling.
9. On or about December 2014, Amber and her then husband were patients/clients of the Defendant Joe, who was a licensed marriage/family counselor employed at Treasure Wellness and/or who was an independent contractor for Treasure Wellness; and/or agent of Treasure Wellness.
10. Amber and her then husband were attending marriage counseling sessions as a couple with Defendant Joe from December 2014 thru February 2015;
11. On or about February 2015, at the specific instructions of Defendant Joe, the marriage counseling sessions would only be with Amber from that date forward;
12. On or about February 2015, Defendant Joe initiated his tortious scheme by precluding Amber's then-husband from attending the couple's marriage counseling sessions;
13. For nearly five years (from February 2015 through November 2019), Amber and the Defendant met multiple times on a weekly basis for the purpose of general counseling;
14. During that time period, Amber and the Defendant met at various locations including but not limited to, the corporate headquarters on Fairview Avenue, coffee shops, city parks, hotels, motels, the Defendant's home in Choteau, Montana, and flew in the Defendants single-engine

airplane, from Idaho to Southern California, and McCall, Idaho.

15. On or about May 2016, at the direction and instruction of Defendant Joe, Amber officially separated from her then husband Michael Young;
16. One month later (on or about June 2016), the Defendant Joe consummated his tortious conduct by engaging in a sexual relationship with Amber that lasted until June 2019.
17. Over a four-year period, the Defendant Joe engaged in numerous sexual acts and/or inappropriate and/or unprofessional conduct with Amber at various locations including, but not limited to the Treasure Wellness corporate office, hotels in Idaho, the Defendants' homes in Montana and Boise, in an undisclosed apartment in Boise owned by the Defendant, and in the Defendants airplane hangar in Caldwell, where the Defendant parked his plane.
18. During the Summer of 2016, the Defendant and Amber learned she had become pregnant with Defendant Joe's child.
19. Defendant Joe instructed Amber to have an abortion;
20. Defendant Joe instructed Amber to contact an abortion clinic in Montana;
21. On or about August 2016, Defendant Joe and Amber discussed cancelling the appointment with the abortion clinic;
22. On or about year-end of 2016, Amber lost her unborn child via a miscarriage;
23. The Defendant continued his counseling and sexual relationship with the Plaintiff until May 2019;
24. During this time period, based off of information and/or belief, the Plaintiff contracted a venereal disease from the Defendant.
25. During this time period the Plaintiff became pregnant again by the Defendant, only to have another miscarriage.
26. The sexual and/or personal relationship between the Plaintiff and the Defendant ended in November 2019;
27. As a direct and proximate result of the facts as described above, Plaintiff suffered numerous injuries, including but not limited to the emotional distress from the loss of her marriage and as well as the loss of her unborn children;
28. As a direct and proximate result of the facts as described above, the Plaintiff is currently undergoing intensive individual counseling;
29. As a direct and proximate result of her injuries sustained, the Plaintiff has been socially isolated,

fearful of men, suicidal, and chronically depressed.

**COUNT I: NEGLIGENCE
(JOE RAMAKER AND TREASURE WELLNESS)**

- 30. Plaintiff hereby incorporates and realleges each and every preceding paragraph as if set forth herein.
- 31. Defendants Ramaker and Treasure Wellness negligently failed to act in a reasonable manner and failed to exercise due to care towards the Plaintiff.
- 32. As a direct and proximate result of the Defendants' negligence, the Plaintiff suffered severe injuries, pain and suffering, and loss of enjoyment of life as described above.

**COUNT II: NEGLIGENCE PER SE
(JOE RAMAKER)**

- 33. Plaintiff hereby incorporates and realleges each and every preceding paragraph as if set forth herein.
- 34. The Idaho Board of Occupational Licensing has promulgated standards of conduct and/or adopted the national standards of conduct to which every therapist and/or counselor licensed by the board must adhere.
- 35. These standards of conduct are intended to prevent the type of harm that the Defendant Ramaker caused to the Plaintiff Amber Young.
- 36. The Plaintiff Amber Young is within the class of individuals these standards of conduct are intended to protect.
- 37. The Defendant Joe Ramaker's violation of these standards of conduct was the proximate cause of Amber Young's injuries.
- 38. The Plaintiff Amber Young is entitled to an award of damages in an amount to be determined at trial as a result of the Defendant Joe Ramaker's breach of the National and Idaho Board of Occupational Licensing standards of conduct, which constitutes negligence per se.

**COUNT III: NEGLIGENCE PER SE---VIOLATION OF IDAHO CODE 18-919
SEXUAL BATTERY
(JOE RAMAKER AND TREASURE WELLNESS)**

- 39. Plaintiff hereby incorporates and realleges each and every preceding paragraph as if set forth herein.
- 40. Negligent Per Se is defined as: Negligence through the violation of statutes and/or regulations that causes harm to a defendant who is a member of a class of persons the statute or regulation

was meant to protect.

41. The Defendants Ramaker and Treasure Wellness are both Negligent Per Se because the Defendants' action's violated Idaho Code 18-919 which states that it is a violation of Idaho law for a care provider to sexually exploit a client and/or patient;
42. Treasure Wellness is negligent per se for violating Idaho Code 18-919 because Treasure Wellness is vicariously liable for any conduct complained of herein done by its agents or employees and/or acts and omissions of their employees.
43. The Plaintiff was in the class of persons the statute sought to protect.

COUNT IV: NEGLIGENT SUPERVISION (TREASURE WELLNESS)

44. Plaintiff hereby incorporates and realleges each and every preceding paragraph as if set forth herein.
45. Under Idaho law an employer is required to exercise due care to protect third parties from the foreseeable tortious acts of an employee.
46. The Defendant Treasure Wellness has a duty that is independent of the actions taken by the Defendant Joe Ramaker against the Plaintiff Amber Young, which requires the Defendant Treasure Wellness to exercise a duty of supervision over its employee and/or agent Joe Ramaker.
47. The liability of an employer for negligent supervision liability encompasses conduct of the employee that is outside the scope of employment, if the employee is on the employer's premises, or is using an instrument or property of the employer.
48. The Defendant Treasure Wellness violated its duty of supervision of its employee and/or agent, Joe Ramaker.
49. The Plaintiff Amber Young was injured as a result of Treasure Wellness breach of its duty of supervision of Ramaker, and Amber Young's injuries were proximately caused by that breach of Treasure Wellness' duty of supervision.
50. The Plaintiff Amber Young is entitled to an award of damages in an amount to be determined at trial as a result of the Defendant Treasure Wellness' breach of its duty of supervision.

COUNT V: OUTRAGE/INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS (JOE RAMAKER AND TREASURE WELLNESS)

51. Plaintiff hereby incorporates and realleges each and every preceding paragraph as if set forth

herein.

- 52. The conduct engaged in by the Defendants' Joe Ramaker and Treasure Wellness that caused the Plaintiff Amber Young's injuries was intentional and reckless in causing her emotional distress.
- 53. This conduct by the Defendants Joe Ramaker and Treasure Wellness was extreme, reckless, and outrageous.
- 54. As a result of this conduct by the Defendants Joe Ramaker and Treasure Wellness the Plaintiff Amber Young suffered severe emotional distress.
- 55. The Plaintiff Amber Young is entitled to damages in an amount to be proven at trial as result of the intentional emotional distress inflicted upon her by the Defendants Joe Ramaker and Treasure Wellness.

**COUNT VI: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(JOE RAMAKER AND TREASURE WELLNESS)**

- 56. Plaintiff hereby incorporates and realleges each and every preceding paragraph as if set forth herein.
- 57. The conduct engaged in by the Defendants Joe Ramaker and Treasure Wellness that caused the Plaintiff Amber Young's injuries was negligent in causing her emotional distress.
- 58. This conduct by the Defendants Joe Ramaker and Treasure Wellness was extreme, reckless, and outrageous and the Plaintiff Amber Young has suffered physical manifestations as a result of the infliction of this emotional distress by the Defendants.
- 59. The Plaintiff Amber Young is entitled to damages in an amount to be proven at trial as result of the negligent emotional distress inflicted upon her by the Defendants Joe Ramaker and Treasure Wellness.

**COUNT VII: RESPONDEAT SUPERIOR
(TREASURE WELLNESS)**

- 60. Plaintiff hereby incorporates and realleges each and every preceding paragraph as if set forth herein.
- 61. At all times relevant to this action, the Defendant Joe Ramaker was an employee and/or agent of the Defendant Treasure Wellness.
- 62. The tortious acts committed by the Defendant Joe Ramaker, individually, against the Plaintiff Amber Young, as alleged in this Complaint, occurred while he was acting within the course and scope of his employment with Treasure Wellness.
- 63. The tortious acts committed by the Defendant Joe Ramaker, individually, against the Plaintiff

Amber Young, as alleged in this Complaint, occurred while he functioned as an agent and/or principal of Treasure Wellness.

64. As a matter of law, under the doctrine of *respondeat superior*, the Defendant Treasure Wellness bears liability for the acts of its employee/agent/principal, Joe Ramaker and the injuries and damages arising from Ramaker's actions committed during the course and scope of his employment/agency with Treasure Wellness, which were inflicted upon the Plaintiff Amber Young.
65. The Plaintiff Amber Young is entitled to an award of damages against the Defendant Treasure Wellness in an amount to be determined at trial, under the doctrine of *respondeat superior*.

PRAYERS FOR RELIEF

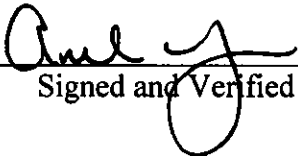
WHEREFORE, Plaintiff prays for judgment against the Defendants as follows:


- A. A sum adequate to compensate him for all allowable general damages suffered by him, including but limited to past, present, and future physical and mental pain and suffering, anguish, and loss of enjoyment of life, in an amount to be determined at trial;
- B. A sum adequate to compensate her for her special damages consisting of past, present, and future medical and related expenses, and incidental expenses, in an amount unknown to the Plaintiff at this time, but which sum shall be more readily ascertained at the trial of this matter.
- C. A sum to compensate her for the past and future loss of income she has suffered and will suffer due to her inability to work and/or perform normal tasks during her recovery in an amount unknown to the Plaintiff at this time but which sum shall be more readily ascertained at the trial of this matter;
- D. Prejudgment interest to the plaintiff;
- E. Plaintiff's reasonable attorney fees and costs incurred in the prosecution of this action, or \$10,000 should this matter proceed by default;
- F. Such other and further relief as this Court deems just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by a jury of at least twelve (12) members on all issues properly tried to a jury in the above-entitled matter.

DATED this 11th day of May, 2020


Signed and Verified


JEFFREY MCKINNIE
Attorney of Plaintiff