

Alan W. Mortensen (6616)  
Lance L. Milne (14879)  
MORTENSEN & MILNE  
68 South Main Street, Suite 700  
Salt Lake City, Utah 84101  
Tel: (801) 521-4444  
[amort@mortmilnelaw.com](mailto:amort@mortmilnelaw.com)  
[lmilne@mortmilnelaw.com](mailto:lmilne@mortmilnelaw.com)  
*Attorneys for Plaintiff*

**If you do not respond to this document within applicable time limits, judgment could be entered against you as requested.**

---

**IN THE SECOND JUDICIAL DISTRICT COURT  
DAVIS COUNTY, STATE OF UTAH**

---

FINN RICHARDSON,

Plaintiff,

v.

SYRACUSE RTC, LLC, an Oregon limited liability company, dba ELEVATION RTC and RYAN ROBERT FAUST, LCSW,

Defendants.

**COMPLAINT**

(Tier 3)

Case No.:

Judge:

---

Finn Richardson, through his attorneys, Mortensen & Milne, hereby complains against Defendants and relies on and alleges the following:

**PARTIES**

1. Defendant Syracuse RTC, LLC is an Oregon Limited Liability company doing business as Elevation RTC, a facility that provides in-patient treatment center for youth located in Davis County, Utah (both shall be referred to as "Elevation").

2. Defendant Ryan Robert Faust is a licensed clinical social worker at Elevation.

3. Syracuse RTC, LLC principals are Tim Dupell of the State of Oregon and Steven Stradley of the State of Oregon.

4. Plaintiff Finn Richardson is an 18-year-old Caucasian gay man who resided in and continues to reside in Washington DC.

### **JURISDICTION**

5. This Court has jurisdiction pursuant to Utah Code § 78A-5-102.

6. Venue is proper pursuant to Utah Code § 78B-3-307.

7. Pursuant to Rule 26(c)(3) of the Utah Rules of Civil Procedure, the amount in controversy exceeds \$300,000 qualifying this claim for Tier 3 discovery, though Plaintiff believes that extra-ordinary discovery will be required in this matter.

8. Plaintiff is in the process of complying with Utah Code Annotated, §§ 78B-3-401, *et seq.*, to bring an action against Defendants pursuant to the Utah Health Care *Malpractice Act* and the complaint will be amended once that process is complied with.

9. Elevation is a residential treatment center and therapeutic boarding school in Syracuse, Utah, for “troubled teens.”

10. Elevation claims that it “is one of the leading Residential Treatment Centers offering guidance, support, and relief to students of all genders. We help adolescents 13-18 overcome challenges stemming from mental health problems, emotional disorders, learning disorders, substance use, and other underlying issues. From depression to anxiety to defiance to bullying, Elevation RTC is one of the more respected residential treatment centers in America.” <https://www.Elevationrtc.com/>

11. When Plaintiff was 15 years old, he was forcibly object raped by his father because he had a boyfriend, and his father was frustrated that his son was gay.

12. Plaintiff's father told him he would kill Plaintiff if he ever told anyone that he had been raped.

13. Plaintiff's father had Plaintiff kidnapped from his home in Washington DC, forcibly moving him across the country and forcibly admitting Plaintiff at Elevation on August 11, 2021.

14. Plaintiff was incarcerated at Elevation, with no due process, no attorney, no parent, no guardian ad litem, and no ability to leave.

15. Plaintiff's father was paying the bill to Elevation at \$25,000 a month.

16. While at Elevation, Plaintiff told his roommate that his dad had raped him with an object.

17. Plaintiff's roommate told Plaintiff that he should report it to law enforcement.

18. Plaintiff told his counselor, Defendant Ryan Robert Faust, that his father had raped him.

19. Rather than report it to law enforcement as required by law, Defendant Faust told the perpetrator, Plaintiff's father, who denied it.

20. Defendant Faust told Plaintiff that it needed to be reported, but that they should work through some things in counseling first, to convince Plaintiff not to report it.

21. Defendant Faust stated in his session note of November 23, 2021, "***we do not believe him at Elevation***" and did not report the sex abuse to authorities.

22. Plaintiff desperately wanted to leave Elevation, but because of Defendant Faust's failure to advocate and intervene on his patient's behalf, and rather supported the sex assaulter/payor (Plaintiff's father) who was sending thousands of dollars a month to Elevation, Plaintiff could not leave nor was his sex assault reported as required by law of a minor child's counselor.

23. Finally, Plaintiff was able to communicate with his mother, who lodged a complaint against Plaintiff's father in Washington DC, which police department opened a criminal investigation.

24. The Washington DC police department opened a criminal investigation.

25. Arrangements were made for an attorney to visit Plaintiff, along with a rabbi, at Elevation.

26. Plaintiff's father was told by Elevation of the rabbi's and attorney's visits and Elevation forced the rabbi and the attorney to leave the premises, leaving Plaintiff spiritually, emotionally, parentally, and legally alone, far away from home.

27. Once the sex assault was made known through Plaintiff's representatives, Elevation refused law enforcement's request to interview Plaintiff and staff members at Elevation.

28. Elevations and Defendant Faust began to torture Plaintiff by stealing his personal affects, including a gift card, so that he would feel even more powerless.

29. A legal petition was filed to have Plaintiff immediately released from Elevation.

30. Defendant Faust also agreed to testify against Plaintiff in the Court proceeding whereby Plaintiff was asking the Court to be released from Elevation.

31. A Court appointed psychiatrist made the following conclusions about the Plaintiff and Defendants' actions:

At this point in time, Mr. Richardson's involuntary participation in Elevation or another "lockdown" residential treatment center would be detrimental to his psychological, emotional, social, and academic well-being. It is obvious that Mr. Richardson's therapeutic relationship with his current therapist at Elevation is damaged beyond repair, as evidenced by both Mr. Richardson's report and Mr. Faust's clinical notes, as well as the concerns noted above.

Mr. Richardson has been consistent in his desire to return home and live with his mom, be surrounded by his friends, and return to his school. At age 16, Mr. Richardson's preferences for treatment and living situation should be weighted more than either of his biological parents' opinions, neither of whom are unbiased. Over the last nine years, Mr. Richardson has been subjected to the will of authority figures in his life. While this was appropriate at times, at others it seems overbearing and over controlling. He has been placed in "no-win situations" where anything he said or did not say has been used as evidence against his mental well-being. It is recommended that all parties involved should listen to Mr. Richardson with the benefit of the doubt rather than through a lens of psychopathology and deviant behavior that is not currently substantiated.

32. Finally, the Court ordered that the Plaintiff be released to his mother.

33. Defendant Faust pled guilty to failure to report abuse on August 16, 2023, in the Syracuse City Justice Court. *See* Attachment A.

34. Plaintiff is a candidate for admission to Princeton and Stanford.

35. However, his GPA dropped from what would have been a 4.4 to 4.6 to a 4.1, placing some doubt whether he will be admitted to either school.

**FIRST CLAIM FOR RELIEF**

*(Negligence/Knowing and Reckless Indifference v. All Defendants)*

36. Plaintiff incorporates the previous paragraphs as if fully set forth herein.

37. Elevation was acting in *loco parentis* and had a special legal relationship with Plaintiff.

38. ELEVATION had a duty to exercise responsible care in the treatment and supervision of Plaintiff.

39. ELEVATION breached the duty that it owed to Plaintiff, thereby creating a substantial risk of, and in fact causing, serious trauma and emotional distress to Plaintiff.

40. ELEVATION's breaches of duty included, among other things:

- a. Failing to report to law enforcement the complaint that an adult had sexually assaulted the Plaintiff.
- b. Failing to provide Plaintiff with adequate supervision and care.
- c. Failing to provide and/or follow policies and procedures related to supervision and care of Plaintiff.
- d. Failing to appropriately train staff; and
- e. Not acting immediately treating Plaintiff but instead putting its public relations ahead of Plaintiff's life.

41. ELEVATION's acts and omissions manifested a knowing and reckless indifference toward and a disregard of the rights of others, including Plaintiff and the Plaintiff.

42. As a direct and proximate result of ELEVATION's acts and omissions, Plaintiff suffered and will continue to suffer extreme mental and emotional anguish.

**SECOND CLAIM FOR RELIEF**  
***(False Imprisonment v. ELEVATION)***

43. Plaintiff incorporates the previous paragraphs as if fully set forth herein.

44. ELEVATION was willfully detaining Plaintiff, without his consent and without the authority of any Court order or law and without any due process.

45. ELEVATION's imprisonment was false and manifested a knowing and reckless indifference toward and a disregard of the rights of Plaintiff.

46. As a direct and proximate result of ELEVATION's false imprisonment of Plaintiff, Plaintiff suffered and will continue to suffer extreme mental and emotional anguish.

**THIRD CLAIM FOR RELIEF v. ALL DEFENDANTS**  
*(Child Abuse v. All Defendants)*

47. Plaintiff incorporates the previous paragraphs as if fully set forth herein.

48. ELEVATION was acting in *loco parentis* and had a special legal relationship with Plaintiff pursuant to common law and Utah Code Ann. § 80-1-102 (1)(50).

49. The remaining defendants had a duty of care and protection to Plaintiff.

50. It is the public policy of Utah "that children have the right to protection from abuse and neglect." Utah Code Ann. 80-2a-201(2).

51. A facility such as ELEVATION is prohibited from using "cruel, severe, unusual, or unnecessary practice on a child, including abuse and neglect. Utah Code Ann. § 62A-2-123(1)(o)-(p).

52. Neglect as defined by Utah Statute means "action or inaction causing failure or refusal of ... guardian or custodian to provide proper or necessary ... for the child's health, safety ... or well-being." Utah Code Ann. § 80-1-58(a)(iii).

53. The Defendants, in failing to report the sex assault, punished Plaintiff for complaining, withholding care, restricting all communications with the outside world, and by stealing Plaintiff's possessions and gift cards, committed child neglect and abuse upon Plaintiff.

54. As a direct and proximate result of Defendants' acts and omissions, Plaintiff suffered and will continue to suffer extreme mental and emotional anguish.

**PRAYER FOR RELIEF**

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

1. For general damages in an amount to be proved at trial.
2. For special damages in an amount to be proved at trial.
3. For punitive damages in an amount sufficient to punish ELEVATION and to deter ELEVATION and others in similar situations from engaging in such conduct in the future; and
4. For such other costs, expenses, attorney's fees, and other relief the Court finds appropriate under the circumstances.

**JURY DEMAND**

Pursuant to Rule 38(b) of the Utah Rules of Civil Procedure, Plaintiffs hereby demand a trial by jury in this case and submit herewith the applicable fee.

DATED this 14<sup>th</sup> day of January, 2024.

MORTENSEN & MILNE

*/s/ Alan W. Mortensen*  
\_\_\_\_\_  
Alan W. Mortensen  
Lance L. Milne  
*Attorneys for Plaintiff*

Plaintiff's Address:

MORTENSEN & MILNE  
68 S. Main Street, Suite 700  
Salt Lake City, Utah 84101