

STATE OF WISCONSIN

CIRCUIT COURT

AHSLAND COUNTY

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**ANGEL SWANN,**  
107 Geranium Avenue W  
St. Paul, MN 55117

Plaintiff,

v.

**NORTHLAND COLLEGE,**  
1411 Ellis Avenue S  
Ashland, WI 54806

**ABC INSURANCE COMPANY,**

Defendants.

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Case No. \_\_\_\_\_  
Case Code: 30107  
Personal Injury – Other

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**SUMMONS**

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THE STATE OF WISCONSIN:

To each person named above as a Defendant:

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action. Within forty-five (45) days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court, whose address is Ashland County Courthouse, 201 Main Street West, Ashland, Wisconsin 54806 and to GINGRAS, THOMSEN & WACHS plaintiff's attorneys, whose address is 8150 Excelsior Drive, Madison, Wisconsin 53717. You may have an attorney help or represent you.

If you do not provide a proper answer within forty-five (45) days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future and may also be enforced by garnishment or seizure of property.

Dated this 19th day of May, 2020.

**GINGRAS THOMSEN & WACHS LLP**  
Attorneys for Plaintiff

*Electronically Signed By: /s/ Paul A. Kinne*  
\_\_\_\_\_  
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**COMPLAINT**

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NOW COMES the Plaintiff, Angel Swann, through her attorneys, Gingras, Thomsen & Wachs, by Paul A. Kinne, and hereby allege the following:

**PARTIES**

1. Plaintiff Angel Swann is an adult resident of the State of Minnesota residing at 107 Geranium Avenue West, St. Paul, Minnesota 55117. At the time of conduct described in this Complaint, she was a resident of the State of Wisconsin.

2. Upon information and belief, the Defendant, Northland College, is a private college in the State of Wisconsin. Defendant Northland College is a non-stock corporation incorporated in the State of Wisconsin. At all material times, Defendant Northland College employed individuals who were responsible for providing Ms. Swann with a safe learning

environment. The registered agent and office for Defendant Northland College is Todd Vyskocil, 1411 Ellis Avenue, Ashland, Wisconsin 54806.

3. Defendant ABC Insurance Company is a liability insurance company that had in full force and effect, at all material times, a policy of insurance covering Defendant Northland College for the alleged negligence which is the subject of this complaint and is therefore directly liable to the Plaintiff for the below-alleged damages. The registered agent and address for ABC Insurance Company is yet to be determined.

### **ALLEGATIONS OF FACT**

4. “Northland College was founded with a unique ideal to fulfill the educational aspirations of both local immigrants and Native Americans – particularly the Ojibwe bands in the Lake Superior region.” <https://www.northland.edu/campus-life/diversity-inclusion/icc/#mission-of-the-icc>.

5. In 2011, Northland College created the Indigenous Cultures Center to consolidate the college’s Native American activities and to uphold the college’s founding principle to educate students about Ojibwe culture.

6. Today, six Ojibwe bands remain in the Lake Superior region: Bad River, Lac Courte Oreilles, Lac Du Flambeau, St. Croix, Sokaogan, and Red Cliff. <https://www.wisconsinhistory.org/Records/Article/CS4380>.

7. As a member of the White Earth Band of Ojibwe tribe, Angel Swann attended Northland College, located in Ashland, Wisconsin, eager to learn about her cultural history and identity.

8. In September of 2017, Ms. Swann enrolled in Ojibwemowin I – a Native American Studies Course instructed by Professor Dennis Debungie.

9. Before the start of the 2017-18 academic year, Defendant Northland College hired Dennis Debungie as an Adjunct Professor in the Native American Studies Department.

10. When Northland College hired Mr. Debungie in 2017, Mr. Debungie was a 40-year-old with a publicly available criminal history comprised of First-Degree Burglary, Driving While Intoxicated, and Registration of Predatory Offenders for committing a felony-level predatory offense.

11. Although Ms. Swann struggled to adjust to her collegiate coursework, she ended the semester none the worse for wear, passing the Ojibwemowin I course.

12. To continue her Native American studies, Ms. Swann enrolled in Ojibwemowin II and Native American Arts and Cultures in the spring semester of the 2017-18 academic year.

13. Professor Debungie instructed both the Ojibwemowin II and the Native American Arts and Cultures courses.

14. At the start of the spring semester, Professor Debungie instructed his students to add him as a friend on Snapchat – a social media platform – as a means of communication.

15. In addition, at the start of the spring semester Professor Debungie approached Ms. Swann and another female student, Brittany Brown, and asked the two students to serve as his “student assistants” through the semester.

16. Excited, Ms. Swann and Ms. Brown enthusiastically accepted the student assistant positions.

17. As student assistants, Ms. Swann and Ms. Brown ran errands for Professor Debungie, purchasing beading supplies and fabric for the art projects involved in the class and taking on leadership responsibilities in class.

18. To thank Ms. Swann and Ms. Brown for their assistance, Professor Debungie would drive the two students to get pizza after class.

19. Upon information and belief, the former Director of the Indigenous Cultures Center, Katrina Wierchowski, warned Ms. Brown to not spend time alone with Professor Debungie.

20. Pursuant to Ms. Wierchowski's warning, Ms. Brown made sure to always travel with Ms. Swann to get pizza with Professor Debungie.

21. Beginning in February of 2018, Professor Debungie stopped inviting Ms. Brown to get pizza. Instead, Professor Debungie would only drive Ms. Swann to get pizza after class and to see Ashland, Badriver and Red Cliff.

22. Ms. Swann felt uncomfortable being alone with Professor Debungie; while driving home after dinner, Professor Debungie would extend the drive because – as he would tell Ms. Swan – he “didn't want to go home yet.”

23. On the extended drives home, Professor Debungie and Ms. Swann would discuss their Native American heritage, history, and culture, but Professor Debungie soon began to inappropriately overstep.

24. By March of 2018, Professor Debungie began to personally message Ms. Swann frequently via the Snapchat social media application.

25. Upon information and belief, Professor Debungie would message Ms. Swann, who, recall, was a freshman student at Northland College at this time, at 2:00 AM in the morning to ask if Ms. Swann was still awake or to complain that his wife had forced him to sleep on the couch after an argument.

26. On March 30, 2018, Professor Debungie ostensibly invited the Ojibwemowin II class to attend a Big Drum ceremony at the White Earth Reservation.

27. Professor Debungie instructed the students to be ready to leave by 4:00 PM to make the five-hour drive from Northland College to the Reservation, which is located in northwestern Minnesota.

28. Upon information and belief, Northland College neither sanctioned this trip, trained Professor Debungie on appropriate professorial conduct, nor implemented any supervision measures to protect students from Professor Debungie, who had a history of predatory offenses.

29. When Professor Debungie arrived to pick up Ms. Swann, no other students were present. When Ms. Swann asked whether the rest of the class was joining, Professor Debungie bluntly replied that the students were not ready on time and that the two of them needed to depart for the White Earth Reservation immediately.

30. When Professor Debungie and Ms. Swann reached Duluth, Minnesota, Professor Debungie stopped at Big Bear Casino to gamble.

31. As Professor Debungie and Ms. Swann entered the casino, Professor Debungie commented that he liked Ms. Swann's leggings. This comment made Ms. Swann feel uncomfortable and afraid for her safety.

32. While Professor Debungie gambled, he shared with Ms. Swann that his wife had cheated on him and forced him out of his home, and that he now lived in his truck.

33. When Professor Debungie finished gambling, he informed Ms. Swann that he had forgotten his insulin at his wife's home in Ashland. The two began to drive back to Ashland, and Ms. Swann felt frustrated that she would miss the Big Drum ceremony.

34. It was late in the evening when Professor Debungie reached Ashland, and he expressed that he did not want to visit his wife's home and that he wanted to continue to drive with Ms. Swann a little while longer instead.

35. Professor Debungie joked about driving through three states in one day and began to drive toward Michigan's Upper Peninsula.

36. Around 1:00 AM on March 31, 2018, Professor Debungie and Ms. Swann were driving toward Michigan when Professor Debungie had yet another change of heart: He turned around and began to drive directly to the White Earth Reservation.

37. At approximately 5:00 AM, the two had reached Bemidji, Minnesota, and Professor Debungie stopped at a Super 8 Hotel to attempt to book a room.

38. Because Professor Debungie was unwilling to provide the hotel manager with his identification, Ms. Swann provided her identification and booked the room under her name.

39. Professor Debungie insisted that he and Ms. Swann sleep in the same bed.

40. At approximately 9:00 AM on March 31, 2018, the two departed the Super 8 Hotel, drove to the White Earth Reservation, and watched the Big Drum ceremony.

41. Along the Big Drum ceremony typically lasts late into the night, Professor Debungie insisted on leaving after he and Ms. Swann had watched the ceremony for just one hour.

42. Professor Debungie drove Ms. Swann to the Shooting Star Hotel, a hotel located on the White Earth Reservation.

43. Once they settled into the hotel room, Professor Debungie began to watch chiropractic videos. Then, he asked Ms. Swann if she would let him practice the chiropractic maneuvers depicted in the videos on her.



44. Ms. Swann rejected Professor Debungie's request, but Professor Debungie continued to beg Ms. Swann to let him try.

45. After approximately an hour of begging, Ms. Swann relented and allowed him to try.

46. Ms. Swann laid down on her stomach and Professor Debungie sat on top of her. Ms. Swann could feel Professor Debungie's erect penis on her leg and immediately grew uncomfortable and afraid for her safety.

47. After attempting the chiropractic maneuvers, Professor Debungie climbed off of Ms. Swann and fell asleep.

48. On April 1, 2018, Professor Debungie drove Ms. Swann back to Ashland and dropped her off outside of her dormitory on the Northland College campus.

49. Upon information and belief, between April 2 and April 12, 2018, Professor Debungie contacted Ms. Swann daily.

50. On April 13, 2018, Ms. Swann posted a picture on Snapchat stating that she wanted to get off campus for a few hours.

51. Professor Debungie contacted Ms. Swann soon after she posted the picture and offered to take her to lunch at Black Bear Casino Resort located in Carlton, Minnesota.

52. During the drive to Black Bear Casino Resort, Professor Debungie asked Ms. Swann about the number of sexual partners she had been with, her favorite sex position, and whether Ms. Swann was sexually attracted to him.

53. Professor Debungie drove Ms. Swann down a secluded road on a reservation and began to unbutton and pull down her pants. Ms. Swann repeatedly told her professor that she did

not want to have sexual intercourse with him, yet Professor Debungie persisted and the two of them eventually had sexual intercourse.

54. Professor Debungie dropped Ms. Swann off outside of her dormitory at Northland College and commanded her to act normal in front of her classmates.

55. On April 25, 2018, Professor Debungie asked Ms. Swann to join him for a free overnight stay at the LCO Hotel. Ms. Swann agreed to join Professor Debungie.

56. Professor Debungie got extremely violent during sex. Ms. Swann asked him to stop a few times but Professor Debungie refused; he would only get angrier. Professor Debungie left multiple bruises around Ms. Swann's neck and arms.

57. Professor Debungie would video record himself assaulting Ms. Swann. April 25, 2018 was the first time Professor Debungie took video of Ms. Swann while they were having sex without her permission. Professor Debungie did not stop when Ms. Swann caught him.

58. On May 5, 2018, Professor Debungie drove Ms. Swann to a secluded area of Jay Cooke State Park in Carlton, Minnesota.

59. When the two reached a secluded area, Professor Debungie stopped the truck and began to rub his erect penis on Ms. Swann and plead with her to have sexual intercourse with him.

60. Later that day, rather than drop Ms. Swann off outside of her dormitory, Professor Debungie begged Ms. Swann to spend the night with him in his truck. Ms. Swann agreed.

61. In time, Professor Debungie would be coercing Ms. Swann into spending five nights a week sleeping in Professor Debungie's truck.

62. Throughout the summer of 2018, Ms. Swann earned a two-week paid internship at the Minnesota Historical Society in St. Paul, Minnesota.

63. Upon information and belief, Professor Debungie manipulated and coerced Ms. Swann to leave St. Paul, Minnesota to sleep with him in his truck near Mille Lacs Lake in Minnesota. If Ms. Swann refused, Professor Debungie would call Ms. Swann hurtful and derogatory names until she reluctantly agreed to join him.

64. Upon information and belief, although the internship paid Ms. Swann with a cash stipend, Professor Debungie would steal the cash from Ms. Swann's wallet.

65. Midway through the summer of 2018, Ms. Swann completed her internship at the Minnesota Historical Society and commenced a second paid internship at the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) in Ashland, Wisconsin.

66. Upon information and belief, after Professor Debungie learned that GLIFWC paid Ms. Swann every two weeks, Professor Debungie would steal Ms. Swann's debit and credit cards to make personal purchases.

67. Upon information and belief, over the course of the summer of 2018, Professor Debungie stole approximately \$6,000 from Ms. Swann.

68. Throughout the summer of 2018, Ms. Swann grew stressed and tired and developed anxiety. Ms. Swann's mother commented that Ms. Swann had lost weight, and Ms. Swann's primary care physician instructed her to stop losing weight.

69. Ms. Swann's work at GLIFWC required her to travel, and GLIFWC provided Ms. Swann with funds to pay for lodging and meals.

70. Upon information and belief, when Ms. Swann travelled as a part of her internship, Professor Debungie would follow Ms. Swann to the hotel to spend the week with Ms. Swann, drinking heavily during the day while Ms. Swann worked and harassing Ms. Swann at night by begging her for money.

71. In August of 2018, Ms. Brown reported Professor Debungie's inappropriate relationship with Ms. Swann to Professor Debungie's boss, Leslie Aldrich ("Aldrich"), the Director of Human Resources Rita Muller, and the Dean of Students Hal Haynes.

72. Soon after Ms. Brown reported the relationship, Aldrich emailed Ms. Swann requesting that Ms. Swann discuss the allegations with Aldrich.

73. Professor Debungie was alongside Ms. Swann when Ms. Swann received Aldrich's email.

74. Professor Debungie quickly stole Ms. Swann's cellphone and responded to Aldrich's email by falsely stating that Professor Debungie and Ms. Swann were cousins.

75. As soon as Ms. Swann was outside the presence of Professor Debungie, she independently responded to Aldrich's email to schedule a time to meet.

76. Aldrich responded to Ms. Swann by stating that the allegations would be dismissed and that a meeting was unnecessary.

77. By September, 2018 Ms. Swann had commenced her sophomore year at Northland College.

78. Upon information and belief, Professor Debungie coerced Ms. Swann into enrolling in a four-credit independent study course that he taught.

79. Upon information and belief, at the start of the 2018-19 academic year, Professor Debungie convinced Ms. Swann to move into his apartment located in Washburn, Wisconsin.

80. Upon information and belief, Professor Debungie would not let Ms. Swann leave the apartment for classes.

81. Northland College neither trained Professor Debungie to not live with a student nor supervised Professor Debungie to prevent him from living with a student.

82. Northland College promoted Professor Debungie to manager of the Indigenous Culture Center – a coveted position that represents Northland College’s founding principle to advance Native American studies.

83. Upon information and belief, throughout the time that Ms. Swann lived with Professor Debungie, he grew more violent and combative toward her, commanding Ms. Swann to purchase household supplies, coercing Ms. Swann into sexual intercourse, and even forcing Ms. Swann, who was not yet 21 years old at the time, to consume alcohol.

84. Ms. Swann’s mother, Annessia Swann, began to rightfully fear for her daughter’s safety.

85. On October 23, 2018, Annessia Swann, using the title “Concerned Parent,” submitted an anonymous email to Hal Haynes, Leslie Aldrich, and Rita Muller.

86. In the content of the email, Annessia Swann detailed the inappropriate relationship that Professor Debungie was maintaining and included Professor Debungie’s aforementioned publicly available criminal history.

87. Director of Human Resources Rita Muller responded to the email stating that Northland College would investigate the situation.

88. Upon information and belief, Northland College failed to investigate the situation, and Rita Muller abruptly quit her position soon after Annessia Swann’s email.

89. Upon information and belief, after Annessia Swann submitted her email to the Northland College faculty, Professor Debungie complained to Ms. Swann that her mother was ruining his livelihood.

90. Upon information and belief, in December of 2018 Professor Debungie was arrested for driving while intoxicated.

91. Upon information and belief, when Ms. Swann returned to the apartment one night in December of 2018, Professor Debungie was intoxicated and highly irritable.

92. Upon information and belief, Professor Debungie offered to make a drink for Ms. Swann and went to the kitchen to prepare it.

93. Upon information and belief, when Professor Debungie entered the kitchen to retrieve another alcoholic beverage for Ms. Swann, Ms. Swann witnessed Professor Debungie pour a powder into her beverage.

94. Witnessing Professor Debungie pour powder into her drink immediately made Ms. Swann fear for her safety, even more than normal.

95. Upon information and belief, when Ms. Swann questioned Professor Debungie about the powder, he became enraged and threw objects around the apartment.

96. Upon information and belief, Professor Debungie eventually passed out. Ms. Swann went to sleep in the other room and escaped the apartment the next morning without her belongings.

97. Ms. Swann returned to the apartment two days later to retrieve her belongings.

98. On or around December 8, 2018, Ms. Swann reported the situation to Northland College for the third time. Ms. Swann reported the situation to Academic Success Coordinator Gina Kirsten.

99. Uncertain how to handle the situation, Gina Kirsten rightfully escorted Ms. Swann to the Northland College school nurse, "Tina."

100. Upon information and belief, when Tina informed the Dean of Students and Title IX Coordinator Hal Haynes ("Haynes") about the situation, Haynes responded, "I don't want to deal with that right now."

101. Despite Haynes's inaction, Tina sent Ms. Swann to the Title IX Secretary Dawn Revard, who gathered preliminary factual information from Ms. Swann and commenced an investigation.

102. On or around December 14, 2018, Northland College informed Ms. Swann that the college would place Professor Debugie on paid administrative leave and issue a no-contact order against Professor Debugie, meaning that Professor Debugie was not allowed on campus while Ms. Swann was physically on campus.

103. Upon information and belief, after Northland College imposed the no-contact order, Professor Debugie continued to call, text, and message Ms. Swann.

104. Upon information and belief, Ms. Swann notified Haynes that Professor Debugie tried contacting Ms. Swann after the no-contact order had been placed; Haynes responded that he was giving Professor Debugie the benefit of the doubt and deeming it an accident.

105. In January, 2019 Ms. Swann dropped out of Northland College and moved out from her dormitory room.

106. In the beginning of January of 2019, Ms. Swann attended therapy sessions for abuse victims and people suffering from post-traumatic stress disorder (PTSD).

107. Ms. Swann was soon after diagnosed with PTSD, depression, anxiety, and exhibiting OCD behaviors.

108. Ms. Swann suffered severe emotional damage because Northland College failed to take reasonable and necessary precautions to curb Professor Debugie's predatory conduct

109. Ms. Swann's college education was adversely impacted by Professor Debugie's conduct. The adverse effect upon Ms. Swann's college education has caused Ms. Swann economical damage.

110. Because of Northland College's aforementioned negligence, Ms. Swann has suffered painful and permanent physical and emotional and psychological injuries.

111. Ms. Swann's injuries are directly and proximately caused by the negligent conduct of Defendant Northland College in failing to exercise reasonable care in hiring, training, and supervising Professor Debungie so as to ensure the safety of Northland College's students.

112. At all times material to the subject of this complaint, Defendant ABC Insurance sold a policy of liability insurance to Defendant Northland College indemnifying those injured as a result of Defendant Northland College's negligence.

113. At all times relevant hereto, Northland College received federal funds.

114. Ms. Swann's "relationship" with Professor Debungie was not consensual, but instead was the product of him using his power as her instructor to coerce Ms. Swann into having a physical "relationship" with him.

**FIRST CAUSE OF ACTION: NEGLIGENT HIRING, TRAINING, AND SUPERVISION  
AGAINST DEFENDANT NORTHLAND COLLEGE**

As and for a first cause of action against Defendant Northland College, the Plaintiff realleges and incorporates the preceding paragraphs and further states:

115. At all times material to this action, Defendant Northland College was negligent in its hiring, training, and supervision of Professor Debungie.

116. Upon information and belief, Dennis Debungie had a history of criminal predatory offenses before Northland College decided to hire him as an Adjunct Professor in the fall of 2017. This conduct demonstrated a dangerous and foreseeable propensity for violence and an unreasonable risk toward students, such as the Plaintiff, Angel Swann.



117. Through the exercise of reasonable care, Defendant Northland College knew or should have known of Dennis Debungie's previous predatory offenses at the time Defendant Northland College hired Dennis Debungie.

118. Defendant Northland College breached its duty to the Plaintiff, Angel Swann, by hiring Dennis Debungie despite his previous predatory offenses.

119. As a direct and proximate result of Defendant Northland College's negligence, Plaintiff Angel Swann has suffered the injuries and damages described above.

120. As a direct and proximate result of Defendant Northland College's negligence, Defendants Northland College and ABC Insurance Company are liable for the damages suffered by Plaintiff as described above.

WHEREFORE, the Plaintiff prays for the following relief:

1. **A DEMAND FOR TRIAL BY A SIX PERSON JURY;**
2. Judgment both jointly and severally against Defendants Northland College and ABC Insurance Company in an amount to be proven at trial;
3. All statutory interest;
4. Punitive damages;
5. All costs, disbursements, and reasonable attorney fees; and,
6. Any and all other relief the court deems appropriate in this matter.

Dated this 19<sup>th</sup> day of May, 2020.

**GINGRAS THOMSEN & WACHS LLP**  
Attorneys for Plaintiff

*Electronically Signed By: /s/ Paul A. Kinne* \_\_\_\_\_

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