

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Hassebroek v. United Parcel Service, Inc.

Case No. CIV-25-833-G (W.D. Okla. Dec. 16, 2025) · No. CIV-25-833-G · Decided December 16, 2025

SUMMARY

The United States District Court for the Western District of Oklahoma ruled on Plaintiff Bobbi Lynn Hassebroek’s motion to strike affirmative defenses asserted by United Parcel Service, Inc. in an action alleging an intentional tort under Oklahoma’s workers’ compensation statute. The court struck the comparative-fault and contributory-negligence defenses, allowed the third-party acts, pre-existing injury, and intervening-cause defenses to remain, and noted that Defendant had withdrawn its sudden-emergency defense. The motion was granted in part and denied in part.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Charles B. Goodwin
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	December 16, 2025
DOCKET	CIV-25-833-G
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 12(f) to strike six affirmative defenses pleaded in Defendant's answer.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 12(f), an insufficient defense may be stricken, but striking a defense is a drastic remedy and is generally inappropriate unless the defense cannot succeed under any circumstances. A defense should not be stricken when there is real doubt about its validity or when, considered in context with the complaint, it has a possible relation or logical connection to the controversy and fairly appries the opposing party of its nature.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

TOPICS

- affirmative defenses
- civil procedure
- comparative fault
- wrongful death

PRACTICE AREAS

civil procedure

torts

workers compensation

QUESTIONS PRESENTED

1. Whether Defendant's affirmative defenses asserting contributory negligence and comparative fault should be stricken as immaterial to Plaintiff's intentional-tort claim.
2. Whether affirmative defenses based on third-party acts, preexisting injuries, and intervening cause should be stricken as insufficiently pleaded or lacking a possible relation to the claims.
3. Whether Rule 12(f) permits striking abbreviated affirmative defenses when the complaint and answer together provide fair notice of the defenses.

HOLDINGS

1. Affirmative Defense Nos. 6 and 10, asserting contributory negligence and comparative fault, are immaterial and were properly stricken because those doctrines do not serve as defenses to the intentional-tort claim pleaded by Plaintiff.
2. Affirmative Defense Nos. 7, 8, and 11 were not stricken because, when considered in the context of the complaint, they had a possible relation to the tort claim and sufficiently apprised Plaintiff of their nature for pleading purposes.
3. The motion to strike was granted in part and denied in part: Affirmative Defense No. 12 was withdrawn, Nos. 6 and 10 were stricken, and Nos. 7, 8, and 11 were allowed to remain.

KEY QUOTATIONS

“Rule 12(f) relief, however, is generally a “drastic remedy” and “must not be granted unless, as a matter of law, the defense cannot succeed under any circumstances.”” (at 2)

“The Oklahoma Supreme Court’s consideration of supervening cause, as well as its discussion of contributory and comparative negligence, took place in that negligence context and did not suggest that these concepts serve as defenses to an intentional tort claim.” (at 5)

FACTUAL BACKGROUND

Braden Sellers Hassebroek, Plaintiff's late husband, worked as a driver for United Parcel Service. Plaintiff alleged that he experienced heat-related illness while working, reported his symptoms, and was required to return his vehicle to UPS rather than receive emergency assistance; he later collapsed and died. Plaintiff asserted an intentional-tort claim under Oklahoma's exception to the exclusive workers' compensation remedies.

PROCEDURAL HISTORY

Plaintiff brought an intentional-tort claim under Oklahoma's workers' compensation intentional-tort exception arising from the death of her husband, an employee of Defendant. Defendant answered and asserted fourteen affirmative defenses. Plaintiff moved to strike six defenses; the court granted the motion as to two defenses, recognized that one defense had been withdrawn, and denied the motion as to three others.

DISPOSITION

other

CASES CITED

- Safety National Casualty Co. v. SSM Health Care of Oklahoma, Inc., No. CIV-20-689-HE, 2020 WL 10731243, at *2 (W.D. Okla. Dec. 17, 2020)
- Burke v. Regalado, 935 F.3d 960, 1040 (10th Cir. 2019)
- Knighten v. Allstate Insurance Co., No. CIV-17-683-D, 2018 WL 718533, at *2-3 (W.D. Okla. Feb. 5, 2018)
- Sender v. Mann, 423 F. Supp. 2d 1155, 1163 (D. Colo. 2006)
- Nootbaar v. Alderwoods (Okla.), Inc., No. CIV-19-110-D, 2019 WL 3558182, at *2-3 (W.D. Okla. Aug. 5, 2019)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Graham v. Keuchel, 847 P.2d 342 (Okla. 1993)
- Tiger v. Verdigris Valley Electric Cooperative, 410 P.3d 1007, 1012 (Okla. 2016)