

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

**Cheyanne Coulson and Shiloh Thomas Glenn Youngblood v.
Jaswinder Singh and Paul Express, Inc.**

Coulson · No. CIV-25-1043-PRW · Decided May 5, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma granted Paul Express, Inc.'s partial motion to dismiss claims for negligent hiring, training, and retention. Applying the Oklahoma Supreme Court's decision in *Jordan v. Cates*, the court held that those claims were unnecessary where the employer stipulated that the driver acted within the scope of employment and that respondeat superior liability applied. The claims were dismissed without prejudice because amendment could become viable if Oklahoma law changes.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Patrick R. Wyrick
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	May 5, 2026
DOCKET	CIV-25-1043-PRW
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant Paul Express, Inc. moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the negligent hiring, training, and retention claims. The motion was granted, but dismissal was without prejudice.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, views them in the light most favorable to the plaintiff, and draws reasonable inferences in the nonmoving party's favor. Legal conclusions, labels, conclusions, and formulaic recitations of the elements are insufficient. The complaint need only state a plausible claim and need not establish a prima facie case.
PRECEDENTIAL VALUE	Nonprecedential federal district court order; precedential status is not designated in the source.

TOPICS

motions to dismiss

negligent hiring

respondeat superior

civil procedure

negligence

PRACTICE AREAS

civil procedure

negligence

employment-related tort liability

remedies

QUESTIONS PRESENTED

1. Whether Oklahoma law permits negligent hiring, training, and retention claims against an employer that stipulates its employee acted within the scope of employment and that the employer is liable under respondeat superior.
2. Whether the negligent hiring, training, and retention claims should be dismissed with prejudice on the ground that amendment would be futile.

HOLDINGS

1. Under *Jordan v. Cates*, when an employer stipulates that its employee acted within the scope of employment and that it would be liable under respondeat superior, additional negligent hiring, training, and retention claims are unnecessary and superfluous and may be dismissed.
2. The negligent hiring, training, and retention claims must be dismissed without prejudice rather than with prejudice because a future intervening change in Oklahoma law could render the claims viable, so amendment cannot presently be deemed futile.

KEY QUOTATIONS

“When an employer stipulates that an employee is acting within the scope of employment . . . and punitive damages are available against it under the theory of respondeat superior, an additional claim for negligent hiring [and retention] exposes the employer to no additional liability.” (Analysis)

“where the employer stipulates that liability, if any, would be under the respondeat superior doctrine, any other theory for imposing liability on the employer [becomes] unnecessary and superfluous.” (Analysis)

“For the reasons given, the Court GRANTS the Motion (Dkt. 4) and DISMISSES Plaintiffs’ negligent hiring, training, and retention claims WITHOUT PREJUDICE.” (Conclusion)

FACTUAL BACKGROUND

The action arises from an April 19, 2025 vehicle collision in Oklahoma City. Plaintiffs alleged that Jaswinder Singh, driving a semitruck, rear-ended their Chevrolet Equinox on I-44 while driving too fast in the rain and following too closely. They alleged that Singh was negligent and that his employer, Paul Express, was liable under respondeat superior and for negligent hiring, training, and retention. Paul Express stipulated that Singh acted within the scope of employment and that it would be liable for Singh's conduct under respondeat superior.

PROCEDURAL HISTORY

Plaintiffs initially filed the negligence action in Oklahoma County District Court, and defendants removed it to the United States District Court for the Western District of Oklahoma. Paul Express moved to dismiss the negligent hiring, training, and retention claims, stipulating that Jaswinder Singh acted within the scope of his employment and that Paul Express would be liable for Singh's conduct under respondeat superior. The court granted the motion but declined to dismiss with prejudice because a future change in Oklahoma law could make the claims viable and amendment may therefore not be futile.

DISPOSITION

dismissed

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Alvarado v. KOB-TV, L.L.C., 493 F.3d 1210, 1215 (10th Cir. 2007)
- David v. City & Cnty. of Denver, 101 F.3d 1344, 1352 (10th Cir. 1996)
- Doe v. Woodard, 912 F.3d 1278, 1285 (10th Cir. 2019)
- Khalik v. United Air Lines, 671 F.3d 1188, 1190-92 (10th Cir. 2012)
- Gee v. Pacheco, 627 F.3d 1178, 1186 (10th Cir. 2010)
- Jacobsen v. Deseret Book Co., 287 F.3d 936, 941 (10th Cir. 2002)
- Frappied v. Affinity Gaming Black Hawk, LLC, 966 F.3d 1038, 1054 (10th Cir. 2020)
- Morman v. Campbell Cnty. Mem'l Hosp., 632 F. App'x 927, 933 (10th Cir. 2015)
- Jordan v. Cates, 935 P.2d 289, 293-94 (Okla. 1997)
- Estate of Ratley v. Awad, 2021 WL 1845497, at *4-5 (W.D. Okla. May 7, 2021), aff'd, 2025 WL 1166454 (10th Cir. Apr. 22, 2025)
- Lewis v. Hussain, 2026 WL 688217, at *3 (W.D. Okla. Mar. 11, 2026)
- Stanley v. Taylor, 2024 WL 4204925, at *5 (W.D. Okla. Sept. 16, 2024)
- In re Professional Home Health Care, Inc., 159 F. Appx. 32, 33 (10th Cir. 2005)
- Foman v. Davis, 371 U.S. 178, 182 (1962)

OPINION

Coulson
PER CURIAM.
IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA
CHEYANNE COULSON and SHILOH)
THOMAS GLENN YOUNGBLOOD,)
) Plaintiffs,)) v.) Case No. CIV-25-1043-PRW)
JASWINDER SINGH and PAUL)
EXPRESS, INC.,)

) Defendants.)

ORDER

Before the Court is Defendant Paul Express Inc.'s Partial Motion to Dismiss (Dkt. 4). The Motion (Dkt. 4) is fully briefed and ripe for decision. For the reasons that follow, the Motion (Dkt. 4) is GRANTED. Background This is a claim for negligence and negligent hiring, training, and retention arising out of a vehicle collision in Oklahoma City, Oklahoma, on April 19, 2025. While Plaintiffs Cheyanne Coulson and Shiloh Youngblood were traveling in a 2005 Chevrolet Equinox northbound on I-44 near Northwest 23rd Street, Defendant Jaswinder Singh, driving a semitruck, allegedly rear-ended Plaintiffs when he failed to stop in time. Plaintiffs argue that Defendant Singh was negligent in both tailing their vehicle too closely and driving too fast during rain. Plaintiffs also allege that Defendant Paul Express, Defendant Singh's employer, is liable for negligence under a theory of respondeat superior and negligent hiring, training, and retention. Plaintiffs initially brought this action in Oklahoma County District Court, but Defendants removed the case to this Court. Defendant Paul Express now moves to dismiss the negligent hiring, training, and retention claims with prejudice. Standard of Review In reviewing a Federal Rule of Civil Procedure 12(b)(6) motion to dismiss, the Court must satisfy itself that the pleaded facts state a claim that is plausible.¹ All well-pleaded allegations in the complaint must be accepted as true and viewed "in the light most favorable to the plaintiff."² Additionally, the Court must "draw all reasonable inferences in favor of the non-moving party[.]"³ While factual allegations are taken as true, a court need not accept mere legal conclusions.⁴ "Labels and conclusions" or "a formulaic recitation of the elements of a cause of action" are not enough to state a claim.⁵ In analyzing a 12(b)(6) motion, courts are permitted to consider documents attached to the complaint, 1 Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007). 2 Alvarado v. KOB-TV, L.L.C., 493 F.3d 1210, 1215 (10th Cir. 2007) (quoting David v. City & Cnty. of Denver, 101 F.3d 1344, 1352 (10th Cir. 1996)). 3 Doe v. Woodard, 912 F.3d 1278, 1285 (10th Cir. 2019) (citation omitted). 4 Khalik v. United Air Lines, 671 F.3d 1188, 1190–91 (10th Cir. 2012). 5 Id. (internal quotation marks omitted) (quoting Twombly, 550 U.S. at 555). and can review "documents referred to in the complaint if the documents are central to the plaintiff's claim and the parties do not dispute the documents' authenticity."⁶ Plaintiffs are not required to set forth a prima facie case in their complaint.⁷ Plaintiffs are, however, required to set forth plausible claims, so in determining whether a claim is plausible, the elements of a prima facie case are helpful.⁸ Analysis Defendant Paul Express argues that the Court should dismiss Plaintiffs' negligent hiring, training, and retention claims under Jordan v. Cates. In Jordan, the Oklahoma Supreme Court held that "[w]hen an employer stipulates that an employee is acting within the scope of employment . . . and punitive damages are available against it under the theory of respondeat superior, an additional claim for negligent hiring [and retention] exposes the employer to no additional liability."⁹ "[W]here the employer stipulates that liability, if any, would be under the respondeat superior doctrine," it explained, "any other theory for imposing liability on the employer [becomes] unnecessary and superfluous."¹⁰ Here,

Defendant Paul Express stipulates that Defendant Singh was acting within the course and 6 *Gee v. Pacheco*, 627 F.3d 1178, 1186 (10th Cir. 2010) (internal quotation marks omitted) (quoting *Jacobsen v. Deseret Book Co.*, 287 F.3d 936, 941 (10th Cir.2002)). 7 *Khalik*, 671 F.3d at 1192.

8 *Id.* at 1192; see *Frappied v. Affinity Gaming Black Hawk, LLC*, 966 F.3d 1038, 1054 (10th Cir. 2020); *Morman v. Campbell Cnty. Mem’l Hosp.*, 632 F. App’x 927, 933 (10th Cir. 2015). 9 *Jordan v. Cates*, 935 P.2d 289, 294 (Okla. 1997).

10 *Id.* at 293.

scope of his employment when the accident occurred and that Paul Express would be liable for Defendant Singh’s actions under respondeat superior.¹¹ This Court has considered this very issue with respect to Jordan on multiple occasions.¹² In *Estate of Ratley v. Awad*, despite other courts’ criticisms of Jordan, and recognizing calls for the Oklahoma Supreme Court to reconsider its rule, this Court applied Jordan’s holding.¹³ Plaintiff asks the Court to reconsider *Awad* in light of many other federal courts throughout Oklahoma predicting that the Oklahoma Supreme Court will overturn Jordan.¹⁴ But until the Oklahoma Supreme Court does so, Jordan remains the law. Finally, Defendant asks the Court to dismiss Plaintiff’s negligent hiring, training, and retention claims with prejudice since amendment would be futile. The Court declines to do so, since federal courts sitting in diversity apply state substantive law at the time of decision.¹⁵ Where a claim was dismissed without prejudice as foreclosed by then-existing state law, and an intervening change in state law renders the claim viable, a plaintiff may 11 *Mot. (Dkt. 4)*, at 4. 12 See, e.g., *Estate of Ratley v. Awad*, No. CIV-19-00265-PRW, 2021 WL 1845497, at *4– 5 (W.D. Okla. May 7, 2021), *aff’d*, No. 23-6169, 2025 WL 1166454 (10th Cir. April 22, 2025); *Lewis v. Hussain*, Case No. CIV-24-1112-PRW, 2026 WL 688217, at *3 (W.D. Okla. Mar. 11, 2026). 13 *Awad*, 2021 WL 1845497, at *4–5 . 14 See, e.g., *Stanley v. Taylor*, Case No. CIV-23-00877-JD, 2024 WL 4204925, at *5 (W.D. Okla. Sept. 16, 2024). 15 *In re Professional Home Health Care, Inc.*, 159 F. Appx. 32, 33 (10th Cir. 2005) (internal citation omitted). seek leave to amend under Rule 15(a)(2), and such leave should ordinarily be granted absent reasons like undue delay, bad faith, or prejudice. !° Conclusion For the reasons given, the Court GRANTS the Motion (Dkt. 4) and DISMISSES Plaintiffs’ negligent hiring, training, and retention clams WITHOUT PREJUDICE. IT IS SO ORDERED this 5th day of May 2026.

PATRICK R. WYRICK

UNITED STATES DISTRICT JUDGE

‘6 *Foman y. Davis*, 371 U.S. 178, 182 (1962).