

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PRECEDENTIAL VALUE	Nonprecedential federal district court order; precedential status is not designated in the source.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)