

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WASHINGTON

**Joseph Omar Sabir v. NaphCare Inc., Amanda Spayde, Michelle
Johnson, Spokane County, Sgt. Robert Brittos, Officer Thomas,
Officer Phillips, Officer Moser, Officer Rasmussen, Officer Howard,
and Officer Epley**

No. 2:24-CV-00034-SAB (E.D. Wash. Mar. 3, 2026) · No. No. 2:24-CV-00034-SAB · Decided March 3, 2026

SUMMARY

The United States District Court for the Eastern District of Washington partially granted and partially denied defendants' motion to dismiss Joseph Omar Sabir's Third Amended Complaint. The court held that the claims against NaphCare, Inc. and Amanda Spayde were not time-barred and sufficiently pleaded, but claims against Michelle Johnson were time-barred because they did not relate back. The court dismissed the common-law negligence and gross-negligence claims against NaphCare and Spayde, while allowing the medical-negligence and § 1983 claims to proceed against the remaining defendants.

OPINION

1 U.S. FDILISETDR IINC TT HCEO URT 2 EASTERN DISTRICT OF WASHINGTON Mar 03,
2026 3 SEAN F. MCAVOY, CLERK 4 5 6 UNITED STATES DISTRICT COURT 7 EASTERN
DISTRICT OF WASHINGTON 8 9 JOSEPH OMAR SABIR, No. 2:24-CV-00034-SAB 10
Plaintiff, 11 v. 12 NAPHCARE INC, a for-profit Alabama ORDER GRANTING IN PART, 13
corporation, AMANDA SPAYDE, an DENYING IN PART, 14 individual and NaphCare
Employee, DEFENDANTS' MOTION TO 15 MICHELLE JOHNSON, an individual DISMISS
16 and NaphCare Employee, SPOKANE 17 COUNTY, a Washington municipal 18 entity, SGT
ROBERT BRITTOS, 19 OFFICER THOMAS, OFFICER 20 PHILLIPS, OFFICER MOSER, 21
OFFICER RASMUSSEN, OFFICER 22 HOWARD, and OFFICER EPLEY, 23 Defendant.

24 25 Before the Court is Defendants NaphCare, Inc., Amanda Spayde, and 26 Michelle Johnson's
Motion to Dismiss Plaintiff's Third Amended Complaint, ECF 27 No. 65. Plaintiff is represented
by Colin G. Prince and John B. McEntire, IV. 28 Defendants NaphCare, Inc., Amanda Spayde,
and Michelle Johnson are 1 represented by Ross C. Taylor, Jonathan D. Ballard, and Jakub L.
Kocztorz.

The 2 Spokane County Defendants are represented by John E. Justice and Jakub L. 3 Kocztorz.
The Motion was considered without oral argument. 4 Background 5 On February 2, 2024,

Plaintiff, acting pro se, filed this action against 6 Spokane County and “NaphCare Staff,” asserting claims of medical malpractice. 7 The Court dismissed his complaint with leave to amend due to pleading 8 deficiencies.

9 Plaintiff moved to amend his Complaint on August 23, 2024. The proposed 10 Second Amended Complaint included NaphCare, Inc. as a Defendant and added a 11 § 1983 claim against “AMANDA, NaphCare Nurse” and NaphCare.

The Court 12 determined that NaphCare received notice of the initial Complaint by virtue of 13 being the employer of “NaphCare Staff,” and ordered Plaintiff to file a Second 14 Amended Complaint by December 2, 2024, ECF No. 33. 15 Before filing the Second Amended Complaint, Plaintiff filed motions for 16 leave to file a third amended complaint on November 8, 2024, and November 15, 17 2024.

The second motion was granted, making the proposed complaint the 18 operative Second Amended Complaint. The Second Amended Complaint included 19 “NaphCare Inc.” and “NaphCare Nurse ‘Amanda’ Spayde” as Defendants. 20 Counsel appeared on behalf of Plaintiff on November 22, 2024. Plaintiff’s 21 Counsel moved to amend the complaint again on October 17, 2025, to correct the 22 listed Defendants, plead proper constitutional claims for a pretrial detainee, and to 23 plead additional facts to support his claims.

In relevant part, the proposed pleading 24 included NaphCare and Nurse Spayde as Defendants and introduced Michelle 25 Johnson as a Defendant. Plaintiff’s Motion was granted. The Third Amended 26 Complaint was filed on November 25, 2025, and summons were issued for 27 NaphCare, Nurse Johnson, and Nurse Spayde between November 17 and 25, 2025. 28 // 1 Plaintiff’s Third Amended Complaint 2 Plaintiff was detained at Spokane County Jail beginning on January 24, 3 2021.

He asserts that, upon arrival, he had a prescription for Warfarin (an anti- 4 coagulant/blood thinner) on his person. He claims his Warfarin was not replaced 5 and his medical screening upon booking should have been indicative of the need 6 for him to be prescribed blood thinners. Plaintiff asserts his requests for Warfarin 7 were ignored by Nurses Spayde and Johnson, and Defendants failed to 8 meaningfully investigate his medical history.

9 On January 30, 2021, Plaintiff reported difficulty breathing, chest pain, 10 facial numbness, and vision loss in one eye and was placed on medical watch. He 11 states that Defendants ignored him and refused care. On February 2, 2021, Plaintiff 12 made an additional complaint regarding his medical concerns, to which a 13 Correctional Officer and Nurse Johnson responded and subsequently dismissed.

14 On February 2, 2021, Plaintiff covered his cell window in what he asserts 15 was a plea for medical attention. This resulted in an extraction team of six officers 16 removing him from his cell

using force and pepper spray. Plaintiff was admitted to the hospital the next day due to swelling of his eye and underwent an MRI which revealed he sustained two acute infarcts in the frontal lobes.

Plaintiff asserts a Fourteenth Amendment claim under § 1983 against Nurse Spayde, Nurse Johnson, and NaphCare. He further asserts claims of medical negligence, negligence, and gross negligence against all Defendants. Defendants NaphCare, Amanda Spayde, and Michelle Johnson now request the Court dismiss the Complaint as to them, arguing that Plaintiff's § 1983 claims are time barred, do not relate back, and the Third Amended Complaint fails to state a claim against the three defendants.

Defendants assert Plaintiff fails to allege sufficient facts to meet the standard for a § 1983 claim, Plaintiff's medical negligence claim fails as a matter of law as NaphCare is not a hospital and is not subject to liability under this theory, and Plaintiff fails to allege sufficient facts to establish that Amanda Spayde and Michelle Johnson breached the relevant standard of care.

Relation-Back Standard Under Fed. R. Civ. P. 15(c)(1), an amended complaint relates back to the original complaint for the purposes of satisfying statutes of limitation when: (1) the basic claim arises out of the conduct set forth in the original pleading; (2) the party to be brought in received such notice that it will not be prejudiced in maintaining its defense; (3) that party knows or should have known that, but for a mistake concerning identity, the action would have been brought against it; and (4) the second and third requirements have been fulfilled within the prescribed limitations period.

Dismissal Standard *Schiavone v. Fortune*, 477 U.S. 21, 29 (1986). Fed. R. Civ. P. 12(b)(6) Dismissal Standard A motion to dismiss under Rule 12(b)(6) is appropriate when a plaintiff has failed to state a claim upon which relief can be granted. Fed. R. Civ. P. 12(b)(6). A pleading must contain a short and plain statement of the claim showing that the pleader is entitled to relief.

Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). Generally, complaints must be pled with enough specificity to provide the defendant fair notice of what the plaintiff is claiming and the grounds upon which those claims rest. *Bell Atlantic v. Twombly*, 550 U.S. 544, 555 (2007). While the Court adopts the factual allegations as true on a motion to dismiss, conclusory allegations or formulaic recitation of the elements of a claim are insufficient.

Legal Framework *In re Gilead Scis. Sec. Litig.*, 536 F.3d 1049, 1054 (9th Cir. 2008). 1. § 1983 Claims To establish a claim under the Fourteenth Amendment, a plaintiff must allege facts supporting "acts or omissions sufficiently harmful to evidence deliberate indifference to serious medical needs." *Estelle v. Gamble*, 429 U.S. 97, 106 (1975).

A serious medical need exists where a failure to treat an inmate for 1 that medical need could result in significant injury or the “unnecessary and wanton 2 infliction of pain.” *Jett v. Penner*, 439 F.3d 1091, 1096 (9th Cir. 2006). 3 To establish § 1983 liability against an entity, a plaintiff must show that (1) 4 he was deprived of a constitutional right; (2) the entity has a custom or policy; (3) 5 that amounted to a deliberate indifference to the plaintiff’s constitutional right; and 6 (4) the policy was the moving force behind the constitutional violation.

Id. at 694. 7 If the policy or custom in question is an unwritten one, a plaintiff must show that it 8 is so persistent and widespread that it constitutes a permanent and well settled 9 practice. *Monell v. N.Y.C. Dept. of Social Servs.*, 436 U.S. 658, 691 (1978).

The 10 deliberate indifference standard is met when a plaintiff demonstrates: (1) a 11 defendant made an intentional decision with respect to conditions under which the 12 plaintiff was confined; (2) the conditions put plaintiff at substantial risk of 13 suffering serious harm; (3) the defendant did not take reasonable measures to 14 reduce the risk of harm knowing or having reason to know of the high degree of 15 risk; and (4) by not taking such measures, the defendant caused plaintiff injury.

16 *Gordon v. Cnty. of Orange*, 888 F.3d 1118, 1124-25 (9th Cir. 2018). 17 2. Medical Negligence, Negligence, and Gross Negligence Claims 18 In Washington State, when an injury occurs in the healthcare context, an 19 action for damages for that injury is governed exclusively by Wash. Rev. Code § 20 7.70. *Branom v. State*, 94 Wash. App. 964, 969 (1999).

Accordingly, to make a 21 claim of medical negligence under Wash. Rev. Code § 7.70, Plaintiff must show 22 one of the following: (1) injury resulted from the failure of a health care provider 23 to follow the accepted standard of care; (2) a health care provider promised the 24 patient that the injury suffered would not occur; or (3) the injury resulted from care 25 to which the patient did not consent.

Wash. Rev. Code § 7.70.030. A “health care 26 provider” is defined to include nurses and the entities that employ them. Wash. 27 Rev. Code § 7.70.020(1), (3). 28 // 1 Analysis 2 1. Statute of Limitations 3 As § 1983 lacks its own statute of limitations, courts apply the applicable 4 state statute of limitations (3 years in Washington State) and any relevant tolling 5 provisions to such claims.

Bagley v. CMC Real Estate Corp., 923 F.2d 758, 760 6 (9th Cir. 1991); *Lockett v. Cnty. of L.A.*, 977 F.3d 737, 740 (9th Cir. 2020). 7 Plaintiff asserts he was a pretrial detainee for 145 days during the period he could 8 have brought his § 1983 claim. Defendant argues Plaintiff is barred from making 9 this argument as there are no allegations supporting it in the operative complaint.

10 However, Defendant cites to no authority to support this conclusion. Accordingly, 11 the applicable limitations period is extended by 145 days, and it expired on June 12 29, 2024. Wash.

Rev. Code § 4.16.190. As Plaintiff filed his initial complaint on 13 February 2, 2024, his § 1983 claims are not time barred. 14 2. Relation-back, Service, and Timing of Complaints 15 a. NaphCare, Inc. 16 The facts from the initial Complaint through the Third Amended Complaint 17 are substantially similar and arise out of the same course of conduct.

This Court 18 already determined that NaphCare, Inc. was on notice of the lawsuit from the 19 initial Complaint as “NaphCare Staff” were listed as Defendants. Although 20 NaphCare was not formally added as a Defendant until the Second Amended 21 Complaint, the inclusion of “NaphCare Staff” in the initial Complaint and 22 “NaphCare Nurse ‘Amanda’” in the First Amended Complaint are enough to have 23 put NaphCare on notice that it would be a party to this litigation but for a mistake 24 on Plaintiff’s end.

25 b. Nurse Amanda Spayde 26 Similarly, Nurse Amanda Spayde was named as a Defendant in the initial 27 Complaint. Although there have been several variations of her name, she has been 28 included in this lawsuit as a Defendant from the start. Nurse Amanda Spayde was 1 served with the original complaint within the 90-day service period, and the Third 2 Amended Complaint accordingly relates back.

3 c. Nurse Michelle Johnson 4 The Third Amended Complaint is the first time Nurse Michelle Johnson is 5 named as a Defendant in this matter. Although she was allegedly involved in the 6 conduct discussed in the original complaint, she was added after the statute of 7 limitations expired and there is no evidence that she should have been on notice of 8 her being a party to this litigation but for a mistake on Plaintiff’s part.

See 9 Schiavone, 477 U.S. at 29. As such, the claims as to Nurse Michelle Johnson are 10 time barred. 11 3. Motion to Dismiss 12 a. § 1983 Claims 13 Plaintiff has alleged several facts to support a § 1983 claim, which requires 14 him to show “acts or omissions sufficiently harmful to evidence deliberate 15 indifference to serious medical needs.” Estelle, 429 U.S. at 106.

Plaintiff’s Third 16 Amended Complaint provides a timeline of requests, denials, and other actions that 17 are relevant to such a claim, and these allegations are sufficient to put Defendants 18 on notice of the claim and the facts Plaintiff intends to use to support it. 19 b. Negligence Claims 20 Plaintiff alleges sufficient facts to put Defendants on notice of his claims of 21 medical negligence, and Defendants are individuals and entities subject to liability 22 under the relevant statute.

However, as Wash. Rev. Code § 7.70 provides the 23 exclusive remedy for injuries arising in the healthcare context, Plaintiff’s common 24 law claims of negligence and gross negligence against NaphCare, Inc., Amanda 25 Spayde, and Michelle Johnson are dismissed. 26 Accordingly, IT IS HEREBY ORDERED: 27 1. Defendants NaphCare, Inc., Amanda Spayde, and Michelle

Johnson's 28 Motion to Dismiss Plaintiff's Third Amended Complaint, ECF No. 65, is 1|| GRANTED in part and DENIED in part.

2. The Court directs the Clerks Office to terminate Michelle Johnson as 3||a Defendant from the above-captioned matter. 3. Plaintiff's negligence and gross negligence claims against NaphCare, 5|| Inc. and Amanda Spayde are DISMISSED. IT IS SO ORDERED.

The District Court Clerk is hereby directed to file this Order and provide copies to counsel. 8 DATED this this 3rd day of March 2026. 10 AY A) □ 1 fee Cus tar 12 Chief United States District Judge 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 ORDER GRANTING IN PART, DENYING IN PART, DEFENDANTS' RAATTTIART TIN TAITOCRATOG & 0