

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA,
BUTTE DIVISION

Estate of Michael Rogel, by and through its personal representative,
Mary Rogel v. City of Bozeman, Justin Chaffins, Zachary Garfield,
Hannah Helsby, Ryan Jeppson, James Marvich, Jon Ogden, Shawn
Toresdahl, Cody Ybarra, and John Doe Defendants 1-100

Estate of Rogel · No. CV-24-034-BU-BMM · Decided March 9, 2026

SUMMARY

The United States District Court for the District of Montana addresses motions for summary judgment in an action arising from the fatal police shooting of Michael Rogel during a mental health crisis. The court denies the City of Bozeman’s motion for partial summary judgment on the Monell claim, concluding that genuine disputes exist regarding municipal policies or customs and deliberate indifference. The court also declines to grant summary judgment to the individual officers on excessive-force and qualified-immunity grounds because disputed facts remain concerning whether Rogel posed an immediate threat and whether the officers’ use of deadly force was objectively reasonable. The document further identifies a pending joint motion for a jury site visit.

CASE DETAILS

COURT	United States District Court for the District of Montana, Butte Division
WRITING FOR THE COURT	Brian Morris
JURISDICTION	United States District Court for the District of Montana, Butte Division
DECIDED	March 9, 2026
DOCKET	CV-24-034-BU-BMM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's estate brought claims under 42 U.S.C. § 1983 and Montana law arising from the fatal police shooting of Michael Rogel. The City of Bozeman and individual officers moved for summary judgment, and the defendants jointly moved for a jury site visit.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter

of law. Qualified immunity is assessed by determining whether, viewing the facts in the light most favorable to the nonmoving party, the officer violated a constitutional right and whether that right was clearly established. A jury site visit is reviewed under the district court's discretion.

PRECEDENTIAL VALUE

unpublished

TOPICS

summary judgment

section 1983

qualified immunity

police misconduct

municipal liability

PRACTICE AREAS

civil rights

constitutional law

civil procedure

municipal liability

police misconduct

remedies

QUESTIONS PRESENTED

1. Whether the Estate presented a genuine dispute of material fact on its Monell claim against the City of Bozeman.
2. Whether the individual officers were entitled to qualified immunity or summary judgment on the Estate's Fourth Amendment excessive-force claims.
3. Whether Sergeant Toresdahl was entitled to summary judgment because he lacked personal participation or a causal connection to the alleged constitutional injury.
4. Whether the Estate's Fourteenth Amendment substantive due process and familial-association claims were viable.
5. Whether the officers were immune from the Estate's Montana state-law claims.
6. Whether the Estate's punitive-damages claims against the individual officers could proceed.
7. Whether the court should permit a jury site visit to the incident scene.

HOLDINGS

1. Summary judgment was denied because the Estate presented evidence creating a genuine dispute over whether Bozeman maintained customs or practices of failing to implement crisis-response training, supervise officers, or use available de-escalation resources, whether those customs reflected deliberate indifference, and whether they caused the constitutional injury.
2. The officers were not entitled to qualified immunity or summary judgment on the Estate's § 1983 excessive-force claims because disputed facts concerning whether Rogel posed an immediate threat and raised his rifle prevented the court from determining as a matter of law that the use of force was objectively reasonable.
3. Summary judgment was denied to Sergeant Toresdahl because genuine factual disputes remained concerning whether his supervisory decisions, including the timing of mental-health and tactical resources, had a sufficient causal connection to the alleged constitutional injury.

4. The Estate's Fourteenth Amendment substantive due process claim failed as a matter of law because the officers' conduct, even if excessive under the Fourth Amendment, did not satisfy the applicable purpose-to-harm standard or otherwise shock the conscience.
5. Any remaining Montana state-law tort claims against the officers were dismissed because the parties agreed the officers acted within the course and scope of their employment and Montana law immunized them under Mont. Code Ann. § 2-9-305(5).
6. The officers were not entitled to summary judgment on the punitive-damages claims because disputed facts could allow a reasonable jury to find reckless or callous disregard of Rogel's federal rights.
7. The motion for a jury site visit was denied because the visit was impracticable and unnecessary where video and photographic evidence could adequately depict the scene.

KEY QUOTATIONS

"The record shows that disputed material facts remain on whether Officers' conduct proved objectively reasonable under the totality of the circumstances."

"The Court cannot resolve on summary judgment the question of whether Officers' conduct was objectively reasonable and violated Rogel's Fourth Amendment Rights."

"The jury remains the proper factfinder to determine whether Officers' conduct proved excessive under the circumstances."

"The Court declines to exercise its discretion to allow a jury site visit to 259 Greenmore Court in Bozeman, Montana."

FACTUAL BACKGROUND

Michael Rogel, who had schizoaffective disorder, experienced a mental-health crisis at his Bozeman home on April 3, 2023, and called 911 seeking help. Police officers knew of the crisis, attempted telephone negotiations, and ultimately confronted Rogel after his car became stuck in a cul-de-sac; officers observed a rifle in the vehicle and used bean-bag rounds before five officers fired twenty-seven lethal rounds. Rogel and his dog died at the scene. The parties disputed whether Rogel raised or pointed the rifle at officers, whether the rifle was positioned to fire, the threat posed to the public, and whether less intrusive alternatives were available.

PROCEDURAL HISTORY

The City moved for partial summary judgment on the estate's Monell claim. The individual officers moved for summary judgment on the federal and remaining state-law claims, qualified immunity, supervisory liability, and punitive damages. After a February 23, 2026 hearing, the court denied the City's motion, denied in part and granted in part the officers' motions, and denied the motion for a jury site visit.

DISPOSITION

other

CASES CITED

- Monell v. Department of Social Services of the City of New York, 436 U.S. 658, 694 (1978)
- Miller v. City of Red Lodge, 65 P.3d 562 (Mont. 2003)
- Plumeau v. School District No. 40 County of Yamhill, 130 F.3d 432, 438 (9th Cir. 1997)
- Hyde v. City of Willcox, 23 F.4th 863, 875 (9th Cir. 2022)
- Tai Tam, LLC v. Missoula County, 520 P.3d 312 (Mont. 2022)
- Mellen v. Winn, 900 F.3d 1085, 1101 (9th Cir. 2018)
- V5 Technologies, LLC v. Switch Ltd., 2021 U.S. Dist. LEXIS 218923, at *3 (D. Nev. Nov. 12, 2021)
- Hughes v. United States, 377 F.2d 515, 516 (9th Cir. 1967)
- Estate of Simpson, 229 F. Supp. 3d 1192, 1201-03 (D. Mont. 2017)
- Pearson v. Callahan, 555 U.S. 223, 231 (2009)
- Glenn v. Washington County, 673 F.3d 864, 870-72 (9th Cir. 2012)
- Vos v. City of Newport Beach, 892 F.3d 1024 (9th Cir. 2018)
- Graham v. Connor, 490 U.S. 386, 394, 396-97 (1989)
- Tennessee v. Garner, 471 U.S. 1, 3, 8-9 (1985)
- Espinosa v. City and County of San Francisco, 598 F.3d 528, 537 (9th Cir. 2010)
- Yoakum v. Crook County, 2024 WL 2749525, at *5 (D. Or. Apr. 24, 2024)
- Isayeva v. Sacramento Sheriff's Department, 872 F.3d 938, 947 (9th Cir. 2017)
- Deorle v. Rutherford, 272 F.3d 1272, 1281 (9th Cir. 2001)
- J.A.L. by and through Valdez v. Santos, 724 Fed. Appx. 531, 533 (9th Cir. 2018)
- Estate of Aguirre v. County of Riverside, 29 F.4th 624, 628-30 (9th Cir. 2022)
- Longoria v. Pinal County, 873 F.3d 699, 708 (9th Cir. 2017)
- Tolan v. Cotton, 572 U.S. 650, 656 (2014)
- Brosseau v. Haugen, 543 U.S. 194, 198 (2004)
- Mullenix v. Luna, 577 U.S. 7, 11 (2015)
- Gonzales v. City of Phoenix, 163 F.4th 1289 (9th Cir. 2026)
- District of Columbia v. Wesby, 583 U.S. 48 (2018)
- Hope v. Pelzer, 536 U.S. 730, 741 (2002)
- George v. Morris, 736 F.3d 829, 831-33, 838-39 (9th Cir. 2013)
- Cruz v. City of Anaheim, 765 F.3d 1076, 1079 (9th Cir. 2014)
- Zion v. County of Orange, 874 F.3d 1072, 1076-77 (9th Cir. 2017)
- Albright v. Oliver, 510 U.S. 266, 271 (1994)
- Armendariz v. Penman, 75 F.3d 1311, 1324-26 (9th Cir. 1996)
- Porter v. Osborn, 546 F.3d 1131, 1133, 1137, 1140 (9th Cir. 2008)
- Moreland v. Las Vegas Metropolitan Police Department, 159 F.3d 365, 372 (9th Cir. 1998)
- Lewis v. Downey, 523 U.S. 833, 851 n.11 (1998)

- Est. of Hernandez v. City of Los Angeles, 96 F.4th 1209, 1219, 1221-23 (9th Cir. 2024), aff'd in relevant part, 139 F.4th 790 (9th Cir. 2025) (en banc)
- Nehad v. Browder, 929 F.3d 1125, 1134, 1139 (9th Cir. 2019)
- Starr v. Baca, 652 F.3d 1202, 1206-07 (9th Cir. 2011)
- Hansen v. Black, 885 F.2d 642, 646 (9th Cir. 1989)
- Dubner v. City & County of San Francisco, 266 F.3d 959, 968 (9th Cir. 2001)
- Kiely Construction, LLC v. City of Red Lodge, 57 P.3d 836 (Mont. 2022)
- Smith v. Wade, 461 U.S. 30, 56 (1983)
- Dang v. Cross, 422 F.3d 800, 807 (9th Cir. 2005)
- Davis v. Township of Hillside, 190 F.3d 167, 172-73 (3d Cir. 1999) (McKee, J., concurring)

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