

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Kao Saechao v. Bridgetown Natural Foods, LLC and Graco, Inc.

Case No. 3:25-cv-1336-SI (D. Or. May 29, 2026) · No. 3:25-cv-1336-SI · Decided May 29, 2026

SUMMARY

The United States District Court for the District of Oregon granted Bridgetown Natural Foods, LLC’s motion to dismiss the plaintiff’s Second Amended Complaint with prejudice. The court held that the allegations of inadequate training, supervision, workplace safety violations, and production pressure did not establish the specific intent to injure or certainty of injury required to invoke the exception to Oregon’s workers’ compensation exclusivity provision. Claims against Graco, Inc. may proceed.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Michael H. Simon
JURISDICTION	United States District Court for the District of Oregon
DECIDED	May 29, 2026
DOCKET	3:25-cv-1336-SI
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to remand after Graco removed the action from Oregon state court based on diversity jurisdiction. After denying remand and dismissing Plaintiff's claims against Bridgetown with leave to amend twice, the court considered Bridgetown's motion to dismiss the Second Amended Complaint.
STANDARD OF REVIEW	On a motion to dismiss for failure to state a claim, the court accepts well-pleaded factual allegations as true, construes them in the light most favorable to the nonmoving party, draws reasonable inferences for the plaintiff, and disregards legal conclusions couched as factual allegations. The complaint must contain sufficient factual allegations to state a facially plausible claim for relief.
PRECEDENTIAL VALUE	nonprecedential district court order

TOPICS

- motions to dismiss
- workers compensation
- personal injury
- civil procedure
- negligence

PRACTICE AREAS

civil procedure

workers compensation

personal injury

torts

QUESTIONS PRESENTED

1. Whether the Second Amended Complaint alleged facts sufficient to satisfy Oregon's specific-intent-to-injure exception to the workers' compensation exclusivity provision.
2. Whether dismissal should be with prejudice because Plaintiff had repeatedly failed to cure the deficiency through amendment.

HOLDINGS

1. The Second Amended Complaint failed to state a claim against Bridgetown because it did not allege facts showing that Bridgetown specifically and deliberately intended to injure Plaintiff or knew that injury was certain to occur. Allegations of inadequate training, insufficient supervision, workplace safety violations, production pressure, and prior negligence established at most gross negligence, which is insufficient under Oregon law.
2. Dismissal with prejudice and without further leave to amend was appropriate because Plaintiff had been given three opportunities to state a claim and the missing element—Bridgetown's specific intent to harm Plaintiff—was incurable.

KEY QUOTATIONS

“They show, at best, gross negligence, which is not enough to meet the narrow intent-to-injure exception under ORS § 656.156(2).” (Discussion § A)

“Here, Plaintiff has had three opportunities to state a claim on which relief can be granted but has failed three times. Thus, the Court finds that the deficiency created by the missing element, Bridgetown’s specific intent to harm Plaintiff, is incurable.” (Discussion § B)

FACTUAL BACKGROUND

Saechao, an employee of Bridgetown, allegedly suffered a workplace injury while assisting with the reassembly of an industrial jelly pump manufactured by Graco. The Second Amended Complaint alleged that Bridgetown failed to provide adequate training, supervision, and staffing; pressured employees to perform work outside their training; and had knowledge of workplace safety problems identified in Oregon OSHA inspections. The court concluded that these allegations showed, at most, gross negligence and did not establish that Bridgetown specifically intended to injure Saechao or knew that injury was certain to occur.

PROCEDURAL HISTORY

Saechao sued his employer, Bridgetown Natural Foods, LLC, and pump manufacturer Graco, Inc. in Oregon state court for injuries allegedly sustained while using Graco's pump. Graco removed the case based on diversity jurisdiction, and the court denied remand after finding Bridgetown fraudulently joined because Oregon's workers' compensation exclusivity law barred the claims absent an intent to injure. The court dismissed the original Complaint and First Amended Complaint against Bridgetown with leave to replead. After Plaintiff filed

a Second Amended Complaint, the court granted Bridgetown's motion to dismiss with prejudice, while allowing the action to proceed against Graco.

DISPOSITION

other

REMAND INSTRUCTIONS

The claims against Bridgetown are dismissed with prejudice. The case may proceed against Graco.

CASES CITED

- Shroyer v. New Cingular Wireless Servs., Inc., 622 F.3d 1035, 1041 (9th Cir. 2010)
- Wilson v. Hewlett-Packard Co., 668 F.3d 1136, 1140 (9th Cir. 2012)
- Daniels-Hall v. Nat'l Educ. Ass'n, 629 F.3d 992, 998 (9th Cir. 2010)
- Starr v. Baca, 652 F.3d 1202, 1216 (9th Cir. 2011)
- Newcal Indus. v. Ikon Off. Sol., 513 F.3d 1038, 1043 n.2 (9th Cir. 2008)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 556 (2007)
- Mashiri v. Epsten Grinnell & Howell, 845 F.3d 984, 988 (9th Cir. 2017)
- Jenkins v. Carman Mfg. Co., 79 Or. 448, 453-54 (1916)
- Kilminster v. Day Mgmt. Corp., 323 Or. 618, 630-33 (1996)
- Heikkila v. Ewen Transfer Co., 135 Or. 631 (1931)
- Duk Hwan Chung v. Fred Meyer, Inc., 276 Or. 809, 812-14 (1976)
- Davis v. U.S. Emps. Council, Inc., 147 Or. App. 164, 168-69 (1997)
- Goings v. Calportland Co., 280 Or. App. 395, 400-402 (2016)
- Miller v. Goodyear Tire & Rubber Co., 434 F. Supp. 3d 869, 874-76 (D. Or. 2020)
- Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1052 (9th Cir. 2003)
- Stewart v. Mortg. Elec. Registration Sys., Inc., 2010 WL 1055131 (D. Or. Feb. 9, 2010), adopted, 2010 WL 1054775 (D. Or. Mar. 19, 2010)
- Morton v. Phoenix Police Dep't, 2015 WL 1737667 (D. Ariz. Apr. 16, 2015)
- Rodriguez v. Ampco Parking Sys., 2010 WL 3061600 (W.D. Wash. Aug. 2, 2010)
- Gusman v. Mod. Adjustment Bur., 2011 WL 2580358 (C.D. Cal. June 29, 2011)