

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON,
EUGENE DIVISION

**Brian Michael Rossa, Personal Representative of the Estate of
Angelica Elaina Philbee v. State of Oregon, by and through the
Oregon Health Authority and Oregon State Hospital, et al.**

Rossa v. State of Oregon · No. 6:25-cv-01622-AP · Decided February 11, 2026

SUMMARY

The United States District Court for the District of Oregon grants motions to dismiss claims against Kupplin Worldwide, LLC and Amergis Healthcare Staffing in an action arising from an attack on a patient at the Oregon State Hospital. The court holds that the complaint does not plausibly allege Monell liability, cannot pursue supervisor liability against corporate defendants, and insufficiently pleads state-law negligence and vulnerable-person claims. Dismissal is without prejudice and with leave to amend.

CASE DETAILS

COURT	United States District Court for the District of Oregon, Eugene Division
WRITING FOR THE COURT	Amy E. Potter
JURISDICTION	United States District Court for the District of Oregon, Eugene Division
DECIDED	February 11, 2026
DOCKET	6:25-cv-01622-AP
DISPOSITION	other
PROCEDURAL POSTURE	Defendants Kupplin Worldwide, LLC and Amergis Healthcare Staffing moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the claims asserted against them.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts factual allegations as true and draws reasonable inferences in favor of the nonmoving party, but need not accept legal conclusions couched as facts. The complaint must contain sufficient factual matter to state a claim that is plausible on its face.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

PARTIES

Brian Michael Rossa, Personal Representative of the Estate of Angelica Elaina Philbee v. State of Oregon, by and through the Oregon Health Authority and Oregon State Hospital, Kupplin Worldwide, LLC, Amergis Healthcare Staffing

TOPICS

motions to dismiss pleadings section 1983 civil rights negligence

PRACTICE AREAS

civil rights constitutional law civil procedure torts health law

QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged Monell liability under 42 U.S.C. § 1983 against the private staffing companies.
2. Whether the complaint plausibly alleged deliberate indifference or failure to train sufficient to support Monell liability.
3. Whether Kupplin and Amergis could be held liable for supervisor liability when the defendants were corporations rather than individual supervisors.
4. Whether the complaint sufficiently pleaded Oregon negligence claims against each staffing company.
5. Whether the complaint sufficiently pleaded abuse of a vulnerable person under Oregon law against each staffing company.
6. Whether the complaint adequately alleged compliance with the Oregon Tort Claims Act notice requirements.

HOLDINGS

1. The complaint failed to plausibly allege that Kupplin or Amergis maintained an official policy, longstanding custom or practice, or ratified conduct by a final policymaker that caused the alleged constitutional violation.
2. At the pleading stage, the complaint sufficiently alleged a possible Fourteenth Amendment violation based on deliberate indifference to an involuntarily committed patient's safety, but the Eighth Amendment generally did not provide the applicable standard for an involuntarily committed patient.
3. The complaint failed to state a Monell failure-to-train claim because it alleged only one incident and supplied no facts showing that the training was inadequate or that the unconstitutional consequences of the alleged failure to train were patently obvious.
4. Kupplin and Amergis could not be held liable under a theory of supervisor liability because supervisory liability is imposed against an individual supervisor in an individual capacity, not against a corporation on a vicarious-liability theory.

5. The negligence claims failed because the complaint did not identify which employees of Kupplin or Amergis were involved, what roles they performed or failed to perform, or which company was responsible for the alleged acts and resulting harm.
6. The abuse-of-a-vulnerable-person claims failed because the complaint did not allege facts showing that either Kupplin or Amergis knew or reasonably should have known that the alleged abuse was likely to occur or that their employees were involved.
7. The claims were dismissed without prejudice and with leave to amend because it was unclear that the pleading defects could not be cured by alleging additional facts.

KEY QUOTATIONS

“For the reasons explained below, Defendants’ motions are GRANTED, and Plaintiff’s complaint as to Kupplin and Amergis is DISMISSED without prejudice and with leave to amend.” (at 2)

“To survive a motion to dismiss, a plaintiff must allege “enough facts to state a claim to relief that is plausible on its face.”” (at 4)

“And “generally, a single instance of unlawful conduct is insufficient to state a claim for municipal liability under section 1983.”” (at 8)

“The Court declines to conclude that a pattern of inadequate training exists based on a single data point.” (at 10)

“Plaintiff has leave to amend his Complaint within 30 days of the date of this Order.” (at 18)

FACTUAL BACKGROUND

Angelica Elaina Philbee was an involuntarily committed patient at the Oregon State Hospital, a secure psychiatric facility operated by the Oregon Health Authority. After another patient, Shaun Bergeron, was transferred into Philbee's co-ed housing unit despite having made threats, Philbee requested a transfer because she feared for her safety and was placed under an observation order. On February 10, 2024, Bergeron attacked Philbee in the unit, causing serious injuries. Kupplin Worldwide and Amergis supplied nursing and mental-health staffing to the hospital under contracts with the State of Oregon, but the complaint did not identify their personnel involved in the incident or specify what acts or omissions each company committed.

PROCEDURAL HISTORY

Rossa brought claims on behalf of the Estate of Angelica Elaina Philbee arising from an assault at the Oregon State Hospital. The court granted Kupplin's and Amergis's motions to dismiss all claims against them for failure to state a claim, dismissed the claims without prejudice, and granted leave to amend within 30 days. The order characterized the ruling as non-dispositive because leave to amend was granted.

DISPOSITION

other

CASES CITED

- *Abbott Building Corp., Inc. v. Federal Savings & Loan Insurance Corp.*, 739 F. Supp. 532, 537 (D. Nev. 1990)
- *McKeever v. Block*, 932 F.2d 795, 798 (9th Cir. 1991)
- *Retail Property Trust v. United Brotherhood of Carpenters & Joiners of America*, 768 F.3d 938, 945 (9th Cir. 2014)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Doe v. United States*, 58 F.3d 494, 497 (9th Cir. 1995)
- *Gibson v. City of Portland*, 2026 WL 235118, at *17-18, *20 (9th Cir. Jan. 29, 2026)
- *A.B. v. Hilton Worldwide Holdings Inc.*, 484 F. Supp. 3d 921, 943 (D. Or. 2020)
- *Autobidmaster, LLC v. Alpine Auto Gallery, LLC*, 2015 WL 2381611, at *15 (D. Or. May 19, 2015)
- *Nissen v. Lindquist*, 2017 WL 26843, at *2 (W.D. Wash. Jan. 3, 2017)
- *Monell v. Department of Social Services of City of New York*, 436 U.S. 658, 690-91, 694 (1978)
- *Gordon v. County of Orange*, 6 F.4th 961, 973 (9th Cir. 2021)
- *Dougherty v. City of Covina*, 654 F.3d 892, 900 (9th Cir. 2011)
- *Tsao v. Desert Palace, Inc.*, 698 F.3d 1128, 1139 (9th Cir. 2012)
- *Ammons v. Washington Department of Social and Health Services*, 648 F.3d 1020, 1027 (9th Cir. 2011)
- *Estate of Connors by Meredith v. O'Connor*, 846 F.2d 1205, 1209 (9th Cir. 1988)
- *Youngberg v. Romeo*, 457 U.S. 307, 325 (1982)
- *Mitchell v. Washington*, 818 F.3d 436, 443 (9th Cir. 2016)
- *Thomas v. County of Riverside*, 763 F.3d 1167, 1170 (9th Cir. 2014)
- *Clouthier v. County of Contra Costa*, 591 F.3d 1232, 1250 (9th Cir. 2010)
- *Benavidez v. County of San Diego*, 993 F.3d 1134, 1153-54 (9th Cir. 2021)
- *Castro v. County of Los Angeles*, 833 F.3d 1060, 1075 (9th Cir. 2016)
- *Board of County Commissioners of Bryan County, Oklahoma v. Brown*, 520 U.S. 397, 405-06 (1997)
- *Perez v. City of Fresno*, 98 F.4th 919, 931 (9th Cir. 2024)
- *Hyde v. City of Willcox*, 23 F.4th 863, 874-75 (9th Cir. 2022)
- *Connick v. Thompson*, 563 U.S. 51, 61 (2011)
- *Larez v. City of Los Angeles*, 946 F.2d 630, 646 (9th Cir. 1991)
- *Crowley v. Bannister*, 734 F.3d 967, 977 (9th Cir. 2013)
- *Derby for Derby v. Columbia County*, 2022 WL 18027807, at *4, *8-10 (D. Or. Nov. 14, 2022), report and recommendation adopted, 2022 WL 18025225 (D. Or. Dec. 30, 2022)
- *Battles v. Department of Corrections*, 2020 WL 5351656, at *3 (D. Or. July 7, 2020), report and recommendation adopted, 2020 WL 5351033 (D. Or. Sept. 4, 2020)
- *Moody v. Oregon Community Credit Union*, 371 Or. 772, 784, 542 P.3d 24, 33 (2023)
- *Solberg v. Johnson*, 306 Or. 484, 490-91, 760 P.2d 867 (1988)

- Stone v. Witt, 374 Or. 524, 533, 581 P.3d 919, 926 (2025)
- Roberts v. County of Riverside, 2020 WL 3965027, at *4 (C.D. Cal. June 5, 2020)
- Potter v. Dark Horse Comics, Inc., 2017 WL 2642973, at *2 (D. Or. May 17, 2017), report and recommendation adopted, 2017 WL 2642276 (D. Or. June 16, 2017)
- Manukyan v. Cach, LLC, 2012 WL 6199938, at *3 (C.D. Cal. Dec. 11, 2012)
- Wyers v. American Medical Response Northwest, Inc., 360 Or. 211, 230, 377 P.3d 570, 581 (2016)
- Herring v. American Medical Response Northwest, Inc., 255 Or. App. 315, 319, 297 P.3d 9, 13 (2013)
- Ramirez v. Galaza, 334 F.3d 850, 861 (9th Cir. 2003)
- Lopez v. Smith, 203 F.3d 1122, 1130 (9th Cir. 2000)
- Gillette v. Malheur County, 2015 WL 2365405, at *1 n.1 (D. Or. May 15, 2015)
- Dillon v. Legacy Health, 2025 WL 1201757, at *1 n.2 (D. Or. Apr. 24, 2025)

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