

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, LAKE CHARLES DIVISION

Cowan v. Valiant Global Defense Services, Inc.

Cowan · No. 2:26-CV-00130 · Decided March 25, 2026

SUMMARY

The United States District Court for the Western District of Louisiana granted Valiant Global Defense Services, Inc.’s Rule 12(b)(6) motion to dismiss Dwight Cowan’s claim seeking employer liability for a supervisor’s alleged intentional assault. Applying Louisiana law, the court held that the alleged conduct was not within the course and scope of employment and was not a risk of harm fairly attributable to the employer’s business. The court also declined to entertain a blanket request to amend the complaint absent evidence that amendment would not be futile.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Lake Charles Division
WRITING FOR THE COURT	James D. Cain, Jr.
JURISDICTION	United States District Court for the Western District of Louisiana, Lake Charles Division
DECIDED	March 25, 2026
DOCKET	2:26-CV-00130
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the plaintiff's complaint for failure to state a claim for relief based on alleged vicarious liability for an employee's intentional tort.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court considers the complaint and appropriate attached or incorporated materials, accepts well-pleaded facts as true, views them in the light most favorable to the plaintiff, and determines whether the claim is legally cognizable and plausible on its face.
PRECEDENTIAL VALUE	Unclear; district court memorandum ruling with unknown precedential status
PARTIES	Dwight Cowan v. Valiant Global Defense Services, Inc.

TOPICS

motions to dismiss

vicarious liability

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Cowan plausibly alleged that Valiant was vicariously liable under Louisiana law for Sheedy's intentional tort.
2. Whether the alleged kick was within the course and scope of Sheedy's employment and constituted a risk of harm fairly attributable to Valiant's business.
3. Whether the complaint stated a claim under Rule 12(b)(6).

HOLDINGS

1. Vicarious liability for an employee's intentional tort requires allegations that the employer could have prevented the act but failed to do so and that the employee was acting within the course and scope of employment.
2. The complaint did not plausibly allege that Sheedy's act of kicking Cowan was within the course and scope of employment or a risk of harm fairly attributable to Valiant's business.
3. The complaint failed to state a plausible claim for relief against Valiant and was dismissed under Rule 12(b)(6).

KEY QUOTATIONS

“For an employer to be vicariously liable for the tortious acts of its employee, the tortious conduct of the employee must be so closely connected in time, place, and causation to his employment duties as to be regarded as a risk of harm fairly attributable to the employer’s business, as compared with conduct instituted by purely personal considerations entirely extraneous to the employer’s interest.”

“However, an employer is not vicariously liable merely because his employee commits an intentional tort on the business premises during working hours.”

FACTUAL BACKGROUND

Cowan was employed by Valiant from approximately January 2021 through April 2025. After Cowan anonymously complained about his supervisor, James Sheedy, Sheedy allegedly approached Cowan during a work-related meeting and forcefully kicked him in the back of the knee. Cowan alleged that the timing of the complaint and Sheedy's supervisory authority made the attack retaliatory or intimidating, and that Sheedy later attempted to dissuade him from making a formal workplace-injury report.

PROCEDURAL HISTORY

Dwight Cowan sued Valiant Global Defense Services, Inc., alleging that Valiant was liable for injuries caused when its supervisor kicked him after Cowan made an anonymous workplace complaint. Valiant moved to dismiss under Rule 12(b)(6). The district court granted the motion, concluding that the alleged conduct was not within the course and scope of employment and was not a risk of harm fairly attributable to Valiant's business.

DISPOSITION

dismissed

CASES CITED

- Wilson v. Birnberg, 667 F.3d 591, 595 (5th Cir. 2012)
- Collins v. Morgan Stanley Dean Witter, 224 F.3d 496, 498-499 (5th Cir. 2000)
- Hall v. Hodgkins, 305 Fed. App'x 224, 227 (5th Cir. 2008) (unpublished)
- Bustos v. Martini Club, Inc., 599 F.3d 458, 461 (5th Cir. 2010)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- In re Katrina Canal Breaches Litig., 495 F.3d 191, 205 (5th Cir. 2007)
- Lone Star Fund v. (U.S.), L.P. v. Barclays Bank PLC, 594 F.3d 383, 387 (5th Cir. 2010)
- LeBrane v. Lewis, 292 So. 2d 216, 217-218 (La. 1974)
- Orgeron v. McDonald, 639 So. 2d 224, 226-227 (La. 1994)
- Baumeister v. Plunkett, 673 So. 2d 994, 996 (La. 1996)
- Cox v. Gaylord Container Corp., 897 So. 2d 1, 4 (La. Ct. App. 2004)
- Spears v. Rountree Oldsmobile-Cadillac Co., 653 So. 2d 182, 184 (La. Ct. App. 1995)
- Alexander v. Lowes Companies, 701 So. 2d 239, 243 (La. Ct. App. 1997)
- Harrington v. Louisiana State Bd. of Elementary & Secondary Educ., 714 So. 2d 845, 851 (La. Ct. App. 1998)
- Duplantis v. Dillard's Dep't Store, 849 So. 2d 675, 679 (La. Ct. App. 2003)
- Tampke v. Findley Adhesives, Inc., 489 So. 2d 299 (La. Ct. App. 1986), writ denied, 491 So. 2d 24 (La. 1986)
- Barto v. Franchise Enterprises, Inc., 588 So. 2d 1353 (La. Ct. App. 1991)
- Verrett v. Louisiana, 2013 WL 3874730, at *3 (M.D. La. July 25, 2013)