UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA

Lawrence D. Wood v. Jeff Swickard, et al.

Wood · No. 3:25-cv-00175-SLG · Decided February 4, 2026

SUMMARY

The United States District Court for the District of Alaska granted Jeff Swickard and Swickard Management Company's motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). The court held that the complaint did not sufficiently allege a basis for imposing liability on those defendants through piercing the corporate veil under Alaska law and improperly grouped the defendants together. The court granted the plaintiff 30 days to file an amended complaint or voluntarily dismiss the claims against those defendants.

CASE DETAILS

COURT	United States District Court for the District of Alaska
WRITING FOR THE COURT	Sharon L. Gleason
JURISDICTION	United States District Court for the District of Alaska
DECIDED	February 4, 2026
DOCKET	3:25-cv-00175-SLG
DISPOSITION	other
PROCEDURAL POSTURE	Defendants Jeff Swickard and Swickard Management Company moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the removed complaint for failure to state a claim. The court granted the motion as to those defendants but allowed Plaintiff 30 days to file an amended complaint or a notice of voluntary dismissal.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and construes them in the plaintiff's favor, but the complaint must contain sufficient factual matter to state a plausible claim for relief. The court may not consider allegations supplied for the first time in opposition briefing.
PRECEDENTIAL VALUE	Unknown
PARTIES	Lawrence D. Wood v. Jeff Swickard, Swickard Management Company, Swickard Palmer, LLC

TOPICS

motions to dismiss | motion to amend | corporate veil piercing | limited liability companies | civil procedure

PRACTICE AREAS

civil procedure | corporate law | contracts | torts

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible claim against Jeff Swickard and Swickard Management Company under Rule 12(b)(6).
2. Whether the complaint adequately pleaded facts supporting piercing Swickard Palmer, LLC's veil under Alaska law.
3. Whether Plaintiff should receive leave to amend the deficient complaint.
4. What requirements should govern any amended complaint.

HOLDINGS

1. The complaint failed to clearly articulate a cognizable basis for holding Jeff Swickard or Swickard Management Company liable for the alleged conduct of Swickard Palmer, LLC, and therefore failed to state a claim against them under Rule 12(b)(6).
2. The complaint did not plead sufficient facts to support piercing Swickard Palmer, LLC's veil under either Alaska's misconduct standard or its mere-instrumentality standard as to Jeff Swickard or SMC.
3. Leave to amend was appropriate because amendment was not shown to be futile.
4. Any amended complaint must replace the prior complaint in its entirety, include all claims Plaintiff wishes to pursue, identify each defendant's specific conduct and injury separately, remain within the scope of the case, contain a short and plain statement, and be signed by Plaintiff.

KEY QUOTATIONS

> *"Construing the Complaint in the light most favorable to Plaintiff, the Court finds that the Complaint fails to plead factual allegations demonstrating that the misconduct standard or mere instrumentality standard should be applied to Jeff Swickard, individually, or to SMC."* (Discussion § I)

> *"Jeff Swickard and SMC's Motion to Dismiss at Docket 10 is GRANTED."* (IT IS THEREFORE ORDERED ¶¶ 1-3)

FACTUAL BACKGROUND

Plaintiff alleged that he brought his 2002 Buick to Swickard GMC of Palmer for service and that service personnel failed to communicate effectively, failed to provide timely cost estimates, and performed unauthorized work, causing economic and emotional damages. The complaint appeared to identify Swickard Palmer, LLC as the entity that accepted the vehicle, but it did not clearly identify the contractual or tortious role of Jeff Swickard or Swickard Management Company. Plaintiff sought vehicle-restoration costs, unexpected expenses, emotional-distress damages, and punitive damages, and attempted to hold Mr. Swickard and SMC liable through a corporate-veil-piercing theory.

PROCEDURAL HISTORY

Plaintiff originally filed the action in the Alaska Superior Court for the Third Judicial District at Palmer. Defendants removed the case to federal court on diversity-jurisdiction grounds. Swickard Palmer, LLC filed an answer, while Jeff Swickard and Swickard Management Company moved to dismiss. The court found the complaint deficient as to the latter defendants but granted leave to amend.

DISPOSITION

other

CASES CITED

- Swierkiewicz v. Sorema N.A., 534 U.S. 506, 512 (2002)
- Rizzo v. Goode, 423 U.S. 362, 371-72 (1976)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Foman v. Davis, 371 U.S. 178, 182 (1962)
- Woods v. U.S. Bank N.A., 831 F.3d 1159, 1162 (9th Cir. 2016)
- Balistreri v. Pacifica Police Department, 901 F.2d 696, 699 (9th Cir. 1990)
- Missouri ex rel. Koster v. Harris, 847 F.3d 646, 656 (9th Cir. 2017)
- Gasperini v. Center for Humanities, Inc., 518 U.S. 415, 427 (1996)
- Erie Railroad Co. v. Tompkins, 304 U.S. 64, 78 (1938)
- S.E.C. v. Hickey, 322 F.3d 1123, 1128 (9th Cir. 2003)
- Towe Antique Ford Foundation v. IRS, 999 F.2d 1387, 1391 (9th Cir. 1993)
- McCormick v. City of Dillingham, 16 P.3d 735, 743-44 (Alaska 2001)
- Societe Financial, LLC v. MJ Corp., 542 P.3d 1159, 1173-74 n.77 (Alaska 2024)
- L.D.G., Inc. v. Brown, 211 P.3d 1110, 1125-26 (Alaska 2009)
- Elliott v. Brown, 569 P.2d 1323, 1326 (Alaska 1977)
- Uchitel Co. v. Telephone Co., 646 P.2d 229, 235 (Alaska 1982)
- Brown v. Knowles, 307 P.3d 915, 929 (Alaska 2013)
- Pister v. State, Department of Revenue, 354 P.3d 357, 364 (Alaska 2015)
- Nerox Power Systems, Inc. v. M-B Contracting Co., 54 P.3d 791, 802 (Alaska 2002)
- Reese v. BP Exploration (Alaska) Inc., 643 F.3d 681, 690 (9th Cir. 2011)
- In re Gilead Sciences Securities Litigation, 536 F.3d 1049, 1055 (9th Cir. 2008)
- Schneider v. California Department of Corrections, 151 F.3d 1194, 1197 n.1 (9th Cir. 1998)