

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Eugene Gorman v. Compass Group PLC; Compass Group USA, Inc.;
Eurest Services, Inc.; Bon Appetit Management Co.; and Intel
Corporation

Gorman · No. 3:25-cv-01327-IM · Decided February 9, 2026

SUMMARY

The United States District Court for the District of Oregon granted Intel Corporation’s motion to dismiss four negligence-related counts arising from the plaintiff’s fall at a workplace cafeteria. The court held that the complaint did not adequately allege Intel’s independent involvement in the cafeteria’s operation, indirect-employer liability under Oregon’s Employer Liability Law, or owner liability under the Oregon Safe Employment Act, and dismissed the claims with leave to amend.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Karin J. Immergut
JURISDICTION	United States District Court for the District of Oregon
DECIDED	February 9, 2026
DOCKET	3:25-cv-01327-IM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought negligence claims arising from a workplace fall. Defendant Intel Corporation moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss four counts in Plaintiff's first claim for relief; Intel did not challenge the separate premises-liability claim.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and construes them in the nonmoving party's favor, but need not accept legal conclusions or conclusory allegations. The complaint must contain sufficient factual matter to state a facially plausible claim for relief.
PRECEDENTIAL VALUE	unpublished

TOPICS

- motions to dismiss
- negligence
- premises liability
- civil procedure
- employment law

PRACTICE AREAS

civil procedure

negligence

employment law

premises liability

QUESTIONS PRESENTED

1. Whether Plaintiff plausibly stated a common-law negligence claim against Intel independent of his premises-liability claim.
2. Whether Plaintiff plausibly alleged that Intel was an indirect employer subject to liability under Oregon's Employer Liability Law.
3. Whether Plaintiff plausibly stated an Oregon Safe Employment Act negligence per se claim against Intel based on safety provisions imposing duties on employers rather than premises owners.

HOLDINGS

1. Plaintiff failed to allege facts supporting an inference that Intel was involved in operating Ingredients Café on a basis independent of its status as the premises owner. The common-law negligence claim was therefore dismissed.
2. Plaintiff failed to allege facts establishing Intel's liability as an indirect employer under any of the Employer Liability Law's three alternative bases: common enterprise, retained right to control, or actual control. The Employer Liability Law claims were dismissed.
3. Plaintiff failed to state an Oregon Safe Employment Act negligence per se claim because the safety provisions he cited imposed duties on employers, not on owners of premises. The OSEA claim was dismissed.

KEY QUOTATIONS

“To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” (Standards)

“Plaintiff has thus failed to allege facts demonstrating that Intel is an indirect employer under common enterprise liability, right to control liability, or actual control liability.” (Discussion § B)

“Because Plaintiff fails to identify any safety codes that impose requirements on owners, Plaintiff has failed to state an OSEA negligence per se claim against Defendant Intel.” (Discussion § C)

FACTUAL BACKGROUND

Plaintiff Eugene Gorman worked as a chef for Ingredients Oregon at a cafeteria located on Intel's premises. He alleged that he tripped over a wrinkled floor mat while making a pizza, sustaining shoulder and knee injuries that required rotator-cuff surgery and physical therapy. Intel was not alleged to be Plaintiff's direct employer; instead, Intel had contracted with one or more codefendants to provide food services. Plaintiff relied primarily on the existence of those contracts, allegations that the defendants operated a common enterprise, and the catering manager's Intel email address to support Intel's alleged operational control and indirect-employer status.

PROCEDURAL HISTORY

Gorman filed a complaint against Intel and several alleged food-service contractors, asserting common-law negligence, Oregon Employer Liability Law claims, an Oregon Safe Employment Act negligence per se claim, and a premises-liability claim. Intel moved to dismiss the four counts comprising the first negligence claim. The district court granted the motion in full and dismissed those claims against Intel with leave to amend within twenty-one days.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Plaintiff was ordered to file an amended complaint complying with the order within twenty-one days and no later than March 2, 2026.

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678-79, 681 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Daniels-Hall v. National Education Association, 629 F.3d 992, 998 (9th Cir. 2010)
- Fazzolari v. Portland School District, 303 Or. 1, 17 (1987)
- Anderson v. Intel Corp., No. 20-cv-2138-AC, 2021 WL 1401492, at *3 (D. Or. Apr. 14, 2021)
- Kemper v. MWH Constructors, Inc., No. 21-cv-145-SI, 2021 WL 1914212, at *2 (D. Or. May 12, 2021)
- WhiteCryption Corp. v. Arxan Technologies, Inc., No. 15-cv-754-WHO, 2016 WL 3275944, at *8-11 (N.D. Cal. June 15, 2016)
- Rankin v. PTC Alliance LLC, No. 21-1321, 2022 WL 3447307, at *4 (W.D. Pa. Aug. 17, 2022)
- Tozer v. Katerra Construction LLC, 344 Or. App. 204, 213-14 (2025)
- Yeatts Whitman v. Polygon Northwest Co., 360 Or. 170, 179-84 (2016)
- Woodbury v. CH2M Hill, Inc., 335 Or. 154, 160, 163 (2003)
- Brown v. Boise-Cascade Corp., 150 Or. App. 391, 396, 407-08 (1997)
- George v. Myers, 169 Or. App. 472, 485 (2000)