

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

May 01, 2018

SEAN F. McAVOY, CLERK

BARBARA DAVIS, as Personal  
Representative of the Estate of G.B.,  
deceased,

Plaintiff,

v.

WASHINGTON STATE  
DEPARTMENT OF SOCIAL AND  
HEALTH SERVICES; JENNIFER  
STRUS, individually and in her official  
capacity acting under the color of state  
law; HEIDI KAAS, individually and in  
her official capacity acting under the  
color of state law; MELISSA  
KEHMEIER, individually and in her  
official capacity acting under the color  
of state law; JAMES DESMOND,  
individually and in his official capacity  
acting under the color of state law;  
CASSIE ANDERSON, individually and  
in her official capacity acting under the  
color of state law; BRINA  
CARRIGAN, individually and in her  
official capacity acting under the color  
of state law; MAGGIE STEWART,  
individually and in her official capacity  
acting under the color of state law;  
LORI BLAKE, individually and in her  
official capacity acting under the color  
of state law; SHANNON SULLIVAN,  
individually and in her official capacity

No. 2:17-CV-00062-SMJ

**ORDER DENYING PLAINTIFF'S  
MOTION FOR  
RECONSIDERATION OR TO  
ALTER OR AMEND JUDGMENT**

1 acting under the color of state law;  
2 SUSAN STEINER, individually and in  
3 her official capacity acting under the  
4 color of state law; CAMERON  
5 NORTON, individually and in his  
6 official capacity acting under the color  
7 of state law; SARAH OASE,  
8 individually and in her official capacity  
9 acting under the color of state law;  
10 RANA PULLOM, individually and in  
11 her official capacity acting under the  
12 color of state law; DONALD  
13 WILLIAMS, individually and in his  
14 official capacity under the color of state  
15 law; CHRIS MEJIA, individually and in  
16 his official capacity acting under the  
17 color of state law; RIVERSIDE  
18 SCHOOL DISTRICT NO. 416, a  
19 Municipal corporation duly organized  
20 and existing under the laws of  
Washington State; JUANITA  
MURRAY, individually and in her  
official capacity acting under the color  
of state law; ROBERTA KRAMER,  
individually and in her official capacity  
acting under the color of state law;  
SARAH RAMSDEN, individually and  
in her official capacity acting under the  
color of state law; CAROLINE  
RAYMOND, individually and in her  
official capacity acting under the color  
of state law; CHERI MCQUESTEN,  
individually and in her official capacity  
acting under the color of state law;  
SARAH RAMSEY, individually and in  
her official capacity acting under the  
color of state law; TAMI BOONE,  
individually and in her official capacity  
acting under the color of state law;  
MELISSA REED, individually and in

1 her official capacity acting under the  
2 color of state law; ANN STOPAR,  
3 individually and in her official capacity  
4 acting under the color of state law;  
5 KRISTINA GRIFFITH, individually  
6 and in her official capacity acting under  
7 the color of state law; WENDY  
8 SUPANCHICK, individually and in her  
9 official capacity acting under the color  
10 of state law; SHERRY DORNQUAST,  
11 individually and in her official capacity  
12 acting under the color of state law;  
13 GARY VANDERHOLM, individually  
14 and in his official capacity acting under  
15 the color of state law; ROGER PRATT,  
16 individually and in his official capacity  
17 acting under the color of state law;  
18 CHRIS NIEUWENHUIS, individually  
19 and in his official capacity acting under  
20 the color of state law and JOHN DOES  
1-50, individually and in their official  
capacities acting under the color of state  
law,

Defendants.

Before the Court, without oral argument, is Plaintiff Barbara Davis's FRCP 59(e) Motion to Alter or Amend March 26, 2018 Judgment Dismissing 42 U.S.C. § 1983 Claims against Sarah Oase, ECF No. 283. Davis argues that the Court should reconsider its order granting summary judgment on the § 1983 claims against Defendant Oase because attorneys for the DSHS Defendants made incorrect representations about DSHS's home study policy in 2014 and regarding Oase's compliance with DSHS policy. ECF No. 283 at 45. But assuming this is true, it does

1 not affect the Court's rational for finding that Oase is entitled to qualified immunity  
2 on Davis's § 1983 claims:

3 On the record before the Court, Oase had no obvious reason to believe  
4 Kaas was falsifying records concerning her health and safety visits, or  
5 to suspect that there was a problem with the Khaleel home. Moreover,  
6 she was no longer Kaas's supervisor during the time in which it  
7 appears DSHS discovered Kaas was falsifying records. The record  
8 does not support that a reasonable official would have inferred a  
9 substantial risk of serious harm existed. Accordingly, Oase is entitled  
10 to qualified immunity on Plaintiff's § 1983 claims.


11 ECF No. 281 at 23. Even if a home study should have been completed prior to G.B's  
12 placement with Khaleel pursuant to DSHS policy, the record does not support  
13 deliberate indifference to a substantial risk of serious harm on the part of Oase.

14 Accordingly, **IT IS HEREBY ORDERED:**

- 15 **1.** Plaintiff's FRCP 59(e) Motion to Alter or Amend March 26, 2018  
16 Judgment Dismissing Claims against Sarah Oase, **ECF No. 283**, is  
17 **DENIED.**

18 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and  
19 provide copies to all counsel.

20 **DATED** this 1st day of May 2018.

  
\_\_\_\_\_  
SALVADOR MENDOCZA, JR.  
United States District Judge