

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Estate of Hunter Bergner v. San Mateo County Sheriff's Office

Estate of Bergner · No. 24-cv-08596-CRB · Decided June 18, 2025

OPINION

1 2 3 4 5 IN THE UNITED STATES DISTRICT COURT 6 FOR THE NORTHERN DISTRICT
OF CALIFORNIA 7 8 ESTATE OF HUNTER BERGNER, et Case No. 24-cv-08596-CRB al., 9
Plaintiffs, ORDER GRANTING MOTION TO 10 DISMISS v. 11 SAN MATEO COUNTY
SHERIFF'S 12 OFFICE, et al., 13 Defendants. 14 Plaintiffs, the estate of decedent Hunter Bergner
and his surviving relatives, sue San 15 Mateo County, the County Sheriff's Office, the Sheriff, and
20 unnamed Doe defendants 16 for the events leading to the death by suicide of Bergner.

Defendants move to dismiss for 17 failure to state a claim. The Court finds this matter suitable for
resolution without oral 18 argument pursuant to Civil Local Rule 7-1(b) and grants Defendants'
motion without 19 prejudice except as provided below. 20 I. BACKGROUND 21 The decedent,
Hunter Bergner, was incarcerated at Maguire Correctional Facility in 22 March 2024 following his
conviction on a "minor firearms criminal charge." Am.

Compl. 23 (dkt. 35) ¶¶ 1, 35. Bergner was "despondent, in despair and hopeless" and "expressed
24 hopelessness and despair to [unidentified] custody and medical staff." Id. ¶¶ 33, 36. He 25 also
"expressed concerns about his mental health" to his girlfriend in a video call at 26 10 a.m. on
March 15, 2024, "mentioning that he was experiencing anxiety and seeing a 27 therapist." Id. ¶
32.

Later that day, at 2:05 p.m. and 3:03 p.m., "correctional officers 1 warning signs." Id. ¶ 37.
Bergner's cellmate found him hanging from a light fixture in his 2 cell at 3:16 p.m. and alerted
staff, but by that time he had already died. Id. ¶¶ 30–31, 37. 3 Plaintiffs Patricia Colet (Bergner's
wife) and L.B.1, L.B.2, and S.B. (his children) 4 filed this lawsuit in their own capacity and on
behalf of Bergner's estate.

Id. ¶¶ 16–18. 5 They sue San Mateo County, the San Mateo County Sheriff's Office, Sheriff
Christina 6 Corpus, and 20 unnamed defendants (named as Does 1–20). Id. ¶¶ 19–24. The Doe 7
defendants are alleged to be "individual law enforcement personnel and medical 8 personnel" of
the Sheriff's Office who "were involved in some manner and legally 9 responsible for the
wrongful acts and conduct alleged." Id. ¶ 23.

Does 11–20 are alleged 10 to be "managerial, supervisorial, training, and/or policymaking
employees" of the County. 11 Id. ¶ 24. 12 Plaintiffs bring ten claims against Defendants: 13 •

Claim 1: Against Does 1–20, a § 1983 claim by Bergner’s estate for failure to protect from harm. Id. ¶¶ 59–81. 14 • Claim 2: Against Does 1–20, a § 1983 claim by Bergner’s estate for failure to 15 provide medical care.

Id. ¶¶ 82–93. 16 • Claim 3: Against Does 1–20, a § 1983 claim by Bergner’s wife and children for deprivation of the right to a familial relationship. Id. ¶¶ 94–108. 17 • Claim 4: Against the County and Sheriff’s Office, a § 1983 claim by Bergner’s 18 estate for municipal liability under *Monell v. Department of Social Services*, 19 436 U.S. 658 (1978). Id. ¶¶ 109–22. • Claim 5: Against Sheriff Corpus and Does 11–20, a § 1983 claim by Bergner’s 20 estate for supervisory liability.

Id. ¶¶ 123–33. 21 • Claim 6: Against all Defendants, a negligence claim by Bergner’s estate. Id. 22 ¶¶ 134–41. 23 • Claim 7: Against all Defendants, a medical malpractice claim by Bergner’s estate. Id. ¶¶ 142–47. 24 • Claim 8: Against all Defendants, a claim under California Government Code 25 § 845.6 by Bergner’s estate. Id. ¶¶ 148–52. 26 • Claim 9: Against all Defendants, a claim for a violation of the Bane Act, Cal. Civ.

Code § 52.1, by Bergner’s estate. Id. ¶¶ 153–62. 27 • Claim 10: Against all Defendants, a claim for declaratory relief that Defendants 1 Defendants move to dismiss each cause of action for failure to state a claim upon which 2 relief can be granted and to dismiss the Doe defendants from the lawsuit across the board. 3 MTD (dkt. 28-1); Sheriff’s MTD (dkt. 36).1 4 II.

LEGAL STANDARD 5 To state a claim upon which relief can be granted, a plaintiff must allege “enough 6 facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 7 550 U.S. 544, 570 (2007). A claim is facially plausible when “the plaintiff pleads factual 8 content that allows the court to draw the reasonable inference that the defendant is liable 9 for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

The Court 10 “must take all of the factual allegations in the complaint as true,” but it is “not bound to 11 accept as true a legal conclusion couched as a factual allegation.” Id. 12 III. DISCUSSION 13 Defendants first argue that the Doe Defendants should be dismissed from the case 14 because Plaintiffs do not allege specific facts against any particular Doe Defendant.

MTD 15 at 8–9. They then argue that, as to each specific cause of action, Plaintiffs have failed to 16 state a claim upon which relief can be granted. Id. at 9–26. The Court takes these 17 arguments in turn. 18 A. Doe Defendants 19 Defendants move to dismiss the Doe Defendants because “[a]ll of the allegations 20 [against] the Doe Defendants [are] pled in general terms and in a conclusory manner.” Id. 21 at 8.

According to Defendants, the complaint lacks any “specific allegations about what 22 any of these Doe Defendants actually did, when they did it, [or] why they did it.” Id. at 9. 23 That, Defendants argue, warrants dismissal. 24 “As a general rule, the use of Doe pleading is disfavored in federal court.” *Turner* 25 v. *County of Los Angeles*, 18 F. App’x 592, 596 (9th Cir.

2001). That said, “where the 26 27 1 The Sheriff’s motion to dismiss, which was filed over a month after the County’s motion 1 identity of the alleged defendant is not known prior to the filing of a complaint, the 2 plaintiff should be given an opportunity through discovery to identify the unknown 3 defendants, unless it is clear that discovery would not uncover the identities, or that the 4 complaint would be dismissed on other grounds.” *Wakefield v. Thompson*, 177 F.3d 5 1160, 1163 (9th Cir.

1999) (cleaned up) (citation omitted). Accordingly, Plaintiffs argue 6 that it would be “premature” to dismiss the Doe Defendants for nothing more than their 7 failure to “identify [them] by name” or their “group pleading.” *Opp.* (dkt. 30) at 10 (citing 8 *Est. of Urias v. Imperial County*, No. 24-cv-1050-MMA, 2024 WL 4683295, at *2 (S.D. 9 Cal. Nov. 5, 2024)).

10 Plaintiffs misunderstand the problem with their Doe allegations. It is not that the 11 Doe Defendants should be dismissed from the case for Plaintiffs’ mere failure to identify 12 them by name, or even for their group pleading of “Does 1–20” as opposed to “Doe 1, Doe 13 2, etc.” Their Doe allegations fail because Plaintiffs do not allege any facts (as opposed to 14 legal conclusions) as to the Doe Defendants’ personal involvement with the events of this 15 case.

As the below excerpts from Plaintiffs’ amended complaint show, Plaintiffs’ pleading 16 deficiency is readily apparent in every claim they assert against the Doe Defendants: 17 • Count 1: “Defendants DOES 1–20, and each of them, made various intentional decisions regarding HUNTER BERGNER’s condition when he was confined in 18 the COUNTY jails, including MCF.” *Am.*

Compl. ¶ 62. “Instead of ensuring 19 that HUNTER BERGNER could not self-mutilate or self-harm, Defendants did not take any reasonable available measures to abate or reduce the risks 20 HUNTER BERGNER faced.” *Id.* ¶ 63. “The conduct of Defendants DOES 1– 20, and each of them, was objectively unreasonable and deliberately indifferent 21 given that they were aware of the consequences of HUNTER BERGNER’s 22 placement and the high risk period for suicide but proceeded with their course of conduct.” *Id.* ¶ 67. “Defendants DOES 1–20’s failure to conduct the required 23 safety check of decedent HUNTER BERGNER’s holding cell on the date of his 24 death evidences deliberate indifference to the risk of harm to decedent HUNTER BERGNER.” *Id.* ¶ 75.

25 • Count 2: “Defendants DOES 1–20, as alleged herein, including but not limited 26 to their failure to provide decedent HUNTER BERGNER with appropriate emergency medical and mental health care, along with the acts and/or omissions 27 of Defendants in failing to train, supervise, and/or promulgate appropriate and life saving care to persons in their custody, constituted deliberate 1 indifference to HUNTER BERGNER’s serious medical and mental health 2 needs, health, and safety.” *Id.* ¶ 86.

3 • Count 3: “The aforementioned acts and/or omissions of Defendants DOES 1–20 in being deliberately indifferent to decedent HUNTER BERGNER’s protection, 4 safety, and serious medical and mental health needs, violating decedent HUNTER BERGNER’s constitutional rights, and their failure to train, 5 supervise, and/or take other appropriate measures to prevent the acts and/or 6 omissions that caused the untimely and wrongful death of HUNTER BERGNER deprived Patricia Colet, L.B.1, L.B.2, and S.B. of their liberty interests in the 7 familial relationship.” Id. ¶ 96.

8 • Count 5: “Defendants ... DOES 11–20 each permitted and failed to prevent the unconstitutional acts of other Defendants and individuals under their supervision 9 and control, and failed to properly supervise such individuals, with deliberate 10 indifference to the rights to safety and protections while incarcerated at MCF and the rights to the serious medical and mental health needs of decedent 11 HUNTER BERGNER.

Each of these supervising Defendants either directed his 12 or her subordinates in conduct that violated Decedent’s rights, or set in motion a series of acts and omissions by his or her subordinates that the supervisor knew 13 or reasonably should have known would deprive decedent HUNTER BERGNER of rights,” Id. ¶ 127. 14 • Count 6: Plaintiffs allege that the Doe Defendants breached duties of care 15 including “[t]o properly identify symptoms of suicide,” “[t]o house and confine 16 a suicidal inmate in a housing cell free of suicide hazards,” and “[t]o use generally accepted law enforcement procedures and tactics that are reasonable 17 and appropriate for Decedent’s status as a person in medical and mental health crisis with serious medical and mental health needs.” Id. ¶¶ 138–39.

18 • Count 7: “Decedent HUNTER BERGNER was under the care and treatment of 19 Defendants DOES 1–20, all of whom were COUNTY medical staff assigned to 20 the COUNTY jails, including MCF, who were required to examine, treat, monitor, prescribe for and care for him and to provide him with medical 21 attention when [h]e suffered a medical emergency.” Id. ¶ 144.

22 • Count 8: “Decedent HUNTER BERGNER was in need of immediate medical care and treatment, and Defendants DOES 1–20 failed to take reasonable action 23 to summon immediate medical care and treatment.” Id. ¶ 150. 24 • Count 9: “Defendants, each acting in concert/conspiracy, as described above, 25 while decedent HUNTER BERGNER was in custody, and by threat, intimidation, and/or coercion, interfered with, attempted to interfere with, and 26 violated HUNTER BERGNER’s rights ... to be free from objectively unreasonable treatment and deliberate indifference ..., for the familial 27 association to be free from government interference ..., to enjoy and defend life 1 For each and every claim, Plaintiffs fail to “allege specific facts showing how each 2 particular doe defendant violated the plaintiff’s rights,” and Plaintiffs’ allegations “are 3 devoid of any factual support for how each of these Does personally participated in the 4 events leading to” Bergner’s death.

Estate of Urias, 2024 WL 4683295, at *4 (citation 5 omitted). Plaintiffs’ reliance on conclusory allegations of liability, devoid from any factual 6 support, would fail to state a claim under any standard. See *Iqbal*, 556 U.S. at 678 (the 7 Court is “not bound to accept as true a legal conclusion couched as a factual allegation”). 8 But as to the Doe defendants, Plaintiffs’ allegations do not identify with any specificity 9 who they are or what role they are alleged to have had in the events leading to Bergner’s 10 death.

See *Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002) (“In order for a person 11 acting under color of state law to be liable under section 1983 there must be a showing of 12 personal participation in the alleged rights deprivation.”).

The Doe Defendants are 13 apparently “all ... medical staff,” Am. Compl. ¶ 144, but also “law enforcement 14 personnel,” id. ¶ 23, who control inmate housing decisions, id. ¶ 138, and conduct safety 15 checks, id. ¶ 75. And ten Doe Defendants are apparently supervisors, but Plaintiffs never 16 explain what category or categories of employees they supervise, or what authority they 17 have to set policies or practices.

Though a plaintiff is entitled to plead causes of action in 18 the alternative, a plaintiff cannot create a chimera of a Doe defendant—especially not 19 without any factual allegations in support. If Plaintiffs want to sue defendants whose 20 names are yet unknown, they must identify a specific factual basis for doing so. 21 Accordingly, the Court dismisses without prejudice all allegations against the Doe 22 Defendants in this case.

Plaintiffs may amend their complaint to allege specific facts that 23 would demonstrate Doe Defendants’ personal involvement. 24 B. The County, Sheriff’s Office, and Sheriff 25 Dismissal of the Doe Defendants eliminates any need to discuss Counts 1 through 3, 26 which were pleaded only against the Doe Defendants. But the County, Sheriff’s Office, 27 and Sheriff can still be liable on various theories, including municipal liability, supervisory 1 v. Black, 885 F.2d 642, 646 (9th Cir.

1989); Cal. Gov’t Code §§ 815.2, 820. The Court 2 addresses the remaining causes of action in turn. 3 1. Count 4: Municipal Liability 4 Plaintiffs allege that the County and the Sheriff’s Office should be held liable under 5 the doctrine of *Monell v. Department of Social Services*, which permits municipal liability 6 where an official policy or custom causes a constitutional tort.

436 U.S. at 690. As an 7 initial matter, the Court rejects Defendants’ argument that the Sheriff’s Office cannot be 8 held liable under *Monell*; *Monell* plainly applies to both “municipalities and other local 9 government units.” Id. at 690–91 (emphasis added); see also, e.g., *Mackie v. County of 10 Santa Cruz*, 444 F. Supp. 3d 1094, 1113 (N.D. Cal. 2020) (denying motion to dismiss 11 *Monell* claim against a sheriff’s office).

12 Plaintiffs primarily rely on a custom or practice, rather than an official policy, as the 13 basis for municipal liability, so they “must show a longstanding practice or custom which 14 constitutes the standard operating procedure of the local government entity.” *Trevino v. 15 Gates*, 99 F.3d 911, 918 (9th Cir. 1996) (citation omitted). Municipal liability cannot “be 16 predicated on isolated or sporadic incidents; it must be founded upon practices of sufficient 17 duration, frequency and consistency that the conduct has become a traditional method of 18 carrying out policy.” *Id.* And a plaintiff alleging municipal liability under a custom or 19 practice theory “must also demonstrate that the custom or policy was adhered to with 20 ‘deliberate indifference to the constitutional rights of [others].’” *Castro v. County of Los 21 Angeles*, 833 F.3d 1060, 1076 (9th Cir.

2016) (quoting *City of Canton v. Harris*, 489 U.S. 22 378, 392 (1989)). 23 As support for their municipal liability claim, Plaintiffs point to four inmates in San 24 Mateo County jails who died in custody since 2023. One of those inmates, Ronald 25 Simmons, died by suicide while in prison; jail staff had known that he “had been suicidal 26 for months, had a prior hanging attempt ..., and had expressed intent to kill himself.” 27 Am.

Compl. ¶ 120(c). The remaining inmates died because of drug use, *id.* ¶ 120(a), a 1 Plaintiffs also identify one other inmate from 2020 who died by suicide while in custody, 2 as well as an inmate from 2019 who was “found unresponsive in his cell.” *Id.* ¶ 121. 3 Plaintiffs argue that these events reflect a custom or practice of “indifference to mental 4 health care and [] failure to adequately monitor the condition of inmates.” Opp. at 15.

5 That is too wide a net to cast for a municipal liability claim based on custom or 6 practice. For one, based on Plaintiffs’ descriptions of these incidents in their complaint, 7 only Simmons’s case reflects an “indifference to mental health care.” Plaintiffs do not 8 allege that, in the other suicide, jail staff knew of and disregarded any relevant warning 9 signs.

Nor do their other examples (reflecting drug use, glioblastoma, opioid withdrawal, 10 and an unidentified cause of death) implicate mental health care. The other, related 11 problem with Plaintiffs’ characterization is that the kind of monitoring required for mental 12 health conditions generally, and concerns about self-harm or suicide in particular, is not 13 necessarily the same as the kind of monitoring required for physical health conditions.

14 Accordingly, Plaintiffs have failed to establish a sufficiently entrenched municipal custom 15 or practice that caused Bergner’s death. 16 Plaintiffs also seem to assert that the Sheriff (and the now-dismissed supervisor 17 Does) ratified underlying constitutional violations. See Am. Compl. ¶¶ 117–18.

To be 18 sure, a municipality may face liability if an official with final policy-making authority 19 ratifies a subordinate’s unconstitutional conduct. *Gillette v. Delmore*, 979 F.2d 1342, 20 1346–47

(9th Cir. 1992). But Plaintiffs allege no facts surrounding any supposed 21 ratification—for instance, how the Sheriff could or would have been aware of the Doe 22 Defendants’ alleged unconstitutional actions with respect to Bergner.

Thus, Plaintiffs’ 23 ratification theory of municipal liability fails as well. 24 2. Count 5: Supervisory Liability 25 Supervisory liability under § 1983 is narrowly limited to situations where a plaintiff 26 can show that the supervisor “set[] in motion a series of acts by others,” *Redman v. County 27 of San Diego*, 942 F.2d 1435, 1447 (9th Cir. 1991) (citation omitted), abrogated on other 1 series of acts by others, which [the supervisor] knew or reasonably should have known 2 would cause others to inflict a constitutional injury.” *Dubner v. City & County of San 3 Francisco*, 266 F.3d 959, 968 (9th Cir.

2001). Plaintiffs make no factual allegations 4 whatsoever regarding actions taken by Sheriff Corpus or actions that Sheriff Corpus knew 5 or should have known about that led in any way to Bergner’s death. See, e.g., Am. Compl. 6 ¶¶ 129 (alleging in a conclusory fashion that Sheriff Corpus “made a deliberate choice to 7 endorse such conduct and decisions” that led to Bergner’s death).

Thus, Plaintiffs’ 8 supervisory liability claim fails as against Sheriff Corpus. 9 3. Count 6: Negligence, Wrongful Death 10 To state a wrongful death claim based on negligence under California law, Plaintiffs 11 must show that a defendant’s wrongful act or neglect caused the decedent’s death. *Quiroz 12 v. Seventh Ave. Ctr.*, 140 Cal. App. 4th 1256, 1264 (2006).

Plaintiffs fail to allege facts 13 that would establish the existence of either duty or causation. 14 As far as Plaintiffs’ factual allegations are concerned—as opposed to their 15 conclusory legal allegations that Defendants owed Bergner various duties all lumped 16 together under the tagline “reasonable care”—some unspecified jail staff knew that he had 17 expressed “hopelessness” and “despair,” and two jail employees had conducted “cursory 18 security checks” shortly before his death.

Am. Compl. ¶¶ 33, 36–37. None of this 19 establishes that anyone at the jail was aware that Bergner was experiencing suicidal 20 ideations, and so Plaintiffs’ proposed duties (for example, a duty to “house and confine a 21 suicidal inmate in a housing cell free of suicide hazards,” *id.* ¶ 138(c)) beg the question 22 whether anyone knew he was suicidal. Plaintiffs do not point to any legal authority that 23 would impose on Defendants an affirmative duty to identify every potentially suicidal 24 inmate and treat them accordingly; to the contrary, existing law appears to require only 25 that jail staff respond to known risks of suicide.

See, e.g., *Campbell v. Herrera*, No. 24- 26 3296, 2025 WL 1525331, at *3 (9th Cir. May 29, 2025). 27 As for cause, Plaintiffs do not adequately allege that Defendants were a proximate 1 cannot serve as the basis for a wrongful death suit if they cause only “a mental condition in 2

which the injured person is able to realize the nature of the act of suicide and has the power 3 to control it if he so desires.” *Corales v. Bennett*, 567 F.3d 554, 572 (9th Cir.

2009). 4 Defendants, who at most could be said to have caused Bergner’s death by their inaction, 5 certainly did not cause a condition in Bergner where he could not “control the impulse to 6 commit suicide.” *Id.* Thus, Bergner’s own actions are an intervening cause of his death, 7 and Defendants cannot be held liable for negligence. 8 4. Count 7: Negligence, Medical Malpractice 9 Plaintiffs’ claims for medical malpractice against the County, the Sheriff’s Office, 10 and the Sheriff are all based on supervisory liability, as Plaintiff does not allege that any of 11 these entities are themselves medical providers.

But “the State [can]not be held directly 12 liable for medical malpractice.” *Nelson v. State*, 139 Cal. App. 3d 72, 78 (1982). 13 Accordingly, the Court must dismiss the medical malpractice claims against the County, 14 Sheriff’s Office, and Sheriff. These dismissals are with prejudice as the claims are futile. 15 5. Count 8: Government Code § 845.6 16 Plaintiffs allege that Defendants are liable under Government Code § 845.6, which 17 imposes liability for failure to provide medical care for a prisoner if a public employee 18 “knows or has reason to know that the prisoner is in need of immediate medical care and 19 he fails to take reasonable action to summon such medical care.” As explained above, 20 Plaintiffs’ allegations as to what Defendants knew or should have known are too thin to 21 give rise to liability.

All that anyone at the jail knew before Bergner died was that he had 22 expressed “hopelessness” and “despair,” neither of which necessitates immediate medical 23 care. Am. Compl. ¶¶ 33, 36. (And in any case, it is entirely unclear who at the jail knew 24 of this, or whether they are a Doe defendant or a third party.) It is several leaps from 25 hopelessness or despair, which are surely common enough reactions to a conviction, to 26 suicidal ideations that demand an immediate response.

Because Plaintiffs have not alleged 27 facts that would establish any Defendant’s actual or constructive knowledge of the need 6. Count 9: Bane Act 1 Plaintiffs rest their Bane Act claim on the “same allegation of deliberate 2 indifference” that forms the basis of their other claims. Opp. at 19.

Because those claims 3 fail, so does their Bane Act claim. And in any case, Plaintiff has alleged no facts that 4 would establish the specific intent required for a Bane Act claim. See *Rodriguez v. 5 County of Los Angeles*, 891 F.3d 776, 802 (9th Cir. 2018). 6 7. Count 10: Declaratory Relief 7 Similarly, Plaintiffs’ declaratory relief claim is premised on their § 1983 claims, 8 which fail for the reasons above.

Thus, Plaintiffs have not satisfactorily alleged a claim for 9 declaratory relief. 10 IV. CONCLUSION 11 For the foregoing reasons, the Court GRANTS Defendants’ motions to dismiss

in 12 full. With respect to all but the medical malpractice claims against the County, Sheriff's 13 Office, Sheriff, and Supervisor Does, the Court grants leave to amend within 28 days of 14 the issuance of this order.

15 IT IS SO ORDERED. 16 Dated: June 18, 2025 17 CHARLES R. BREYER United States District Judge 18 19 20 21 22 23 24 25 26 27

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