

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jane Roe TT 80 v. Doe 1

No. 1:25-cv-00007-KES-CDB (E.D. Cal. Aug. 13, 2025) · No. 1:25-cv-00007-KES-CDB · Decided August 14, 2025

SUMMARY

The United States District Court for the Eastern District of California grants in part and denies in part defendants’ motion to dismiss claims arising from alleged childhood sexual abuse. The court holds that the certificates of merit filed under California Code of Civil Procedure section 340.1 are sufficient and rejects defendants’ argument that a remote interview by a California-licensed mental health practitioner rendered the certificate invalid. The court dismisses the sixth cause of action for breach of mandatory duty and strikes the prayer for attorney’s fees.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 14, 2025
DOCKET	1:25-cv-00007-KES-CDB
DISPOSITION	other
PROCEDURAL POSTURE	Defendants removed a California childhood-sexual-abuse action based on diversity jurisdiction and moved to dismiss under Federal Rule of Civil Procedure 12(b)(6), alternatively 12(b)(1), and to strike the prayer for attorney fees.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court tests the legal sufficiency of the complaint, accepts well-pleaded factual allegations as true, construes them in the plaintiff’s favor, and determines whether the complaint states a facially plausible claim. Legal conclusions and conclusory recitations of the elements are not accepted as true. The court also reviewed the certificates of merit under California Code of Civil Procedure section 340.1(i) based solely on those certificates.
PRECEDENTIAL VALUE	Unknown

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QUESTIONS PRESENTED

1. Whether the mental-health-practitioner certificate of merit satisfied California Code of Civil Procedure section 340.1(g)(2) despite defendants' speculation that the interview occurred by Zoom while plaintiff was physically present in Texas.
2. Whether the complaint's sixth cause of action for breach of mandatory duty to report suspected child abuse should be dismissed because clergy were not mandatory reporters when the alleged abuse occurred.
3. Whether plaintiff's prayer for attorney fees should be stricken absent a statute or contract authorizing recovery.

HOLDINGS

1. The certificate of merit satisfied section 340.1(g)(2), and the court found, based solely on the certificates, a reasonable and meritorious cause for filing the action against defendants. The speculative possibility that the interview occurred by Zoom while plaintiff was outside California did not make the certificate legally insufficient.
2. The sixth cause of action was dismissed.
3. The prayer for attorney fees was stricken.

KEY QUOTATIONS

“Based “solely on those certificates,” the Court concludes that “there is a reasonable and meritorious cause” for the filing of this action against defendants.” (Section IV.A)

“Based upon the foregoing, defendants’ motion to dismiss, Doc. 6, is granted in part and denied in part.” (Conclusion and Order)

FACTUAL BACKGROUND

Plaintiff alleges that she was sexually abused from 1980 to 1984 by a church leader who became her stepfather through church-organized and church-sponsored courtship of plaintiff's mother, despite the church's alleged knowledge that he had previously been incarcerated for sexually assaulting a minor. Plaintiff was over forty when she filed suit and asserted six claims, including negligence, negligent supervision, sexual abuse of a minor, negligent hiring and retention, failure to warn or train, and breach of mandatory duty to report suspected child abuse. She filed the attorney and mental-health-practitioner certificates of merit required by California Code of Civil Procedure section 340.1.

PROCEDURAL HISTORY

Plaintiff filed the action in Kern County Superior Court on August 26, 2024, alleging childhood sexual abuse and related negligence claims. Defendants removed the case to the Eastern District of California on January 2, 2025, before service, and moved to dismiss. Plaintiff's motion to remand was denied without prejudice for failure to comply with the court's standing order and was not refiled. The court ordered plaintiff to file the certificates of merit under seal, reviewed the filed certificates, and granted the motion to dismiss in part and denied it in part.

DISPOSITION

other

CASES CITED

- Lee v. City of Los Angeles, 250 F.3d 668, 689 (9th Cir. 2001)
- Acad. of Country Music v. Cont'l Cas. Co., 991 F.3d 1059, 1068 (9th Cir. 2021)
- John Roe JJ 93 v. Doe 1, 2025 WL 522830, at *3 (C.D. Cal. Feb. 18, 2025)
- John Roe CS 88 v. Doe 1, 2025 WL 485121 (C.D. Cal. Feb. 13, 2025)
- John Roe CS 88 v. Doe 1, 2025 WL 824049, at *2 (C.D. Cal. Feb. 13, 2025)
- Roe CS 88 I, 2025 WL 824049, at *2 (C.D. Cal. Feb. 13, 2025)
- Roe JB 65 v. Church of Jesus Christ of Latter-Day Saints, 2025 WL 776634, at *5–6 (S.D. Cal. Mar. 11, 2025)
- Estate of Roe DM 101 v. Doe 1, 2025 WL 1167370, at *2–3 (S.D. Cal. Apr. 22, 2025)
- N. Star Int'l v. Ariz. Corp. Comm'n, 720 F.2d 578, 581 (9th Cir. 1983)
- Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699 (9th Cir. 1990)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678, 680 (2009)
- Hishon v. King & Spalding, 467 U.S. 69, 73 (1984)
- Associated Gen. Contractors of Cal., Inc. v. Cal. State Council of Carpenters, 459 U.S. 519, 526 (1983)

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