

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Regal v. County of Santa Clara

No. 5:22-cv-04321-BLF (N.D. Cal. May 31, 2025) · No. 5:22-cv-04321-BLF · Decided May 31, 2025

SUMMARY

The United States District Court for the Northern District of California ruled on the parties’ motions in limine in a Section 1983 action arising from Frederick Regal’s suicide while in County of Santa Clara custody. The court granted or partially granted several motions, including excluding an allegedly unlawfully recorded conversation and a defense life-care-planning expert’s testimony, while limiting evidence concerning arrests and drug-test results primarily to damages issues. The court deferred ruling on certain evidence concerning subsequent changes to suicide-prevention policies.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Beth Labson Freeman
JURISDICTION	United States District Court for the Northern District of California
DECIDED	May 31, 2025
DOCKET	5:22-cv-04321-BLF
DISPOSITION	other
PROCEDURAL POSTURE	Order resolving the parties' motions in limine before trial in a 42 U.S.C. § 1983 civil-rights action arising from Frederick Regal's suicide while in County custody.
STANDARD OF REVIEW	The Court applied the Federal Rules of Evidence, including Rules 401, 403, 407, 611(b), and 702, assessing relevance, unfair prejudice, confusion, misleading the jury, scope of expert testimony, and adequacy of the factual or methodological basis for expert opinions.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Devin Regal, E.R., C.R. v. County of Santa Clara

TOPICS

- motion in limine
- evidence
- expert testimony
- section 1983
- damages

PRACTICE AREAS

civil rights

evidence

civil procedure

damages

QUESTIONS PRESENTED

1. Whether evidence of subsequent suicide-prevention measures was admissible to show feasibility under Federal Rule of Evidence 407.
2. Whether a secretly recorded conversation between Frederick Regal and his daughter had to be excluded under the Federal Wiretap Act and Federal Rule of Evidence 403.
3. Whether testimony from a defense life-care-planning expert concerning future mental-health treatment costs was relevant to Plaintiffs' claimed noneconomic damages.
4. Whether detailed evidence concerning Regal's 2016 and 2020 arrests and detentions was admissible for liability or damages.
5. Whether drug-test results received by the County after Regal's death were admissible for liability or damages.
6. Whether Plaintiffs' expert could testify regarding causation, jail suicide-prevention standards, and the prevalence of suicide-resistant cells.
7. Whether evidence concerning the Chavez consent decree was admissible to show notice or to establish liability based on noncompliance.
8. Whether Plaintiffs' neurologist expert could offer opinions about consciousness during partial hanging and the duration of Regal's pre-death consciousness.
9. Whether evidence of missed or untimely 15-minute checks was relevant to Plaintiffs' Monell theory.
10. Whether the scope of cross-examination of the County's expert should be limited to the subjects in his expert report.

HOLDINGS

1. Evidence concerning the County's construction of suicide-resistant cells was admissible for purposes of the motion in limine, subject to any Rule 403 or other appropriate objection at trial. Ruling on evidence concerning changed Unit 8A admission criteria and the Ferguson blanket policy was deferred until trial.
2. The video recording of the conversation between Eliana Regal and Frederick Regal was excluded because neither participant consented, the Ninth Circuit does not recognize vicarious consent under the Federal Wiretap Act, and the recorder was not a party to the relevant conversation.
3. The defense life-care-planning expert's testimony concerning the cost of future mental-health treatment was excluded as irrelevant and, alternatively, under Rule 403 because it risked confusing or misleading the jury in a case seeking only noneconomic damages.
4. Detailed evidence concerning Regal's 2016 and 2020 arrests was excluded for liability purposes but admitted for purposes of determining noneconomic damages, subject to a limiting instruction.
5. Drug-test results received by the County after Regal's death were excluded for liability purposes but admitted for noneconomic-damages purposes, subject to a limiting instruction.

6. Dr. Boesky could testify about factual causation and widely used jail suicide-prevention standards and practices, but could not use those standards to define the constitutional standard or offer a legal conclusion. Her testimony concerning the prevalence of suicide-resistant cells was not excluded at the pretrial stage, subject to trial objections.
7. Evidence concerning the existence, conditions, and policies of the Chavez consent decree was admissible to show notice, but evidence of the County's compliance or noncompliance could not be used to establish liability, and counsel's name had to be redacted from Chavez documents.
8. Dr. Swanson was qualified to testify about hypoxic or ischemic brain injury, but he could not testify that Regal may have remained conscious for more than 25 seconds or that partial-hanging victims generally take longer to lose consciousness because those opinions lacked sufficient facts or data.
9. Evidence that individual correctional employees missed or conducted 15-minute checks untimely was excluded from liability issues because isolated incidents could not support Plaintiffs' asserted Monell custom-and-practice theory, although the evidence could be used for impeachment.
10. The Court deferred ruling on the permissible scope of Plaintiffs' cross-examination of Dr. Kaftarian until trial. Cross-examination must remain within the subject matter of direct examination, credibility, and the subjects disclosed in the expert's report.

FACTUAL BACKGROUND

Frederick Inea Regal died by suicide while detained in a Santa Clara County jail facility. His children brought claims individually and as successors in interest, alleging inadequacies in the County's suicide-prevention practices and seeking noneconomic damages for loss of familial association. The motions concerned subsequent remedial measures, a secretly recorded father-daughter conversation, expert testimony, arrest and drug-test evidence, jail welfare checks, the Chavez consent decree, and the scope of cross-examination of a defense expert.

PROCEDURAL HISTORY

Plaintiffs brought individual and successor-in-interest claims against the County. At the May 23, 2025 Final Pretrial Conference, the Court issued oral rulings on ten motions in limine and then summarized those rulings in this written order.

DISPOSITION

other

CASES CITED

- *Pyankovska v. Abid*, 65 F.4th 1067, 1074-75 (9th Cir. 2023), cert. denied sub nom. *Jones v. Pyankovska*, 144 S. Ct. 354 (2023)
- *Caro v. Weintraub*, 618 F.3d 94, 96-98 (2d Cir. 2010)
- *Planned Parenthood Fed'n of Am., Inc. v. Newman*, 51 F.4th 1125, 1135 (9th Cir. 2022)
- *Creswell v. HCAL Corp.*, No. 04-cv-388, 2007 WL 628036, at *2 (S.D. Cal. Feb. 12, 2007)

- *K.J.P. v. County of San Diego*, 621 F. Supp. 3d 1097, 1155 (S.D. Cal. 2022)
- *Krouse v. Graham*, 19 Cal. 3d 59, 68 (1977)
- *Allen v. Toledo*, 109 Cal. App. 3d 415, 424 (1980)
- *United States v. Akpa*, 120 F. App'x 717, 720 (9th Cir. 2005)
- *United States v. Haischer*, 780 F.3d 1277, 1281 (9th Cir. 2015)
- *Gravelet-Blondin v. Shelton*, 728 F.3d 1086, 1096 (9th Cir. 2013)
- *Camenisch v. Umpqua Bank*, 763 F. Supp. 3d 871, 881 (N.D. Cal. 2025)
- *Hangerter v. Provident Life & Accident Ins. Co.*, 373 F.3d 998, 1016 (9th Cir. 2004)
- *Gordon v. County of Orange*, 888 F.3d 1118, 1125 (9th Cir. 2018)
- *Castro v. County of Los Angeles*, 833 F.3d 1060, 1071, 1076 (9th Cir. 2016)
- *Cortez v. Skol*, 776 F.3d 1046, 1050 (9th Cir. 2015)
- *Farmer v. Brennan*, 511 U.S. 825, 833 (1994)
- *Taylor v. Barkes*, 575 U.S. 822, 826 (2015)
- *Germaine-McIver v. County of Orange*, No. SACV1601201, 2018 WL 6258896, at *6 (C.D. Cal. Oct. 31, 2018)
- *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993)
- *Elosu v. Middlefork Ranch Inc.*, 26 F.4th 1017, 1023-24 (9th Cir. 2022)
- *Garcia v. Stewart*, No. 06-cv-6735, 2009 WL 688887, at *7 (N.D. Cal. Mar. 16, 2009)
- *Mitchell v. CDCR*, No. 21-cv-01781, 2021 WL 5206135, at *3 (S.D. Cal. Nov. 9, 2021)
- *Rader v. County of Placer*, No. 19-cv-1265, 2021 WL 3662411, at *5 (E.D. Cal. Aug. 18, 2021)
- *Trevino v. Gates*, 99 F.3d 911, 918 (9th Cir. 1996)
- *American Airlines Flow-Thru Pilots Coalition v. Allied Pilots Association*, No. 15-cv-03125, 2021 WL 2930095, at *5 (N.D. Cal. May 6, 2021), *aff'd*, No. 21-16131, 2022 WL 4481533 (9th Cir. Sept. 27, 2022)
- *Yeti by Molly, Ltd. v. Deckers Outdoor Corp.*, 259 F.3d 1101, 1106 (9th Cir. 2001)