

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

I. D., et al. v. Alice Helen Abler, et al.

D. v. Abler · No. 25-cv-04431-JD · Decided August 13, 2025

SUMMARY

The United States District Court for the Northern District of California dismissed plaintiffs’ claims arising from an alleged incident involving a teacher and a minor child at a children’s center. Claims 1 through 13 were dismissed with leave to amend, while the Section 1983 claim was dismissed without prejudice against certain individual defendants and with prejudice against the school district and official-capacity defendants. The court permitted an amended complaint by September 2, 2025 and warned that further deficient filings could result in sanctions.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	James Donato
JURISDICTION	United States District Court for the Northern District of California
DECIDED	August 13, 2025
DOCKET	25-cv-04431-JD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(6). The district court dismissed claims 1 through 13 with leave to amend and dismissed the Section 1983 claim in part without prejudice and in part with prejudice.
STANDARD OF REVIEW	On a motion to dismiss, the complaint must contain a short and plain statement that plausibly alleges entitlement to relief. The court considered whether the pleaded facts stated claims under the applicable legal theories.
PRECEDENTIAL VALUE	unknown
PARTIES	I. D., Zachary Deloach, Renee Contreras-Deloach v. Alice Helen Abler, Elizabeth Rice, Eureka City Schools District, Doe defendants

TOPICS

motions to dismiss

pleadings

section 1983

civil rights

government liability

PRACTICE AREAS

civil procedure

civil rights

torts

government liability

QUESTIONS PRESENTED

1. Whether claims 1 through 13 stated legally cognizable claims where plaintiffs relied on California Penal Code provisions without demonstrating a private cause of action and did not adequately plead the asserted theories.
2. Whether the complaint adequately pleaded direct liability against the Eureka City Schools District and Elizabeth Rice.
3. Whether the Section 1983 claim could proceed against the District, the individual defendants in their official capacities, or the individual defendants in their individual capacities.
4. Whether plaintiffs' complaint satisfied Federal Rule of Civil Procedure 8(a)(2)'s plausibility requirement.

HOLDINGS

1. Claims 1 through 13 were dismissed as to all defendants with leave to amend because plaintiffs did not demonstrate that the cited penal statutes created private causes of action and the complaint did not adequately support the alternative legal theories asserted in opposition.
2. The complaint did not adequately allege a specific duty of care sufficient to impose direct tort liability on the District.
3. The complaint failed to plausibly allege which actions by Rice would make her directly liable under the various theories asserted.
4. Plaintiffs did not plausibly allege that defendants breached duties of care owed to Zachary and Renee.
5. The Section 1983 claim was dismissed with prejudice as to the District and the individual defendants in their official capacities because California school districts are state agencies for Eleventh Amendment immunity purposes and Section 1983 does not provide a basis for claims against state officials in their official capacities in these circumstances.
6. The Section 1983 claim was dismissed without prejudice as to Abler, Rice, and the Doe defendants in their individual capacities because the complaint did not plausibly allege deprivation of a federal right.

KEY QUOTATIONS

“Plaintiffs are advised that, although Rule 8(a) does not demand particularity, a kitchen sink approach to pleading with broad cross references to general allegations will typically not suffice.” (at 3)

“Further conduct along these lines will result in sanctions, including dismissal of the case and professional conduct sanctions.” (at 3)

FACTUAL BACKGROUND

Plaintiffs Zachary Deloach and Renee Contreras-Deloach sued on behalf of themselves and their minor child, I.D., who has special needs. They alleged that Alice Helen Abler, a teacher at the Winzler Children's Center, slammed I.D.'s body against a wall and yelled at I.D. They also named Abler's supervisor Elizabeth Rice, the Eureka City Schools District, and unnamed Doe defendants.

PROCEDURAL HISTORY

Plaintiffs filed a complaint alleging claims arising from an incident involving their minor child, I.D., at the Winzler Children's Center. Defendants moved to dismiss. The court decided the motion without oral argument, dismissed the complaint in main part, granted leave to amend by September 2, 2025, and barred addition of new parties or claims without prior court consent.

DISPOSITION

dismissed

CASES CITED

- Animal Legal Def. Fund v. Mendes, 160 Cal. App. 4th 136, 141-42 (2008)
- Eastburn v. Regional Fire Protection Authority, 31 Cal. 4th 1175, 1183 (2003)
- George F. Hillenbrand, Inc. v. Ins. Co. of N.A., 104 Cal. App. 4th 784, 823 (2003)
- C.W. v. Capistrano Unified Sch. Dist., 784 F.3d 1237, 1247-48 (9th Cir. 2015)
- Hafer v. Melo, 502 U.S. 21, 27 (1991)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544 (2007)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
I. D., et al., Case No. 25-cv-04431-JD 8 Plaintiffs, ORDER RE DISMISSAL v. 9 10 ALICE
HELEN ABLER, et al., Defendants. 11 12 13 Plaintiffs Zachary Deloach and Renee Contreras-
Deloach allege claims on behalf of 14 themselves and their minor child I.D., who has special
needs, in connection with an incident in 15 which defendant Alice Abler, a teacher at the Winzler
Children’s Center, is said to have slammed 16 I.D.’s body against a wall and yelled at I.D.

Defendants include Abler’ supervisor Elizabeth Rice, 17 the Eureka City Schools District, and
unnamed Does. See Dkt. No. 1. 18 Defendants ask to dismiss the complaint. Dkt. No. 4. The
motion is suitable for decision 19 without oral argument pursuant to Civil Local Rule 7-1(b), and
the hearing set for August 14, 20 2025, is vacated.

The parties’ familiarity with the record is assumed, and the complaint is 21 dismissed with leave to
amend in main part. 22 Claims 1 through 13 are dismissed as to all defendants with leave to

amend. The 23 complaint alleges many claims pursuant to specific penal code sections, and plaintiffs did not 24 demonstrate that there is a private cause of action under those statutes.

See *Animal Legal Def. Fund v. Mendes*, 160 Cal. App. 4th 136, 141-42 (2008). The attempt to recast certain claims as 26 resting on alternative legal grounds, see Dkt. No. 12 at 9-11, is inconsistent with the complaint's 27 express allegations. With respect to claims against the District, the allegations do not in any 1 creating some specific duty of care" to impose direct tort liability on the District.

Eastburn v. 2 Regional Fire Protec. Auth., 31 Cal. 4th 1175, 1183 (2003). 3 The complaint alleges many claims against Abler and her supervisor, Rice, but plaintiffs 4 made no effort to set forth clearly which actions by Rice would make her directly liable on the 5 various theories alleged. See *George F. Hillenbrand, Inc. v. Ins. Co. of N.A.*, 104 Cal. App. 4th 6 784, 823 (2003) ("The doctrine of respondeat superior is not applicable to the relationship 7 between a supervisor and his subordinate employees." (citation omitted)); see also *Fed.*

R. Civ. P. 8 8(a)(2) (complaint must plausibly allege "a short and plain statement of the claim"). Plaintiffs 9 Zachary and Renee did not plausibly allege that defendants breached any duties of care that were 10 owed to them. Plaintiffs contend in their opposition there is a "special relationship" between the 11 school and parents, see Dkt. No. 12 at 8, but there are no allegations to that effect in the complaint.

12 The fourteenth claim, brought under 42 U.S.C. § 1983, is dismissed without prejudice as to 13 Abler and Rice and the Doe defendants in their individual capacities but with prejudice as to the 14 District and the individual defendants in their official capacities. Section 1983 claims cannot be 15 sustained against California school districts because they are state agencies for purposes of 16 Eleventh Amendment immunity.

See *C.W. v. Capistrano Unified Sch. Dist.*, 784 F.3d 1237, 17 1247-48 (9th Cir. 2015). For the same reason, Section 1983 does not provide a basis for claims 18 against California school district employees in their official capacities. See *Hafer v. Melo*, 502 19 U.S. 21, 27 (1991).

For the claims against Abler, Rice, and the Doe defendants in their individual 20 capacities, the complaint does not plausibly allege the deprivation of a federal right. Plaintiffs 21 contend in their opposition the complaint alleges a deprivation of the Eighth Amendment's 22 guarantee against cruel and unusual punishment, see Dkt. No. 12 at 3-4, but the complaint is bereft 23 of any such allegations.

24 Plaintiffs are advised that, although Rule 8(a) does not demand particularity, a kitchen sink 25 approach to pleading with broad cross references to general allegations will typically not suffice. 26 The Court also has concerns about the opposition brief filed by counsel for plaintiffs. Dkt. No. 12. 27 The opposition relies on cases from the Fourth Circuit construing Rule 12(b)(6) that date

from the 1 standards, and the Fourth Circuit is a long way away from the circuit in which this Court sits.

2 || Plaintiffs' authorities propound a pleading standard that the Supreme Court of the United States
3 clearly rejected nearly two decades ago. See *Ashcroft v. Iqbal*, 556 U.S. 662 (2009); *Bell Atl. 4 ||*
Corp. v. Twombly, 550 U.S. 544 (2007). Other issues included: (1) consistent misspellings and 5
typographical errors, demonstrating a lack of attentiveness, and (2) citations to authority that have
6 || no apparent connection to the proposition for which they are being cited, see Dkt.

No. 12 at 8. 7 Additionally, the complaint alleges a claim based on Cal. Penal Code § 255(a)(4),
which does not 8 appear to exist. Further conduct along these lines will result in sanctions,
including dismissal of 9 the case and professional conduct sanctions. 10 Plaintiffs may file an
amended complaint consistent with this order by September 2, 2025. 11 || No new parties or claims
may be added without the Court's prior consent.

Failure to meet the 12 || filing deadline or otherwise comply with this order will result in dismissal
of the amended 13 complaint pursuant to Federal Rule of Civil Procedure 41(b). IT IS SO
ORDERED. 3 15 Dated: August 13, 2025 2 16 YY JAM ONATO Z 18 Unigdl States District
Judge 19 20 21 22 23 24 25 26 27 28