

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

**Olivia Valadez, successor in interest to the Estate of Eric Valadez v.
Sutter Health Memorial Hospital Los Banos, et al.**

Valadez · No. 1:22-cv-00263 KJM-EPG · Decided September 22, 2025

OPINION

Valadez

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 1] Olivia Valadez, successor in interest to the No. 1:22-cv-00263 KJM-EPG Estate of Eric
Valadez,

12 ORDER

B Plaintiff, 14 v: 15 Sutter Health Memorial Hospital Los Banos, et 6 al., _ 17 Plaintiff alleges
Sutter Health Memorial Hospital Los Banos (the Hospital) violated 18 | federal and California
laws when it negligently allowed her son Eric Valadez to escape the 19 | hospital and commit
suicide. The court granted plaintiff summary judgment on her claim the 20 | Hospital violated the
Emergency Medical Treatment and Labor Act (EMTALA), 21 | 42 U.S.C. § 1395dd, by failing to
provide Valadez stabilizing treatment. The Hospital now 22 | moves for reconsideration of this
court’s ruling, arguing the court failed to take into consideration 23 | the report and deposition of
its expert to rebut plaintiffs experts’ opinions the Hospital violated 24 | EMTALA. For the reasons
that follow, the court grants in part and denies in part the 25 | Hospital’s motion for
reconsideration.

26 | I. BACKGROUND

27 Plaintiff filed suit against the Hospital in this court on March 3, 2022. See Compl., ECF 28 |
No. 2. Plaintiff alleges the Hospital violated EMTALA, by failing to screen and by failing to 1
stabilize Valadez when it treated him on March 21-22, 2021, see id. ¶¶ 26–34; the Americans 2
with Disabilities Act (ADA), 42 U.S.C. §§ 12181–12189, see id. ¶¶ 17–25; California’s Unruh 3
Civil Rights Act (Unruh Act), Cal. Civ. Code § 51, see id. ¶¶ 35–45, and California’s Disabled 4
Person’s Act (CDPA), Cal. Civ. Code § 54, see id. ¶¶ 46–56. Plaintiff also alleges the Hospital 5
committed negligence per se. See Compl. ¶¶ 57–66. 6 Both parties moved for partial summary
judgment on all plaintiff’s claims except her 7 negligence per se claim. See Def.’s Mot. Summ. J.,
ECF No. 46; Pl.’s Mot. Summ. J., ECF

8 No. 57. In opposition to plaintiff’s motion for summary judgment, the Hospital submitted the

9 expert report and partial deposition of Patrice Callagy, the Executive Director of Emergency 10 Services for Stanford Health Care. See Schultz Decl. Exs. D (Callagy Rep.) & E (Callagy Dep.) 11 at 57–74, ECF No. 66.1 Callagy opined the Hospital properly screened Valadez and gave 12 Valadez proper medical care but did not need to give him stabilizing care while he was a patient 13 at the Hospital and therefore did not violate EMTALA. See Callagy Dep. at 19–20, 25 (“I did not 14 see that he needed any treatment that wasn’t being provided.”). Callagy also opined that 15 Valadez’s condition did not deteriorate while he was a patient at the Hospital. See *id.* at 19 (“I 16 believe the patient had the same condition throughout his visit.”). According to Callagy, 17 Valadez’s condition only deteriorated after he had escaped. See *id.* Finally, Callagy believed the 18 Hospital’s treatment of Valadez was proper while he was in its care even though the Hospital had 19 not provided Valadez with medication as “he wasn’t exhibiting behavior within the records that 20 required emergency medications to be given or a nurse to escalate it to a physician.” *Id.* at 28. 21 The court decided both parties’ summary judgment motions. See Order (July 7, 2025), 22 ECF No. 95. The court granted the Hospital’s summary judgment motion on plaintiff’s 23 EMTALA claim insofar as it alleged the Hospital failed to screen Valadez, plaintiff’s ADA claim, 24 plaintiff’s Unruh Act claim, and plaintiff’s CDPa claim. See *id.* at 24–25. The court otherwise 25 denied the Hospital’s motion. See *id.* The court denied plaintiff’s motion for summary judgment 1 Pages cited here are those applied at the top right by the CM/ECF system with the exception of deposition transcripts. The court cites depositions to the original page numbers of the deposition transcript. 1 except with respect to plaintiff’s EMTALA claim insofar as it alleged the Hospital failed to 2 provide Valadez stabilizing treatment. See *id.* at 25. 3 Specifically, the court held that the following elements required to prove a failure to 4 stabilize claim were undisputed. First, the court held it was undisputed Valadez had a qualifying 5 emergency condition. See *id.* at 16. Second, it held it was undisputed the Hospital had actual 6 knowledge of the emergency condition. See *id.* at 17. Third, the court held it was undisputed the 7 Hospital was providing emergency care and not inpatient care. See *id.* Fourth, the court found 8 there was not a dispute of material fact the Hospital failed to provide stabilizing care to Valadez. 9 See *id.* at 17–18. The court noted the Hospital failed to provide stabilizing anti-psychotic 10 medication and had failed to restrain Valadez so he could not flee from the premises. See *id.* at 11 17–18. The court also found it was undisputed Valadez’s condition worsened while he was a 12 patient at the Hospital. See *id.* at 17. Finally, the court found there was no material dispute as to 13 causation: that the Hospital’s failure to restrain Valadez caused his suicide. See *id.* at 18–19. 14 In making this determination, the court did not reference Callagy’s expert report, or the 15 portions of her deposition submitted by the Hospital in opposition to plaintiff’s motion for 16 summary judgment. See, e.g., *id.* at 8 n.4 (not citing Schultz Declaration when noting court had 17 “compared the parties’ respective statements of fact and the underlying record and reviewed the 18 relevant deposition transcripts”). Further, the court incorrectly stated the Hospital provided no 19 expert to rebut plaintiff’s claims the Hospital failed to provide stabilizing care to Valadez. See *id.* 20 at 20.

21 The Hospital submitted its motion for reconsideration on July 17, 2025, arguing Callagy’s 22 expert report creates a dispute of material fact over whether the Hospital violated EMTALA by 23 failing to stabilize Valadez. See Mot., ECF No. 97; Mem., ECF No. 97-1. This motion is now 24 fully briefed. See Mot.; Opp’n, ECF No. 99; Reply, ECF No. 101. The court has determined 25 there is no need for oral argument and so have submitted the motion on the papers. See E.D. Cal. 26 L.R. 230(g). 27 /////

1 II. LEGAL STANDARD

2 The Hospital can obtain relief from an order for “any . . . reason that justifies relief.” Fed 3 R. Civ. P. 60(b)(6). But its motion for reconsideration should “not be used to ask the court to 4 rethink what the court [has] already thought through—rightly or wrongly.” United States v. 5 Rezzonico, 32 F. Supp. 2d. 1112, 1116 (D. Ariz. 1998). The Hospital’s motion should present 6 “newly discovered evidence” or show the court “committed clear error” or argue there has been 7 an “intervening change in the controlling law.” Marlyn Nutraceuticals, Inc. v. Mucos Pharma 8 GmbH & Co., 571 F.3d 873, 880 (9th Cir. 2009) (quoting 389 Orange St. Partners v. Arnold, 179 9 F.3d 656, 665 (9th Cir. 1999)). For a court to reconsider a previous ruling under the “clear error” 10 standard, it must have a “definite and firm conviction that a mistake has been committed.” Smith 11 v. Clark Cnty. Sch. Dist., 727 F.3d 950, 955 (9th Cir. 2013) (quoting United States v. U.S. 12 Gypsum Co., 333 U.S. 364, 395 (1948)). 13 Even if the Hospital persuades the court to reconsider its previous order, the court will still 14 need to consider whether there is a dispute of material fact with respect to plaintiff’s EMTALA 15 duty to stabilize claim. To succeed on summary judgment, plaintiff must show “there is no 16 genuine dispute as to any material fact and [she is] entitled to judgment as a matter of law.” Fed. 17 R. Civ. P. 56(a). A dispute is “genuine” if “a reasonable jury could return a verdict for the 18 nonmoving party.” Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986). A fact is 19 “material” if it “might affect the outcome of the suit under the governing law.” Id. The court 20 views the record in the light most favorable to the non-moving party and draws reasonable 21 inferences in their favor. Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 587– 22 88 (1986); Adickes v. S.H. Kress & Co., 398 U.S. 144, 157 (1970). 23 A trial court should act “with caution in granting summary judgment” especially if it 24 concludes “there is reason to believe that the better course would be to proceed to a full trial.” 25 Anderson, 477 U.S. at 255. Further, “[a]s a general rule, summary judgment is inappropriate 26 where an expert’s testimony supports the non-moving party’s case.” In Re Worlds of Wonder 27 Sec. Litig., 35 F.3d 1407, 1425 (9th Cir. 1994). “However, where the evidence is as clear as that 28 in this record, the court is not required to defer to the contrary opinion of [defendant’s] expert.” 1 Id. (quoting In Re Apple Computer Sec. Litig., 886 F.2d 1109, 1116 (9th Cir. 1989)). An expert’s 2 conclusory opinions are insufficient to create a dispute of material fact when the “record clearly 3 rebuts” those opinions. See id.

4 III. ANALYSIS

5 A. Reconsideration 6 The court finds it committed clear error in not expressly considering

Callagy's expert 7 report and deposition submitted with the Hospital's opposition to plaintiff's motion for summary 8 judgment. See Callagy Rep.; Callagy Dep. Specifically, the court erred in not citing or 9 referencing Callagy's report or deposition testimony in identifying the relevant facts. See Order 10 (July 7, 2025) at 8 n.4. The court also erred in saying the Hospital failed to provide an expert to 11 rebut plaintiff's three expert reports. See *id.* at 20. 12 Plaintiff argues now, although she did not say so at summary judgment, the expert report 13 was irrelevant because Callagy is not a doctor and cannot provide an expert opinion on 14 emergency stabilizing care. See Opp'n at 2–3. In this respect, the court disagrees. Callagy is an 15 emergency nurse who is qualified to opine on emergency care, based on her experience and 16 credentials and given that nurses were partially responsible for the care Valadez received at the 17 Hospital. See Callagy Rep; Order (July 7, 2025) at 10. Plaintiff herself provided an expert 18 opinion from a nurse, Dan Branch, which the court took into consideration when evaluating 19 plaintiff's motion for summary judgment. The court finds no good reason to accept the testimony 20 of plaintiff's nurse expert while rejecting that of the Hospital's nurse expert. See Order (July 7, 21 2025) at 11. A factfinder ultimately could determine opinions provided by doctors carry more 22 weight than those of nurses, but that is not a determination for the court to make at the summary 23 judgment stage, at which the court evaluates only if there are disputes of material fact with 24 respect to plaintiff's claims. See Fed. R. Civ. P. 56(a). 25 The court thus grants defendants' motion for reconsideration to the extent it proceeds to 26 reconsider its decision on plaintiff's motion for summary judgment of plaintiff's EMTALA duty 27 to stabilize claim taking account of Callagy's expert opinion.

1 B. Summary Judgment 2 On reconsideration, the court considers Callagy's report and deposition testimony only 3 with respect to plaintiff's duty to stabilize claim, as it has already granted the Hospital summary 4 judgment on plaintiff's duty to screen claim and no party seeks reconsideration of that aspect of 5 the court's decision. See Order (July 7, 2025) at 12–15. Upon careful review, the court finds 6 Callagy's expert opinion with respect to plaintiff's duty to stabilize claim is conclusory and omits 7 the kind of properly supported conclusion that would otherwise persuade the court to conclude 8 the undisputed record does not support plaintiff's motion for summary judgment on her EMTALA 9 failure to stabilize claim. 10 First, Callagy's opinion, conclusory as it is, mentions stabilization only in passing and as 11 noted assumes the Hospital did not have a duty to stabilize Valadez, but rather that any required 12 stabilization would occur after Valadez was transported to a different facility. See Callagy Decl. 13 at 58 (“Mr. Valadez was deemed to meet criteria for a 5150 hold due to danger to self, and he was 14 to be transported to an inpatient psychiatric hospital for treatment and stabilization.”). But as the 15 court previously found, the Hospital did have a duty to stabilize Valadez while he was a patient 16 there, see Order (July 7, 2025) at 15, 17–20, and defendants have not moved for reconsideration 17 of this determination. 18 Second, as plaintiffs argue, Callagy's opinion that the Hospital did not need to provide 19 stabilizing care relies on a characterization of the undisputed medical records that is flatly 20 contradicted by a review of the records themselves. See Opp'n at 3. 21 In

Callagy's deposition, she opines Valadez did not need medication and did not require 22 emergency treatment. See Callagy Dep. at 19–20, 25 (saying plaintiff did not need any treatment 23 he was not receiving), 28. But the evidentiary record memorializes that Valadez's condition 24 worsened at some point during his stay at the Hospital. See Pl.'s Stmt. of Evid. Ex. F (Pl.'s Med. 25 Recs.) at 157–58, ECF No. 57-3. When he was first admitted, he denied distress and was 26 assessed by Hospital staff as not being suicidal. See Pl.'s Med. Recs. at 175. But the trained 27 psychiatrist who later saw Valadez, Dr. Brahmbhatt, noted he was exhibiting signs of paranoia 28 and prescribed anti-psychotic medication, more than an hour before he eloped from the Hospital. 1 See Pl.'s Stmt. of Evid. Ex. F (Pl.'s Med. Recs.) at 167–68, ECF No. 57-3; see also ECF No. 66 2 (Brahmbhatt's 3/21/21 note at 11:10 p.m., recording fear, paranoia, hypervigilance and 3 prescribing medication); cf. ECF 66 at 25 (elopement reported by 3/22/21 at 047 or 12:47 a.m.). 4 A nurse then noted, about an hour before Valadez eloped, he had become paranoid and 5 apprehensive and attempted to call his family multiple times, following the psychiatric 6 evaluation. See *id.* at 23 (Nurse Salas's notes at "2340" or 11:40 p.m.). 7 Callagy's statement that Valadez "had the same condition throughout his visit" until "he 8 eloped" does not square with these observations recorded in Valadez's medical file. See Callagy

9 Dep. at 19. Callagy's deposition testimony at points seems to concede that a clinician had 10 determined Valadez needed stabilizing during his stay, Dep. at 25:20-21; while she goes on to say 11 that stabilization would not be needed if a patient was "directable," she does not say that Valadez 12 was, *id.* at 27:10-19. Her testimony that two doctors had determined Valadez did not require 13 medication, *id.* at 28:4-10, also completely ignores Brahmbhatt's prescription of psychiatric 14 medications, more than hour before Valadez eloped, as reviewed above. Under these 15 circumstances, the court gives weight to the undisputed record, not an opinion that disregards 16 material portions of that record. See *In Re Worlds of Wonder Sec. Litig.*, 35 F.3d at 1425. 17 On this record, no reasonable juror could find Callagy's opinion outweighs that of 18 Brahmbhatt, the treating psychiatrist. Callagy's opinion also does not require the court to 19 reconsider its determination that as a matter of law the Hospital had an obligation to restrain 20 someone on a 5150 hold to prevent elopement and self-injury. See Order (July 7, 2025) at 9–11. 21 Callagy's opinion in fact appears to concede causation in a way that is not helpful to the Hospital: 22 that the elopement itself furthered a deterioration in Valadez's condition. See Callagy Dep. at 19 23 (noting Valadez's condition "escalated" or got worse, when he eloped). 24 In sum, having considered expressly Callagy's expert opinion and her deposition 25 testimony, the court finds plaintiff's motion for summary judgment on the EMTALA failure to 26 stabilize claim should still be granted. 27 ///// 28 /////

1 IV. CONCLUSION

2 For the reasons stated above, the court grants the Hospital's motion for reconsideration to 3 the extent the court expressly considers Callagy's declaration and deposition in resolving 4 summary judgment. Having reconsidered its summary judgment order, the court reaches the 5 same

conclusion but corrects its prior statements that did not take account of Callagy's opinion, 6 and modifies those statements as they appear in the order at ECF No. 95 by replacing them with 7 the discussion contained above. 8 The court thus denies the Hospital's motion for reconsideration of its decision on 9 summary judgment, and clarifies that after reconsideration plaintiff's motion for summary 10 judgment (ECF No. 57) is granted with respect to plaintiff's duty to stabilize claim under 11 EMTALA. The remainder of the court's previous order (ECF No. 95) remains undisturbed. The 12 parties will go to trial on plaintiff's negligence claim. 13 The pretrial conference has been set for November 4, 2025, at 10:30 am in Courtroom

14 Three at 501 I Street, Sacramento, California, 95814. The parties shall meet and confer and file a

15 joint pretrial statement no less than 14 days prior to the final pretrial conference. The provisions 16 of Local Rule 281 shall apply with respect to the matters to be included in the joint pretrial 17 statement. At least one of the attorneys who will conduct the trial for each of the parties shall 18 attend the final pretrial conference. All motions in limine must be filed in conjunction with the 19 joint pretrial statement. In most cases, motions in limine are addressed and resolved on the 20 morning of the first day of trial. The parties may alert the court at the final pretrial conference 21 and in their final joint pretrial statement that a particular motion or motions should be resolved 22 earlier. At the final pretrial conference, the court will set a briefing and hearing schedule on the 23 motions in limine as necessary. The parties are reminded that a motion in limine is a pretrial 24 procedural device designed to address the admissibility of evidence. The court looks with 25 disfavor upon dispositional motions presented at the final pretrial conference or at trial in the 26 guise of motions in limine. 27 ///// 28 ///// 1 This order resolves ECF No. 97 and modifies in part the court's previous order at ECF

2 No. 95.

3 IT IS SO ORDERED. 4 DATED: September 19, 2025.