

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Bell Jr. v. Saddleback Valley Unified School District

Bell Jr. · No. 24-cv-05545-JST · Decided October 8, 2025

SUMMARY

The United States District Court for the Northern District of California resolves motions to dismiss the plaintiffs’ second amended complaint concerning alleged interference with familial relationships involving a high school football player. The court grants the motions filed by CIF and by Next Level and Briscoe, grants in part and denies in part the District Defendants’ motion, preserves an unjust-enrichment claim against Johnson, limits damages claims against the District Defendants, and dismisses the civil conspiracy claim without prejudice.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jon S. Tigar
JURISDICTION	United States District Court for the Northern District of California
DECIDED	October 8, 2025
DOCKET	24-cv-05545-JST
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs filed a second amended complaint asserting claims including Monell liability under 42 U.S.C. § 1983, negligence, negligent infliction of emotional distress, intentional infliction of emotional distress, unjust enrichment, punitive damages, and civil conspiracy. Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the Court accepts factual allegations as true and construes the pleadings in the light most favorable to the plaintiff, but requires sufficient factual matter to state a claim that is plausible on its face.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court opinion
PARTIES	Phillip Bell Jr., Maria Lorna Barnes, Anthony Barnes v. Saddleback Valley Unified School District Board, California Interscholastic Federation, Klutch Sports Group, Next Level Sports & Academics,

TOPICS

motions to dismiss

section 1983

municipal liability

civil procedure

negligence

PRACTICE AREAS

civil rights

civil procedure

constitutional law

torts

remedies

QUESTIONS PRESENTED

1. Whether Plaintiffs plausibly alleged municipal liability against Saddleback Valley Unified School District or CIF under any Monell theory based on an official policy or custom, failure to train, or final policymaker ratification.
2. Whether Plaintiffs plausibly alleged negligence or negligent infliction of emotional distress against Briscoe and Next Level.
3. Whether Plaintiffs plausibly alleged intentional infliction of emotional distress against Briscoe and Next Level.
4. Whether Plaintiffs plausibly alleged unjust enrichment against Johnson, Briscoe, and Next Level.
5. Whether punitive and compensatory damages could be pursued against the District Defendants in their individual capacities while damages claims against the District or officials in their official capacities were barred.
6. Whether Plaintiffs' newly added civil-conspiracy claim under § 1983 was outside the scope of the leave to amend and should be dismissed.

HOLDINGS

1. Plaintiffs failed to state a Monell claim against the Saddleback District under an official-policy-or-custom, failure-to-train, or final-policymaker-ratification theory.
2. Plaintiffs failed to state a Monell claim against CIF, and the claim was dismissed without leave to amend.
3. Plaintiffs failed to state negligence or negligent-infliction-of-emotional-distress claims against Briscoe and Next Level.
4. Plaintiffs failed to plausibly allege intentional infliction of emotional distress against Briscoe and Next Level.
5. The unjust-enrichment claim against Johnson was sufficiently pleaded and would not be dismissed at the motion-to-dismiss stage.
6. Plaintiffs failed to state unjust-enrichment claims against Briscoe and Next Level.
7. Damages claims against Saddleback District and employees sued in their official capacities were dismissed with prejudice, except to the extent Plaintiffs sought injunctive relief; punitive and

compensatory damages claims against Wong, Osborne, and Johnson in their individual capacities were not dismissed.

8. The newly added § 1983 civil-conspiracy claim was dismissed without prejudice because it exceeded the scope of the leave to amend.

KEY QUOTATIONS

“To survive a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6), a complaint must contain “a short and plain statement of the claim showing that the pleader is entitled to relief.”” (Section III)

“A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” (Section III)

“A policymaker’s knowledge of an unconstitutional act does not, by itself, constitute ratification. Instead, a plaintiff must prove that the policymaker approved of the subordinate’s act.” (Section IV.A.1)

“The Eleventh Amendment bars damages actions against state officials acting in their official capacities because these actions are treated as suits against the state itself.” (Section IV.E)

FACTUAL BACKGROUND

Plaintiffs, including Phillip Bell Jr., the father of Phillip Bell III, and Phillip III's maternal grandparents, alleged that Defendants interfered with their familial relationship with Phillip III. They alleged that Defendants interfered with enforcement of a custody order and arranged for Phillip III's transportation and housing without Plaintiffs' consent, allegedly to advance interests connected to Phillip III's status as a high-school football player. Plaintiffs also alleged that school officials and private actors failed to help restore their relationship with Phillip III and that certain Defendants benefited from his football success.

PROCEDURAL HISTORY

The Court previously granted in part and denied in part Defendants' motions to dismiss and granted Plaintiffs leave to file a second amended complaint solely to cure identified deficiencies. Plaintiffs filed the second amended complaint on July 1, 2025. The Court granted the motions of CIF and Next Level and Briscoe, granted the District Defendants' motion in part and denied it in part, dismissed several claims without leave to amend, dismissed the newly added civil-conspiracy claim without prejudice, and allowed the unjust-enrichment claim against Johnson and certain individual-capacity damages claims to proceed.

DISPOSITION

other

CASES CITED

- *Mendiondo v. Centinela Hospital Medical Center*, 521 F.3d 1097, 1104 (9th Cir. 2008)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 556-57, 570 (2007)

- *Knievel v. ESPN*, 393 F.3d 1068, 1072 (9th Cir. 2005)
- *Rodriguez v. County of Los Angeles*, 891 F.3d 776, 802-03 (9th Cir. 2018)
- *Monell v. Department of Social Services*, 436 U.S. 658, 694 (1978)
- *City of Canton v. Harris*, 489 U.S. 378, 390 (1989)
- *Gravelet-Blondin v. Shelton*, 728 F.3d 1086, 1097 (9th Cir. 2013)
- *Hartzell v. Marana Unified School District*, 130 F.4th 722, 735 (9th Cir. 2025)
- *AE ex rel. Hernandez v. County of Tulare*, 666 F.3d 631, 637 (9th Cir. 2012)
- *City of St. Louis v. Praprotnik*, 485 U.S. 112, 127 (1988)
- *Juricich v. County of San Mateo*, No. 19-cv-06413-WHO, 2020 WL 619840, at *4 (N.D. Cal. Feb. 10, 2020)
- *Sepehry-Fard v. Lee*, No. 20-cv-03585-EJD, 2021 WL 6113001, at *5 (N.D. Cal. Dec. 27, 2021)
- *Mathews v. Abington Heights School District*, 2023 WL 2601917, at *9 (M.D. Pa. Mar. 22, 2023)
- *Christie v. Iopa*, 176 F.3d 1231, 1239 (9th Cir. 1999)
- *Potter v. Firestone Tire & Rubber Co.*, 6 Cal. 4th 965, 984-85 (1993)
- *Burgess v. Superior Court*
- *Ileto v. Glock Inc.*, 349 F.3d 1191, 1203 (9th Cir. 2003)
- *Regents of University of California v. Superior Court*, 4 Cal. 5th 607, 664 (2018)
- *Williams v. State of California*, 34 Cal. 3d 18, 23 (1983)
- *Hughes v. Pair*, 46 Cal. 4th 1035, 1050-51 (2009)
- *City of Oakland v. Oakland Raiders*, 83 Cal. App. 5th 458, 478 (2022)
- *Hirsch v. Bank of America*, 107 Cal. App. 4th 708, 722 (2003)
- *Hafer v. Melo*, 502 U.S. 21, 25, 31 (1991)
- *Regents of University of California v. Doe*, 519 U.S. 425, 429 (1997)
- *Will v. Michigan Department of State Police*, 491 U.S. 58, 65-66 (1989)
- *C.W. v. Capistrano Unified School District*, 784 F.3d 1237, 1247 (9th Cir. 2015)
- *Belanger v. Madera Unified School District*, 963 F.2d 248, 254 (9th Cir. 1992)
- *Wells v. Board of Trustees of California State University*, 393 F. Supp. 2d 990, 999 (N.D. Cal. 2005)
- *Smith v. Wade*, 461 U.S. 30, 35 (1983)
- *Temple of 1001 Buddhas v. City of Fremont*, No. 21-cv-4661-CRB, 2022 WL 1570480, at *5 (N.D. Cal. May 18, 2022)
- *DeLeon v. Wells Fargo Bank, N.A.*, No. 10-cv-1390-LHK, 2010 WL 4285006, at *3 (N.D. Cal. Oct. 22, 2010)
- *Choudhuri v. Specialized Loan Servicing*, No. 22-CV-06993-JST, 2023 WL 6277327, at *5 (N.D. Cal. Sept. 26, 2023)
- *Kendall v. Visa U.S.A., Inc.*, 518 F.3d 1042, 1051-52 (9th Cir. 2008)

OPINION

Bell Jr. v. Saddleback Valley Unified School District

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 PHILLIP BELL JR., et al., Case No. 24-cv-05545-JST 8 Plaintiffs,

ORDER RESOLVING MOTIONS TO

9 v. DISMISS

10 SADDLEBACK VALLEY UNIFIED Re: ECF No. 88, 89, 90

SCHOOL DISTRICT, et al., 11 Defendants. 12

13 I. BACKGROUND1

14 Because the facts are well-known to the parties and the Court has summarized the 15
background of this action in detail in its prior order, ECF No. 85, the Court will not repeat them 16
here in full. In sum, this case concerns allegations by Plaintiffs Phillip Bell Jr. (“Bell Jr.”), the 17
father of Phillip Bell III (“Phillip III”); Maria Lorna Barnes, the maternal grandmother of Phillip
18 III; and Anthony Barnes, the maternal grandfather of Phillip III. They contend that Defendants
19 worked individually and in concert to interfere with Plaintiffs’ familial relationship with Phillip
20 III, including interfering with the enforcement of a court custody order and arranging for the 21
transportation and housing of Phillip III without Plaintiffs’ consent, to further Defendants’ own 22
gain surrounding Phillip III’s successes as an emerging high school football talent. 23 The
Defendants are Saddleback Valley Unified School District Board (“Saddleback 24 District”);
California Interscholastic Federation (“CIF”); Klutch Sports Group (“Klutch”); Next 25 Level
Sports & Academics (“Next Level”); Steve Briscoe, the owner and operator of Next Level; 26 27
1 For the purpose of resolving Defendants’ motions to dismiss, the Court accepts as true the 1
Isaiah Sandoval; Edward Wong, the Board President of Saddleback District at all relevant times; 2
Tricia Osborne, the principal of Mission Viejo High School (“Mission High”); and Chad Johnson,
3 the head football coach of Mission High. 4 On June 16, 2025, the Court granted in part and
denied in part Defendants’ motions to 5 dismiss. ECF No. 85. Plaintiffs filed their SAC on July 1,
2025. ECF No. 86. 6 Before the Court are motions to dismiss the SAC filed by Saddleback
District, Osborne, 7 Wong, and Johnson (collectively, “District Defendants”); CIF; and Next Level
and Briscoe, ECF

8 Nos. 88, 89, 90. The Court will grant the motions by CIF and Next Level and Briscoe. It will
9 grant the District Defendants’ motion in part and deny it in part.

10 II. JURISDICTION

11 This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1367.

12 III. LEGAL STANDARD

13 To survive a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6), a 14 complaint
must contain “a short and plain statement of the claim showing that the pleader is 15 entitled to
relief.” Fed. R. Civ. P. 8(a)(2). Dismissal “is appropriate only where the complaint 16 lacks a
cognizable legal theory or sufficient facts to support a cognizable legal theory.” Mendiondo v.

Centinela Hosp. Med. Ctr., 521 F.3d 1097, 1104 (9th Cir. 2008). 17 “[A] complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to 18 relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. 19 Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). “A claim has facial plausibility when the plaintiff 20 pleads factual content that allows the court to draw the reasonable inference that the defendant is 21 liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678. While this standard is not “akin to a 22 ‘probability requirement’ . . . it asks for more than a sheer possibility that a defendant has acted 23 unlawfully.” *Id.* (quoting *Twombly*, 550 U.S. at 556). “Where a complaint pleads facts that are 24 ‘merely consistent with’ a defendant’s liability, it ‘stops short of the line between possibility and 25 plausibility of entitlement to relief.’” *Id.* (quoting *Twombly*, 550 U.S. at 557). 26 In determining whether a plaintiff has met the plausibility requirement, a court must 27 “accept all factual allegations in the complaint as true and construe the pleadings in the light most 1 favorable” to the plaintiff. *Kniesel*, 393 F.3d at 1072.

2 IV. DISCUSSION

3 A. Monell Liability Under Section 1983 4 A local government may be held “liable for an injury under § 1983 under three possible 5 theories.” *Rodriguez v. County of Los Angeles*, 891 F.3d 776, 802 (9th Cir. 2018). Under the first, 6 “a local government may be liable if ‘execution of a government’s policy or custom, whether 7 made by its lawmakers or by those whose edicts or acts may fairly be said to represent official 8 policy, inflict[ed] the injury.’” *Id.* (alteration in original) (quoting *Monell v. Department of Social 9 Services*, 436 U.S. 658, 694 (1978)). Second, a local government’s failure to train its employees 10 may rise to the level of actionable “deliberate indifference” where “the need for more or different 11 training is so obvious, and the inadequacy so likely to result in the violation of constitutional 12 rights, that the policymakers of the city can reasonably be said to have been deliberately 13 indifferent to the need.” *Id.* (quoting *City of Canton v. Harris*, 489 U.S. 378, 390 (1989)). 14 Finally, a Section 1983 plaintiff may prevail where “the individual who committed the 15 constitutional tort was an official with final policy-making authority or such an official ratified a 16 subordinate’s unconstitutional decision or action and the basis for it.” *Id.* at 802–03 (quoting 17 *Gravelet-Blondin v. Shelton*, 728 F.3d 1086, 1097 (9th Cir. 2013)). Each theory of liability is a 18 separate legal theory that will involve different methods for proving liability. See *Hartzell v. 19 Marana Unified Sch. Dist.*, 130 F.4th 722, 735 (9th Cir. 2025) (collecting cases treating the 20 different Monell theories as separate). 21 1. Saddleback District 22 Plaintiffs allege municipal liability against Saddleback District based on all three Monell 23 theories. The Court addresses each in turn. 24 First, Plaintiffs have not added any factual allegations regarding any official policy of the 25 Saddleback District that led to the alleged interference with familial relations. Thus, as the Court 26 found in its previous order, Plaintiffs’ conclusory allegations that Osborne and Johnson “acted 27 pursuant to an expressly adopted official policy to ignore the [Saddleback District] bylaws and 1 District],” ECF No. 86 ¶ 152, fail to state sufficient facts to show that any alleged policy was the 2 moving force behind the

alleged constitutional violation. See *AE ex rel. Hernandez v. Cnty. of 3 Tulare*, 666 F.3d 631, 637 (9th Cir. 2012) (to state a Monell claim plaintiff must allege facts to 4 support that a policy or custom existed); see also *City of St. Louis v. Praprotnik*, 485 U.S. 112, 5 127 (1988) (quotation marks and citation omitted) (requiring “a widespread practice . . . so 6 permanent and well settled to constitute a custom” to state a Monell claim). 7 Second, Plaintiffs’ failure-to-train theory asserts only threadbare and conclusory 8 allegations. Plaintiffs have not alleged any pattern of constitutional violations by untrained 9 Saddleback District employees. See *Juricich v. Cnty. of San Mateo*, No. 19-cv-06413-WHO, 2020 10 WL 619840, at *4 (N.D. Cal. Feb. 10, 2020) (dismissing failure to train claim where the complaint 11 “only provides factual allegations about the single incident [the plaintiff] experienced” and “still 12 fails to specify the nature of the alleged policy, custom or practice that g[a]ve rise to [the] 13 constitutional injury”). Nor have Plaintiffs identified any specific type of training or lack of 14 training that could have prevented the alleged injury. *Sepehry-Fard v. Lee*, No. 20-cv-03585-EJD, 15 2021 WL 6113001, at *5 (N.D. Cal. Dec. 27, 2021) (dismissing failure to train claim because 16 “[p]laintiff does not allege any facts from which the Court could infer which training practice 17 caused his injuries”). 18 Finally, Plaintiffs have not sufficiently stated a claim under their final policymaker theory. 19 Plaintiffs’ theory involves a hodgepodge of different allegations surrounding Mission High’s vice 20 principal being present at a conversation between Johnson and Bell Jr. Plaintiffs allege that in that 21 conversation, Johnson admitted that he knew that Sandoval and Briscoe were “bad guys”— 22 including saying that if Barnes were his sister, he would have killed Sandoval—yet failed to take 23 any action to help reunite Bell III with Bell Jr. ECF No. 104 at 12 (citing ECF No. 86 ¶¶ 98–99). 24 Plaintiffs thus argue that Johnson’s statements demonstrated “not only knowledge of wrongful 25 conduct but a conscious decision to condone and perpetuate it” and that the vice principal’s 26 presence ratified said conduct. *Id.* 27 As a preliminary matter, Plaintiffs have not provided any authority or explanation to 1 Monell purposes. *Mathews v. Abington Heights Sch. Dist.*, 2023 WL 2601917, at *9 (M.D. Pa.

2 Mar. 22, 2023) (finding that neither a school principal nor vice principal was “a final 3 policymaker whose conduct or knowledge may be imputed to the School District for Monell 4 purposes”). And allegations that the vice principal was merely present during the conversation are 5 insufficient to show ratification. See *Christie v. Iopa*, 176 F.3d 1231, 1239 (9th Cir. 1999) (“A 6 policymaker’s knowledge of an unconstitutional act does not, by itself, constitute ratification. 7 Instead, a plaintiff must prove that the policymaker approved of the subordinate’s act. For 8 example, it is well-settled that a policymaker’s mere refusal to overrule a subordinate’s completed 9 act does not constitute approval.”). Furthermore, Plaintiffs have not adequately explained how 10 any of the statements allegedly ratified reflect unconstitutional interference with Plaintiffs’ 11 familial relation with Phillip III. At most, the cited conversation demonstrates that Johnson knew 12 that Sandoval and Briscoe wanted to influence Phillip III and keep him away from Plaintiffs. But 13 as explained in this Court’s prior order, the District Defendants had no duty to act to help

14 Plaintiffs reconcile their relationship with Phillip III. And Plaintiffs otherwise have not cited
any 15 factual allegation that a final policymaker in Saddleback District ratified the shuffling of
Phillip III 16 between homes to hide him from Plaintiffs. 17 Accordingly, Plaintiffs have not
adequately stated a Monell claim under any of their 18 theories of liability.

19 2. CIF

20 Plaintiffs similarly assert that CIF is liable under Monell for having an official policy to 21
ignore CIF rules and “put the child first” and for not having adequate training policies to prevent
22 violations of the law by its employees. See ECF No. 86 ¶¶ 196–207. CIF argues that Plaintiffs’
23 Monell claims against it should be dismissed because—as in the FAC—Plaintiffs have failed to
24 sufficiently allege facts establishing any official CIF policy leading to the alleged constitutional
25 violations or any failure by CIF to train its employees. See ECF No. 89 at 7–11. The Court
agrees 26 with CIF and finds that the SAC suffers from the same pleading infirmities as the FAC.
27 As the Court found in its previous order, ECF No. 85 at 11, Plaintiffs continue to fail to 1 which
such a policy was enforced to interfere with family relations to support an inference of “a 2
widespread practice . . . so permanent and well settled [as] to constitute a custom.” City of St. 3
Louis, 485 U.S. at 127 (quotation marks and citation omitted). And while Plaintiffs allege in their
4 opposition that CIF suffered from “systemic non-enforcement of its bylaws,” ECF No. 102 at 15,
5 merely saying so does not make it plausible. Indeed, Plaintiffs still at most describe a single 6
incident—CIF’s alleged decision not to act here when Plaintiffs alerted CIF about their 7
guardianship dispute—and thus do not sufficiently allege any official policy or custom. 8 Plaintiffs
similarly continue to raise only threadbare allegations to support their failure-to- 9 train theory of
liability against CIF. Plaintiffs have not alleged any pattern of constitutional 10 violations by
untrained CIF employees and have not demonstrated that this is the rare case where a 11 particular
“showing of ‘obviousness’ can substitute for the pattern of violations ordinarily 12 necessary to
establish municipal culpability.” Connick v. Thompson, 563 U.S. 51, 63 (2011). 13 Plaintiffs thus
fail to state a failure-to-train claim against CIF. See Jurich v. Cnty. of San Mateo, 14 2020 WL
619840, at *4; Sepehry-Fard v. Lee, 2021 WL 6113001, at *5. Instead, Plaintiffs in 15 their
opposition cite to public reporting—not included in the SAC—on CIF’s prior failure to 16 enforce
its student eligibility and NIL (name, image, and likeness) rules. See ECF No. 102 at 15– 17 18.
But even taking such allegations as true, Plaintiffs do not explain how CIF’s failure to train its 18
staff to enforce student eligibility requirements across its member schools is connected to the 19
central injury at hand—the alleged interference with familial relations between Plaintiffs and 20
Phillip III. 21 Accordingly, the Court grants CIF’s motion to dismiss Plaintiffs’ Monell claim
against it 22 without leave to amend. 23 B. Negligence 24 Plaintiffs assert a claim of negligence
and negligent infliction of emotional distress against 25 Briscoe and Next Level. The Court
analyzes the claims together, as “there is no independent tort 26 of negligent infliction of
emotional distress” under California law. Potter v. Firestone Tire & 27 Rubber Co., 6 Cal. 4th 965,
984-85 (1993) (citations omitted); see also Burgess v. Superior Court, 1 must establish four

required elements: (1) duty; (2) breach; (3) causation; and (4) damages.” 2 *Ileto v. Glock Inc.*, 349 F.3d 1191, 1203 (9th Cir. 2003). 3 The Court previously found that Briscoe did not owe a duty to Plaintiffs based on the 4 allegations in the FAC. See ECF No. 85 at 15–16. Specifically, the Court found that as one of 5 Phillip III’s trainers, Briscoe’s relationship was with Phillip III—not Plaintiffs. *Id.* And Briscoe’s 6 actions in helping to re-enroll Phillip III at Mission high by pretending to be Phillip III’s uncle 7 were not shown to be the proximate cause of Plaintiffs’ emotional distress. *Id.* 8 The SAC now primarily adds that Briscoe traveled to Southern California after Samantha 9 Barnes’s death in order to influence—and did influence—Phillip III to deny Bell Jr. access to the 10 home Phillip III was staying in upon Bell Jr.’s visit. ECF No. 86 ¶¶ 82–87. Notably, Briscoe’s 11 alleged visit took place before Plaintiffs sent Briscoe a cease-and-desist letter informing Briscoe of 12 the guardianship dispute. See *id.* ¶¶ 87–87, 105–08. The SAC does not allege that Briscoe 13 engaged in any affirmative wrongful conduct following the cease-and-desist letter beyond 14 allegations that Briscoe remained in communications with Phillip III and did not assist Plaintiffs in 15 reconnecting with Phillip III. Plaintiffs’ other allegations that Briscoe “brokered a deal” to get 16 Phillip III to relocate to Southern California and that Briscoe interfered with familial relationships 17 by testifying against Bell Jr. in the custody hearing are similarly insufficient. ECF No. 103 at 13– 18 15. Phillip III relocated with his mother and legal guardian, and that relocation did not 19 proximately cause the injuries alleged in this lawsuit. And Briscoe’s exercise of his free speech 20 rights to testify at a legal hearing did not constitute conduct “of the kind that public policy dictates 21 should give rise to legal liability.” ECF No. 85 at 16; see also *Regents of Univ. of California v. 22 Superior Ct.*, 4 Cal. 5th 607, 664 (2018) (“A person who has not created a peril is not liable in tort 23 merely for failure to take affirmative action to assist or protect another unless there is some 24 relationship between them which gives rise to a duty to act.” (quoting *Williams v. State of 25 California*, 34 Cal. 3d 18, 23 (1983))). Accordingly, the Court dismisses Plaintiffs’ negligence 26 and negligent infliction of emotional distress claim against Briscoe and Next Level without leave 27 to amend.

1 C. Intentional Infliction of Emotional Distress 2 The elements of a claim for intentional infliction of emotional distress (“IIED”) are: “(1) 3 extreme and outrageous conduct by the defendant with the intention of causing, or reckless 4 disregard of the probability of causing, emotional distress; (2) the plaintiff’s suffering severe or 5 extreme emotional distress; and (3) actual and proximate causation of the emotional distress by the 6 defendant’s outrageous conduct.” *Hughes v. Pair*, 46 Cal. 4th 1035, 1050 (2009) (quotation marks 7 and citation omitted). “A defendant’s conduct is ‘outrageous’ when it is so extreme as to exceed 8 all bounds of that usually tolerated in a civilized community.” *Id.* at 1050–51 (quotation marks 9 and citation omitted). 10 As the Court explained in its prior order and above, the SAC does not plausibly 11 demonstrate that Briscoe’s alleged conduct caused the injuries alleged or was wrongful, let alone 12 “extreme and outrageous.” Accordingly, the Court grants Briscoe and Next Level’s motion to 13 dismiss Plaintiffs’ IIED claim against them without leave to amend.

14 D. Unjust Enrichment 15 1. Johnson 16 The Court previously

dismissed Plaintiffs’ unjust enrichment claim against Johnson 17 because the FAC did not allege that Johnson “personally retained any financial benefit through the 18 sales of ticket and merchandise or the promotion of Mission High’s football program.” ECF No. 19 85 at 21. Plaintiffs now argue that the success of Mission High’s football program—as built upon 20 Bell III—brought Johnson “heightened prestige, marketability, and standing in the competitive 21 coaching profession.” ECF No. 104 at 15. While the SAC does not make those allegations 22 directly, the Court finds that it is a reasonable inference to draw in favor of Plaintiffs that Johnson 23 benefitted in his career from being able to coach a high-profile recruit and in turn develop a 24 winning football program. See *City of Oakland v. Oakland Raiders*, 83 Cal. App. 5th 458, 478 25 (2022) (citing *Hirsch v. Bank of Am.*, 107 Cal. App. 4th 708, 722 (2003)) (“To confer a benefit . . . 26 it is not essential that money be paid directly to the recipient by the party seeking restitution.”). 27 And because the Court has already found that Plaintiffs have adequately alleged that Johnson 1 Plaintiffs have sufficiently stated a claim that allowing Johnson to retain the benefit of his 2 wrongful actions would be unjust. Accordingly, the Court declines to dismiss Plaintiffs’ unjust 3 enrichment claim against Johnson at this stage. 4 2. *Briscoe and Next Level* 5 As explained in its prior order and above, Plaintiffs have failed to allege any wrongful 6 conduct by Briscoe and Next Level leading to their injuries. Accordingly, the Court dismisses 7 Plaintiffs’ unjust enrichment claim against them because Plaintiffs have failed to allege facts 8 sufficient to show that any financial benefit retained by them would be unjust. See *id.* 9 E. *Punitive Damages Against the District Defendants* 10 The District Defendants argue that they cannot be held liable for punitive damages because 11 they were agents and employees of the Saddleback District who were performing their official 12 duties on behalf of the State. See ECF No. 90 at 18 at 19. Plaintiffs concede that punitive 13 damages are not recoverable against a public entity and “do not oppose the dismissal of punitive 14 damages claims against the District itself.” ECF No. 104 at 17. But they argue that punitive 15 damages remain available against the individual District Defendants who are being sued in their 16 individual capacities. *Id.* at 17–18. The Court agrees with Plaintiffs. 17 The Eleventh Amendment bars damages actions against state officials acting in their 18 official capacities because these actions are treated as suits against the state itself, *Hafer v. 19 Melo*, 502 U.S. 21, 25 (1991), and the Amendment bars federal suits against states or their 20 agencies. See *Regents of Univ. of Cal. v. Doe*, 519 U.S. 425, 429 (1997). Section 1983 does not 21 abrogate the states’ Eleventh Amendment immunity because a state or state agency is not a 22 “person” for purposes of the statute. *Will v. Mich. Dep’t of State Police*, 491 U.S. 58, 65–66 23 (1989). Similarly, “[i]t is well-established that a school district cannot be sued for damages under 24 [42 U.S.C.] § 1983.” *C.W. v. Capistrano Unified Sch. Dist.*, 784 F.3d 1237, 1247 (9th Cir. 2015) 25 (citing *Belanger v. Madera Unified School District*, 963 F.2d 248, 254 (9th Cir. 1992) (holding 26 that in California, school districts are state agencies for purposes of Eleventh Amendment 27 immunity, and concluding that school districts cannot be liable for damages under § 1983)). 1 acting in their individual capacities. *Hafer*, 502 U.S. at 31; see also *Wells v. Bd. of Trs. of 2*

California State Univ., 393 F. Supp. 2d 990, 999 (N.D. Cal. 2005) (“[P]unitive damages are 3 available in an individual capacity suit against a State official.”) (citing *Smith v. Wade*, 461 U.S. 4 30, 35 (1983)). 5 Accordingly, to the extent that Plaintiffs assert claims for damages against the Saddleback 6 District or its employees in their official capacity, those claims are dismissed with prejudice 7 except insofar as Plaintiffs seek injunctive relief. The Court, however, denies the District 8 Defendants’ motion to dismiss Plaintiffs’ request for punitive or compensatory damages against 9 Defendants Wong, Osborne, or Johnson as individuals. 10 F. Civil Conspiracy 11 “Where leave to amend is given to cure deficiencies in certain specified claims, courts 12 have agreed that new claims alleged for the first time in the amended pleading should be dismissed 13 or stricken.” *Temple of 1001 Buddhas v. City of Fremont*, No. 21-cv-4661-CRB, 2022 WL 14 1570480, at *5 (N.D. Cal. May 18, 2022) (quoting *DeLeon v. Wells Fargo Bank, N.A.*, No. 10-cv- 15 1390-LHK, 2010 WL 4285006, at *3 (N.D. Cal. Oct. 22, 2010)). Because the Court granted 16 Plaintiffs leave to file a second amended complaint “solely to cure the deficiencies identified” in 17 its order, the newly added tenth cause of action for “Civil Rights Conspiracy” under 42 U.S.C. § 18 1983 in the SAC is dismissed without prejudice.² See *Choudhuri v. Specialized Loan Servicing*, 19 No. 22-CV-06993-JST, 2023 WL 6277327, at *5 (N.D. Cal. Sept. 26, 2023).

20 CONCLUSION

21 For the reasons above, the Court dismisses Plaintiffs’ claims against CIF and Next Level 22 and Briscoe without leave to amend. See *Kendall v. Visa U.S.A., Inc.*, 518 F.3d 1042, 1051–52 23 (9th Cir. 2008) (finding that amendment would be futile where plaintiff was granted leave to 24 amend once and the amended complaint contained the same defects as the prior complaint). The 25 Court also dismisses Plaintiffs’ Monell claim against the District Defendants without leave to 26 2 The Court notes that Plaintiffs contend in their opposition briefing that they only recently 27 discovered facts and/or evidence to support this new claim. ECF No. 104 at 17. To the extent that 1 amend and limits Plaintiffs’ claims for damages against the District Defendants to seeking 2 || damages against Defendants Wong, Osborne, or Johnson in their individual capacities. The Court 3 declines to dismiss Plaintiffs’ unjust enrichment claim as to Johnson. Finally, Plaintiffs’ civil 4 || conspiracy claim is dismissed without prejudice. 5 IT IS SO ORDERED. 6 Dated: October 8, 2025 7

JON S. TIGA

8 United States District Judge 9 10 11 12 15 16 = 17 Z 18 19 20 21 22 23 24 25 26 27 28