

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Barnaba v. County of San Diego

Barnaba · No. 23-cv-01622-AJB-SBC · Decided July 24, 2025

OPINION

Barnaba v. County of San Diego

PER CURIAM.

1 2 3 4 5 6 7 8

UNITED STATES DISTRICT COURT

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SOUTHERN DISTRICT OF CALIFORNIA

10 11 ALEXIS ANN BARNABA, as guardian Case No.: 23-cv-01622-AJB-SBC ad litem for
minor child and successor-in 12 -interest A.N.Y.; and YVETTE YOUNG, ORDER GRANTING
IN PART AND

13 DENYING IN PART DEFENDANTS’

Plaintiffs, MOTION TO DISMISS THE 14

SECOND AMENDED COMPLAINT

15 v. (Doc. No. 32) 16 COUNTY OF SAN DIEGO, et al., 17 Defendants. 18 19 20 Before the
Court is a motion to dismiss Plaintiffs Alexis Ann Barnaba, as guardian 21 ad litem for minor
child and successor-in-interest A.N.Y., and Yvette Young’s 22 (collectively, “Plaintiffs”) Second
Amended Complaint (“SAC”) filed by the County of 23 San Diego (“the County”), Anthony Ray,
Kelly Martinez, Theresa Adams-Hydar, William 24 Gore, and Erika Frierson’s (“Individual
Defendants”) (collectively, “Defendants”). (Doc.

25 No. 32.) The motion is fully briefed. (Doc. Nos. 40, 41.)

26 I. BACKGROUND

27 This case arises out of the death of Chaz Guy Young-Villasenor (“Decedent”) while 28
incarcerated as a pretrial detainee at the San Diego County Central Jail. (SAC, Doc. No. 1 26 at ¶
7.) There, on May 5, 2022, Decedent died of “an overdose of . . . methamphetamine 2 and/or
fentanyl[.]” (Id. ¶ 34.) Plaintiffs sued alleging causes of action for violations of 3 federal civil
rights, as well as state law claims for wrongful death, negligence, and failure 4 to provide
immediate medical care. 5 The operative complaint is the SAC, which Plaintiffs filed after the
Court’s Order 6 granting in part and denying in part a motion to dismiss their First Amended
Complaint 7 (“FAC”). Relevant here, in that Order, the Court directed Plaintiffs to file an
amended 8 complaint identifying those “Does 7 through 10” who are readily identifiable. (Doc.
No. 9 24 at 17.) The Court also granted the motion to dismiss Plaintiffs’ civil rights claim for 10

interference of familial relationship but permitted them leave to amend. (Id. at 11.) The 11 instant motion to dismiss challenges Plaintiffs' amendments concerning these two 12 deficiencies. (Doc. No. 32-1 at 5–10.) This Order follows.

13 II. LEGAL STANDARD

14 A motion to dismiss under Rule 12(b)(6) tests the legal sufficiency of the claims 15 asserted in the complaint. *Navarro v. Block*, 250 F.3d 729, 731 (9th Cir. 2001). To 16 determine the sufficiency of the complaint, the court must assume the truth of all factual 17 allegations and construe them in the light most favorable to the plaintiff. *Cahill v. Liberty 18 Mut. Ins. Co.*, 80 F.3d 336, 337–38 (9th Cir. 1996). This tenet, however, does not apply to 19 legal conclusions. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). “Threadbare recitals of the 20 elements of a cause of action, supported by mere conclusory statements, do not suffice.” 21 Id.; *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). Plausibility demands more 22 than a formulaic recitation of the elements of a cause of action or naked assertions devoid 23 of further factual enhancement. *Iqbal*, 556 U.S. at 678. “[W]here the well-pleaded facts do 24 not permit the court to infer more than the mere possibility of misconduct,” the complaint 25 is subject to dismissal. Id. at 679.

26 III. DISCUSSION

27 Defendants argue that the Individual Defendants must be dismissed because they 28 have been added to the SAC as “distinct entities and not ‘Does’” and that the SAC “still 1 fails to articulate sufficient facts to substantiate a claim for loss of familial relationship for 2 plaintiff A.N.Y.” (Doc. No. 32-1 at 5, 10.) As more fully explained below, the Court agrees 3 with the former but disagrees with the latter. 4 A. Improper Addition of Defendants 5 Defendants contend that Plaintiffs impermissibly added the Individual Defendants 6 to their SAC because they were not substituted for any of the ten unidentified “Does,” but 7 rather, added as new defendants. (Id. at 5.) 8 A party may amend a pleading once as a matter of course and thereafter only by 9 consent of the opposing party or by leave of the court. Fed. R. Civ. P. 15(a)(2). 10 Here, Plaintiffs assert that they “clearly added the names of RAY, MARTINEZ, 11 ADAMS-HYDAR, GORE, BARNETT, and FRIERSON in response to this Court’s order 12 for Plaintiffs to ‘file a timely amended complaint naming . . . Doe Defendants.’” (Doc. No. 13 40 at 8.) This argument, however, is belied by the plain language of their SAC. As 14 explained in the Court’s prior Order, Plaintiffs alleged in their FAC that “Does 7 through 15 10 ‘are supervisors and policy-making officials,’ including various Sheriff’s Department 16 employees, supervisory personnel employed by the County, members of the Board of 17 Supervisors, and other County officials.” (Doc. No. 24 at 17 (quoting the FAC at ¶ 10).) 18 Because several of these Doe Defendants “are readily identifiable,” the Court ordered 19 Plaintiffs to name them in an amended complaint. (Id.) That is not what Plaintiffs did. 20 Although the Individual Defendants that Plaintiffs named are current and former 21 Sheriff’s Department employees (and would thus fit the category of defendants described 22 as Does 7 through 10), they pled in multiple paragraphs that the Individual Defendants “as 23 well as Defendants DOES 7 through 10” are liable for the alleged wrongdoings. (SAC at 24 ¶¶

Paragraphs 20, 142–45, 169, 170–74, 209, 213–14, 217, 233 (emphasis added).) The 25 SAC thus makes clear that instead of substituting the six¹ newly named defendants for the 26 Doe Defendants, Plaintiffs added them. Based on the SAC, as currently pled, the Court 27 28 1 As an additional defect, the Court notes that Does 7 through 10 comprise only four unnamed 1 rejects Plaintiffs’ contention that their addition of the Individual Defendants was permitted 2 by the Court’s prior Order. Accordingly, because Plaintiffs did not seek, and were not 3 granted, leave to amend the complaint to add new defendants, the Court DISMISSES the 4 Individual Defendants from the SAC. The dismissal is WITHOUT PREJUDICE to 5 Plaintiffs substituting them for Doe Defendants consistent with the Court’s prior Order or 6 seeking to amend the complaint to add them with Defendants’ consent or the Court’s leave 7 under Federal Rules of Civil Procedure 15(a). 8 As the Court dismisses the Individual Defendants from the SAC, the Court need not 9 and does not consider the additional arguments in their motion to dismiss. As a final point, 10 the Court notes that the technical defect identified could very well have been addressed by 11 the parties without the need for court intervention. See Fed. R. Civ. P. 15(a). Counsel are 12 reminded that although litigation is inherently adversarial, “the experience does not have 13 to, and should not, be antagonistic or hostile.” Local Civ. Rule 2.1(a)(1). As with all 14 attorneys, the Court expects counsel in this case “to honor and maintain the integrity of our 15 justice system” and “to attempt to resolve disputes promptly, fairly and reasonably, with 16 resort to the court for judicial relief only if necessary.” Id. 2.1(a)(2). 17 B. Interference with Familial Relationship 18 Next, Defendants argues that Plaintiff A.N.Y.’s allegations to his claim for 19 interference with familial relationship remain insufficiently pled. 20 “A decedent’s parents and children generally have the right to assert substantive due 21 process claims under the Fourteenth Amendment.” *Wheeler v. City of Santa Clara*, 894 22 F.3d 1046, 1057 (9th Cir. 2018) (citations omitted). “In the context of parent-child 23 relationships specifically, the Supreme Court has emphasized that the rights of parents are 24 a counterpart of the responsibilities they have assumed: ‘the mere existence of a biological 25 link does not merit equivalent constitutional protection.’” Id. at 1058 (quoting *Lehr v. 26 Robertson*, 436 U.S. 248, 256–58 (1983)). Rather, to merit constitutional protection, “even 27 biological parents must maintain consistent involvement in a child’s life and participation 28 in child-rearing activities[.]” Id. 1 Here, Plaintiffs amended the SAC to allege that: “Prior to Mr. VILLASENOR’s 2 death Plaintiff A.N.Y. was very close with his father and enjoyed his love and company. 3 ||A.N.Y. would visit with Mr. VILLASENOR multiple times per week at Mr. 4 ||VILLASENOR’s home.” (SAC at 9 58.) Accepting these facts as true and construing them 5 the light most favorable to Plaintiff A.N.Y., the Court finds it reasonable to infer that the 6 ||amount and quality of time the minor spent at his father’s home amount to “consistent 7 ||involvement in a child’s life and participation in child-rearing activities” that merit 8 ||constitutional protection. *Wheeler v. City of Santa Clara*, 894 F.3d at 1058. Thus, the Court 9 || DENIES Defendants’ motion to dismiss Plaintiff A.N.Y.’s claim for interference with 10 ||familial association.

11 CONCLUSION

12 For the reasons stated herein, the Court GRANTS IN PART and DENIES IN 13 ||}PART
Defendants' motion to dismiss. (Doc. No. 32.) Accordingly, it is HEREBY 14 ||] ORDERED that
Anthony Ray, Kelly Martinez, Theresa Adams-Hydar, William Gore, and 15 || Erika Frierson are
DISMISSED WITHOUT PREJUDICE," and Plaintiff A.N.Y.'s claim 16 || for interference with
familial association is SUSTAINED. 17 Any amended complaint or motion for leave to file an
amended complaint consistent 18 || with this Order must be filed no later than July 31, 2025.
Defendants' responsive pleading 19 || must be filed no later than August 14, 2024. 20 IT IS SO
ORDERED. 21 Dated: July 24, 2025 22 Hon. Anthony J.Battaglia 23 United States District Judge
24 25 || _____- 2 Mike Barrett is also an individual defendant named in this action, but he
is represented by separate 26 || counsel and has filed a motion to dismiss on other grounds. (Doc.
Nos. 32-1 at 2 n.1; 42.) Because Mr. 07 Barrett does not raise the issue of being improperly added
as a defendant under Federal Rules of Civil Procedure 15 or the Court's prior Order, he has
waived it. See Fed. R. Civ. P. 12(h). This Order, therefore, 28 applies only to the Individual
Defendants who brought the motion at issue here. Mr. Barrett's separate motion to dismiss
remains pending. (Doc. No. 42.) &