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JS-6

**UNITED STATES DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF CALIFORNIA**

DANIELLA SLATER AND DAMIEN SLATER, individually and as successors in interest, by and through their Guardian ad Litem Sandra Salazar; TINA SLATER AND DAVID BOUCHARD, individually;

Plaintiffs,

v.

DEPUTY SHANDON DEASEY;  
DEPUTY PETER GENTRY; DEPUTY GARY BRANDT; SGT. MIKE RUDE;  
COUNTY OF SAN BERNARDINO; and  
DOES 1-10, INCLUSIVE.

Defendants.

**Case No. 5:16-CV-01103-JFW-KK**

*[Hon. John F. Walter]*

**JUDGMENT IN FAVOR OF  
DEFENDANTS COUNTY OF SAN  
BERNARDINO, SHANNON DEASEY,  
PETER GENTRY, GARY BRANDT,  
AND MICHAEL RUDE**

The Motion for Summary Judgment by Defendants County of San Bernardino, Shannon Deasey (erroneously named Shandon Deasey), Peter Gentry, Gary Brandt, and Michael Rude came on regularly for hearing on September 11, 2017, before this Court. The following appearances were made by the parties: on behalf of Defendants, Attorney Tony M. Sain, Esq. and on behalf of Plaintiffs, Dale K. Galipo, Esq.

1           Following oral argument on September 11, 2017, the Court granted Defendants'  
2 Motion for Summary Judgment as to plaintiffs' first claim for Unreasonable seizure-  
3 detention (42 U.S.C. § 1983), and plaintiffs' third claim for Deliberate Indifference to  
4 Decedent's Medical Needs (42 U.S.C. § 1983) in part. As to plaintiffs' first claim, the  
5 Court determined that that there was no triable issue of material fact that there was  
6 reasonable suspicion for Deputy Deasey to detain Slater and that the detention was  
7 lawful. As to plaintiffs' third claim, the Court determined that there was no triable issue  
8 of material fact that defendants promptly summoned medical aid for Slater and were not  
9 deliberately indifferent to Slater's medical needs. The Court then took the remaining  
10 portion of Defendants' Motion for Summary Judgment under submission pending  
11 supplemental briefing by the parties.

12           After considering the moving, opposing, reply, and supplemental papers, and  
13 having heard the arguments of counsel, this Court, for the reasons set forth by this Court  
14 in its written orders [Doc. #161, 195] and during the September 11, 2017 hearing:

15           (a) Granted Defendants' Motion for Summary Judgment as to Plaintiffs' federal  
16 claims as follows:

17                   (1) Unreasonable seizure – detention (42 U.S.C. § 1983) against  
18 Defendants Deasey, Gentry, Brandt, and Rude;

19                   (2) Excessive force (42 U.S.C. § 1983) against Defendants Deasey,  
20 Gentry, Brandt, and Rude;

21                   (3) Deliberate Indifference to Decedent's Medical Needs (42 U.S.C. §  
22 1983) against Defendants Deasey, Gentry, Brandt, and Rude;

23                   (4) Violation of Plaintiffs' Rights to Familial Relationship (42 U.S.C. §  
24 1983) against Defendants Deasey, Gentry, Brandt, and Rude;

25           (b) Declined to exercise supplemental jurisdiction over Plaintiffs' state law  
26 claims as follows:

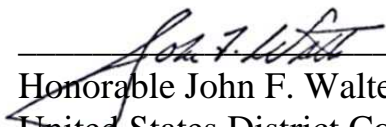
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- (1) Wrongful death by negligence in force and restraint against Defendants Deasey, Gentry, Brandt, and Rude, and Defendant County of San Bernardino on a vicarious liability basis;
- (2) Assault and battery against Defendants Deasey, Gentry, Brandt, and Rude, and Defendant County of San Bernardino on a vicarious liability basis.

Therefore, judgment is hereby entered in Defendants’ favor on the above-referenced federal claims. Plaintiffs’ above-referenced state claims are dismissed without prejudice to refileing them in state court.

IT IS SO ORDERED.

Dated: October 11, 2017

  
\_\_\_\_\_  
Honorable John F. Walter  
United States District Court Judge  
Central District of California