

1 Barbara Hadsell, Esq. [S.B. #086021]  
Dan Stormer, Esq. [S.B. # 101967]  
2 Josh Piovia-Scott, Esq. [S.B. #222364]  
Mohammad Tajsar, Esq. [S.B. #280152]  
3 HADSELL STORMER & RENICK LLP  
128 N. Fair Oaks Avenue  
4 Pasadena, California 91103  
5 Telephone: (626) 585-9600  
Facsimile: (626) 577-7079  
6 Emails: bhadsell@hadsellstormer.com  
dstormer@hadsellstormer.com  
7 jps@hadsellstormer.com  
8 mtajsar@hadsellstormer.com

9 Lori Rifkin, Esq. [S.B. # 244081]  
RIFKIN LAW OFFICE  
10 P.O. Box 19169  
Oakland, California 94619  
11 Telephone: (415) 685-3591  
12 Email: lrifkin@rifkinlawoffice.com

13 Attorneys for Plaintiffs

14  
15 **UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

16 JAMES JOSHUA MAYFIELD,  
17 JAMES ALLISON MAYFIELD, JR.  
and TERRI MAYFIELD,

18 Plaintiffs,

19 vs.

20 IVAN OROZCO, in his individual  
21 capacity, SHERIFF SCOTT JONES, in  
his individual and official capacity,  
22 JAMES LEWIS, in his individual and  
official capacity, RICK PATTISON, in  
23 his individual and official capacity,  
COUNTY OF SACRAMENTO,  
24 UNIVERSITY OF CALIFORNIA  
DAVIS HEALTH SYSTEM, DR.  
25 GREGORY SOKOLOV, in his  
individual capacity, DR. CHARLES  
26 SCOTT, in his individual capacity, DR.  
ROBERT HALES, in his individual  
27 capacity, and Does 1-5,

28 Defendants.

Case No.: 2:13-CV-02499-JAM-AC

**ORDER RE MOTION TO DISMISS**

1 The Court, having considered the Motions to Dismiss and Strike filed by  
2 Defendants University of California Davis Health Systems (UCDHS) and Drs. Sokolov,  
3 Hales, and Scott, grants the motions in part and denies the motions in part, as set forth  
4 below:

5 (1) The Court finds that Defendant UCDHS has made a prima facie showing  
6 that the Regents of the University of California is the contracting entity with the County  
7 of Sacramento, and therefore an arm of the state and immune from state law claims in  
8 federal court. Therefore, the Court GRANTS Defendant's motion to dismiss Plaintiffs'  
9 Seventh, Eighth, Twelfth, Thirteenth, Fourteenth, Fifteenth, and Sixteenth Claims as to  
10 Defendant UCDHS.

11 (2) The Court GRANTS Defendants' motion to strike Plaintiffs' Sixteenth  
12 Claim on behalf of Plaintiffs James Allison Mayfield and Terri Mayfield. Plaintiff James  
13 Joshua Mayfield's Sixteenth Claim for negligent infliction of emotion distress remains.

14 (3) The Court GRANTS Defendants' motion to strike Plaintiffs' prayer for  
15 restitution and punitive damages against UCDHS. The Court DENIES the remainder of  
16 Defendants' motion to strike.

17 (4) The Court DENIES the remainder of Defendants' motions.

18 The Third Amended Complaint, as modified by this Order, is the operative  
19 complaint going forward. Any Defendants who have not yet filed an answer to the Third  
20 Amended Complaint are ordered to do so within twenty days.

21 It is so ordered.

22  
23 DATED: 9/9/2015

24  
25 /s/ John A. Mendez  
26 John A. Mendez  
27 United States District Court Judge  
28