



1 A surviving heir may bring a wrongful death claim after a suicide. *Tate v.*  
2 *Canonica*, 180 Cal. App. 2d 898, 909 (1960). First, a plaintiff may succeed by alleging that the  
3 “defendant intended, by his conduct, to cause serious mental distress or serious physical  
4 suffering” and that the defendant’s conduct in fact caused this distress or suffering, which was “a  
5 substantial factor in bringing about the suicide.” *Id.* (citation and quotation marks omitted);  
6 *accord, e.g., Nally v. Grace Cmty. Church*, 47 Cal. 3d 278, 301 (1988). Second, a defendant may  
7 also be liable if he or she negligently causes a person to suffer from a mental illness, leading to  
8 “an uncontrollable impulse to commit suicide.” *Tate*, 180 Cal. App. 2d at 915; *accord, e.g.,*  
9 *Walsh v. Tehachapi Unified Sch. Dist.*, 997 F. Supp. 2d 1071, 1079 (E.D. Cal. 2014).

10 Ms. Golden’s factual allegations are too shallow to support her case. They do not  
11 allow a reasonable inference that the defendants’ wrongful acts were outrageous and a substantial  
12 factor in bringing about the suicide, let alone that the defendants meant to cause Mr. Golden  
13 serious emotional distress or serious physical suffering. She alleges generally that the defendants  
14 “harassed” Mr. Golden, demoted him, deprived him of responsibilities, and made false claims  
15 against him in retaliation for his disclosures. Compl. ¶ 17, ECF No. 1-1. Neither is it plausible  
16 on these allegations that the defendants caused Mr. Golden to suffer from a mental illness. She  
17 alleges his post-traumatic stress disorder predated his employment. *Id.* ¶ 2. Finally, she does not  
18 specify which defendants were responsible for which wrongful conduct, a critical omission in  
19 light of the fact that three defendants originally named in this case have since been voluntarily  
20 dismissed. The court cannot draw a reasonable inference that the remaining defendants are liable.  
21 *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

22 The complaint is therefore dismissed with leave to amend. *See Chudacoff v. Univ.*  
23 *Med. Ctr. of S. Nev.*, 649 F.3d 1143, 1152 (9th Cir. 2011) (“Leave to amend . . . should be freely  
24 given” absent “bad faith, undue delay, futility, or undue prejudice to the opposing party.”  
25 (citations, alterations, and quotation marks omitted)); *Cafasso, U.S. ex rel. v. Gen. Dynamics C4*  
26 *Sys., Inc.*, 637 F.3d 1047, 1058 (9th Cir. 2011) (“[W]hen a viable case may be pled, a district  
27 court should freely grant leave to amend.”).

1 Here, a viable claim can likely be presented because “public entities are generally  
2 liable for injuries caused by the negligence of their employees acting in the scope of their  
3 employment.” *Hayes v. Cty. of San Diego*, 57 Cal. 4th 622, 629 (2013) (citing Cal. Gov’t Code  
4 § 815.2). And an individual public employee is liable “for injury caused by his act or omission to  
5 the same extent as a private person.” Cal. Gov’t Code § 820(a). The court also cannot find at this  
6 early stage that the individual defendants owed and breached no duty of care. *See* Mem. P. & A.  
7 at 17–18.

8 The defendants ask the court to limit any amendment to claims not founded on  
9 statutes cited in Ms. Golden’s complaint. Although the court recognizes the generalized, legal  
10 nature of the defendants’ arguments, it declines to impose this limitation without a more complete  
11 understanding of Ms. Golden’s theory of the case and adequate factual allegations. She and her  
12 counsel are nonetheless reminded of their obligations under Federal Rule of Civil Procedure 11(b)  
13 and are instructed to consider the citations offered in the defendants’ current briefing. The parties  
14 are also referred to the provisions of this court’s standing order regarding efforts to meet and  
15 confer in advance of any motion. *See* Standing Order at 4, ECF No. 3-1.

16 The motion to dismiss is **granted with leave to amend**. An amended complaint  
17 shall be filed, if at all, within **twenty-one days** of the date this order is filed.

18 IT IS SO ORDERED.

19 DATED: August 1, 2016.

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23 UNITED STATES DISTRICT JUDGE  
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