



1 I. Factual and Procedural History

2 Officer Hangebrauck arrested the decedent on a  
3 misdemeanor driving under the influence of alcohol charge on the  
4 evening of September 18, 2015. (Compl. ¶¶ 48, 50 (Docket No.  
5 1).) During his arrest, the decedent's mother allegedly informed  
6 Officer Hangebrauck and another officer of the decedent's history  
7 of hospitalization, attempted suicides, mental health issues, and  
8 legal issues. (Id. ¶¶ 49-52.)

9 The officers took the decedent to Marshall Medical for  
10 medical clearance prior to his incarceration. (Id. ¶¶ 53-54.)  
11 Plaintiffs allege there is no record that any police officer  
12 relayed the information regarding the decedent's suicide risk to  
13 Marshall Medical. (Id. ¶ 55.) While at the hospital, Dr. Skratt  
14 and Dr. Lieser allegedly evaluated the decedent. (Id.) The  
15 records from that evaluation allegedly note that the decedent  
16 seemed depressed and intoxicated. (Id.) The doctors and  
17 Marshall Medical allegedly did not perform a suicide risk  
18 assessment on the decedent and the doctors declared him "fit for  
19 incarceration." (Id.) Marshall Medical also allegedly had  
20 records of a prior incarceration clearance following a psychotic  
21 episode by the decedent. (Id.)

22 Around 1:20 a.m. on September 19, the officers  
23 allegedly took the decedent to the Placerville Jail. (Id. ¶ 97.)  
24 Prior to booking, the decedent allegedly underwent a medical  
25 screening process at the jail where Office Hangebrauck submitted  
26 a form indicating the decedent may be a danger to himself and  
27 others. (Id. ¶ 98.) At the time of the decedent's booking, the  
28 only medical official allegedly on duty was licensed vocational

1 nurse Hope, who recorded the decedent's affirmative answers to  
2 suicidal tendencies, noted the decedent was still under the  
3 influence of alcohol, and partially completed a "Nursing  
4 Assessment of Psychiatric & Suicidal Inmate" form. (Id. ¶¶ 102-  
5 03, 106.) Following the medical screening, jail officials  
6 allegedly placed the decedent in his own cell instead of a  
7 sobering cell, "as was mandatory by Title 15." (Id. ¶¶ 107-08.)  
8 The decedent was dead from an apparent suicide when jail  
9 officials found him around 4:45 p.m. on September 19. (Id. ¶  
10 109.)

11 Plaintiffs initiated this action, alleging the  
12 following causes of action: (1) 42 U.S.C. § 1983 claims against  
13 all defendants except Marshall Medical for violations of  
14 decedent's Eighth Amendment rights and due process rights; (2)  
15 Monell claim under § 1983 against all defendants except Marshall  
16 Medical; (3) wrongful death and medical malpractice claim against  
17 Marshall Medical, Dr. Skratt, Dr. Lieser, and certain jail  
18 defendants; and (4) failure to supervise claim under § 1983  
19 against certain jail and county defendants. Marshall Medical now  
20 moves to dismiss plaintiffs' sole claim against it for wrongful  
21 death and medical malpractice.

## 22 II. Discussion

23 Under Federal Rule of Civil Procedure 12(b)(1), the  
24 court must dismiss a complaint once the court determines that it  
25 lacks subject-matter jurisdiction to adjudicate the claims. Fed.  
26 R. Civ. P. 12(b)(1). The court presumes a lack of jurisdiction  
27 until the party asserting jurisdiction proves otherwise, and once  
28 a party challenges subject-matter jurisdiction, the party

1 asserting that jurisdiction exists bears the burden of proof.  
2 Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377  
3 (1994). Because “[f]ederal courts are courts of limited  
4 jurisdiction” that “possess only the power authorized by  
5 Constitution and statute,” id., a court must dismiss claims over  
6 which it has no jurisdiction. Fed. R. Civ. P. 12(h)(3).

7 Under 28 U.S.C. § 1367, where a district court has  
8 original jurisdiction over a claim, it also has supplemental  
9 jurisdiction over “all other claims that are so related to claims  
10 in the action within such original jurisdiction that they form  
11 part of the same case or controversy.” A state claim is part of  
12 the same “case or controversy” as a federal claim when the two  
13 “derive from a common nucleus of operative fact” such that the  
14 plaintiff “would ordinarily be expected to try them in one  
15 judicial proceeding.” Kuba v. 1-A Agricultural Ass’n, 387 F.3d  
16 850, 855-57 (9th Cir. 2004) (quoting United Mine Workers of Am.  
17 v. Gibbs, 383 U.S. 715, 725 (1966)).

18 “Only a loose factual connection to the underlying  
19 federal claim is required for supplemental jurisdiction  
20 purposes.” Rhodes v. Placer County, Civ. No. 2:09-00489 MCE KJN,  
21 2011 WL 1302240, at \*6 (E.D. Cal. Mar. 31, 2011); see Ammerman v.  
22 Sween, 54 F.3d 423, 424 (7th Cir. 1995) (“A loose factual  
23 connection between the claims is generally sufficient.”). “If  
24 this condition is satisfied, the federal court maintains  
25 jurisdiction over the state claims and all other parties—even  
26 parties not facing an allegation that they violated federal law.”  
27 Rhodes, 2011 WL 1302240, at \*6 (citing 28 U.S.C. § 1367 and Sea-  
28 Land Serv., Inc. v. Lozen Int’l, LLC, 285 F.3d 808, 814 (9th Cir.

1 2002)).

2 Plaintiffs' alleged state and federal law claims form  
3 part of the same case or controversy. Here, plaintiffs' federal  
4 claims involve the same nucleus of operative fact as their state  
5 medical malpractice claim against Marshall Medical--the alleged  
6 failure by defendants to properly respond to decedent's medical  
7 and mental needs following his arrest. All of the alleged  
8 violations of decedent's rights by defendants occurred over less  
9 than twenty-four hours while the decedent was in custody.

10 (Compl. ¶¶ 48, 109.) Beginning on the evening of September 18,  
11 plaintiffs allege that the officers arrested the decedent with  
12 knowledge of his mental history, continuing with the alleged  
13 approval of fitness for incarceration by Marshall Medical in  
14 light of a previous psychotic episode, an allegedly insufficient  
15 evaluation of the decedent at the jail by a licensed vocational  
16 nurse, his incarceration in his own cell in violation of statute,  
17 and his eventual suicide after allegedly over twelve hours  
18 without supervision. (Id. ¶¶ 48, 51-52, 55, 101-06, 109.) Thus,  
19 the Complaint alleges a temporally connected chain of events.


20 Severing the chain of events at the time of the  
21 decedent's admittance into Marshall Medical also makes little  
22 sense because the events preceding his admittance and following  
23 his release from Marshall Medical are all relevant to plaintiffs'  
24 federal claims. Plaintiffs' allegations regarding the decedent's  
25 arrest, the events preceding decedent's examination at Marshall  
26 Medical, and whether officers conveyed the decedent's suicide  
27 risk to Marshall Medical also provides context to the decedent's  
28 alleged treatment at Marshall Medical and Marshall Medical's

1 culpability. The federal and state law claims therefore involve  
2 overlapping periods of time, similar of facts, and overlap of  
3 witnesses and evidence. (See id. ¶¶ 55, 125-26, 141-42.) This  
4 is more than “[a] loose factual connection between the claims.”  
5 Ammerman, 54 F.3d at 424; see Rhodes, 2011 WL 1302240, at \*6-7  
6 (finding that numerous violations of a plaintiff’s rights over  
7 seven consecutive days by various defendants in a hospital and  
8 jail constituted the same case or controversy to grant  
9 supplemental jurisdiction).

10 There is thus a common nucleus of operative fact  
11 between plaintiffs’ state law claim against Marshall Medical and  
12 the claims that the court has original jurisdiction over.  
13 Because there is a common nucleus of operative fact, Marshall  
14 Medical’s alleged actions are part of the same case or  
15 controversy and the court has supplemental jurisdiction over  
16 plaintiffs’ medical malpractice claim against Marshall Medical.

17 IT IS THEREFORE ORDERED that defendant Marshall  
18 Medical’s motion to dismiss for lack of subject-matter  
19 jurisdiction be, and the same hereby is, DENIED.

20 Dated: December 12, 2016

21   
22 **WILLIAM B. SHUBB**  
23 **UNITED STATES DISTRICT JUDGE**