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28United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ESTATE OF JEREMIAH CHASS, et al.,

No. C-08-0111 MMC

Plaintiffs,

**ORDER GRANTING IN PART AND
DENYING IN PART THIRD PARTY
DEFENDANT SANTA ROSA MEMORIAL
HOSPITAL'S AMENDED MOTION TO
DISMISS THIRD PARTY COMPLAINT**

v.

COUNTY OF SONOMA, et al.,

Defendants and Third-Party
Plaintiffs,

v.

SANTA ROSA MEMORIAL HOSPITAL,

Third-Party Defendant.

Third party defendant Santa Rosa Memorial Hospital's ("SRMH") Amended Motion to Dismiss Third Party Complaint, filed September 3, 2008, came on regularly for hearing before the Court on October 10, 2008. Lauren E. Tate appeared on behalf of SRMH. Leo R. Bartolotta appeared on behalf of defendants/third party plaintiffs County of Sonoma, Sheriff Bill Cogbill, Deputy Sheriff John Misita, and Deputy Sheriff Jim Ryan (collectively, "County").

Having read and considered the papers filed in support of and in opposition to the motion and the arguments of counsel, and for the reasons stated on the record at the hearing, the motion is hereby GRANTED in part and DENIED in part, as follows:

1. To the extent the County seeks indemnity for any damages for which the County


1 may be held liable on (a) plaintiff's Fifth Cause of Action (Negligent Infliction of Emotional
2 Distress); (b) plaintiff's prayer for punitive damages; and/or (c) plaintiff's prayer for
3 damages to which plaintiff is entitled solely by reason of a finding of liability under 42
4 U.S.C. § 1983, the motion is GRANTED and, to such extent, the Third Party Complaint is
5 hereby DISMISSED.

6 2. In all other respects the motion is DENIED.

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IT IS SO ORDERED.

Dated: October 10, 2008


MAXINE M. CHESNEY
United States District Judge