

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WANDA JOHNSON, *et al.*,

Plaintiffs,

v.

BAY AREA RAPID TRANSIT DISTRICT,
et al.,

Defendants.

AND RELATED ACTIONS.

No. C-09-0901 EMC

CONSOLIDATED CASES

C-09-4014 EMC (Grant)
C-09-4835 EMC (Bryson, *et al.*)
C-10-0005 EMC (Caldwell)

**ORDER TO SHOW CAUSE
REGARDING GRANT, JR.'S CLAIM
AGAINST DEFENDANT GEE**

The Court has reviewed the parties' pre-trial filings in this action. Based on these filings, it is unclear to what extent Plaintiff Oscar Grant, Jr. is asserting a claim for denial of familial relationship against Defendant Gary Gee – the former BART Chief of Police.¹ It is unclear how Plaintiff intends to establish Gee's personal liability for this claim. *See, e.g., Johnson v. Bay Area Rapid Transit*, 790 F. Supp. 2d 1034, 1066 (N.D. Cal. 2011) (discussing the standard applicable to Fourteenth Amendment claims for loss of familial relationship claims).

Accordingly, Plaintiff Oscar Grant, Jr. is **ORDERED TO SHOW CAUSE** why his remaining claims against Defendant Gee should not be dismissed. Grant Jr.'s response shall be filed no later than **Friday, May 30, 2014 at 5:00 p.m.** The response shall include citation to both legal authorities and *specific* factual evidence that Grant Jr. has to support his theory of liability. This

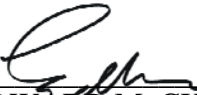
¹ In her prior summary judgment order, Judge Patel dismissed Grant Jr.'s claims against Defendants BART, Pirone, Domenici, Knudtson, and Woffinden.

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response shall not exceed 10 pages in length. Defendants Gee and Pirone may file a response not to exceed 5 pages by **Monday, June 2, 2014 at 5:00 p.m.**

IT IS SO ORDERED

Dated: May 27, 2014


EDWARD M. CHEN
United States District Judge