

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

RANDAL JEROME DALAVAI,
Plaintiff,
v.
UNIVERSITY OF CALIFORNIA SAN
DIEGO HEALTH et al.,
Defendants.

Case No.: 22-CV-1471-CAB-WVG

**ORDER DISMISSING CASE WITH
PREJUDICE AND CLOSING CASE**

Plaintiff Randal Jerome Dalavai filed the *pro se* complaint in this action seeking monetary penalties from various defendants for violation of 42 U.S.C. § 1395dd (“EMTALA”) in connection with an alleged emergency medical condition experienced by Geetha Dalavai, who is Plaintiff’s mother. Geetha Dalavai is referred to as “Decedent” in the complaint, and neither she nor her estate are a party to this lawsuit. On October 3, 2022, this Court issued an order to show cause (“OSC”) as to how Plaintiff has standing under Article III of the Constitution. [Doc. No. 4.] On November 14, 2022, Plaintiff filed a response to the OSC. [Doc. No. 11.] On November 17, 2022, an OSC hearing was held. Plaintiff Randal Dalavai appeared *pro se*. [Doc. No. 12.]

For the reasons discussed in the hearing this case is **HEREBY DISMISSED** with prejudice as Plaintiff has not shown that he has Article III standing to bring a claim as an individual under 42 U.S.C. §13955dd, and the Court declines to exercise supplemental jurisdiction over any state law claims that Plaintiff may have as an individual.

On the day of the OSC hearing, Plaintiff filed a motion to amend the complaint to assert a claim under 42 U.S.C. §13955dd on behalf of the Estate of Geetha Dalavai, as Plaintiff asserts he is now the executor of the Estate. [Doc. No. 13.] However, Plaintiff is

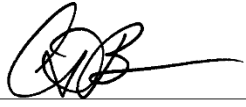
1 not an attorney and, therefore, may not assert any claims on behalf of the estate. “[C]ourts
2 have routinely adhered to the general rule prohibiting *pro se* plaintiffs from pursuing claims
3 on behalf of others in representative capacity.” *Simon v. Hartford Life, Inc.*, 546 F.3d 661,
4 664 (9th Cir. 2008); “[A] person who is unlicensed to practice law and who purports to
5 represent a decedent’s estate cannot appear in *propria persona* on behalf of the estate in
6 matters outside the probate proceedings.” *Halstead v. Pac. Gas & Elec. Co. PG&E*, No.
7 EDCV 16-696-DMG-KK, 2017 WL 1496956, at 2 (C.D. Cal. Feb. 13, 2017). Accordingly,
8 the motion to amend is **DENIED**.¹

9 The day following the hearing, Plaintiff filed an Amended Motion to Amend,
10 claiming he was now seeking to amend his individual claim, as well as asserting a claim
11 on behalf of the Estate. [Doc. No. 14.] To the extent Plaintiff is attempting to assert an
12 individual claim under the EMTALA, the motion is **DENIED** for the reasons set forth
13 above. To the extent Plaintiff is attempting to assert state law claims, the Court declines
14 supplemental jurisdiction. Plaintiff is free to pursue those claims in state court. To the
15 extent Plaintiff is attempting to assert any claim on behalf of the Estate, the Amended
16 Motion to amend is **DENIED** for the reasons set forth above.

17 Accordingly, this case is **HEREBY DISMISSED WITH PREJUDICE**. The Clerk
18 of Court shall **CLOSE** the case.

19 **IT IS SO ORDERED.**

20
21 Dated: November 18, 2022

22 
23 _____
24 Hon. Cathy Ann Bencivengo
25 United States District Judge

26
27 ¹ Should Plaintiff obtain counsel on behalf of the Estate, the Estate may file a new complaint with a new
28 case number, but only as to the hospital(s), not the physicians. *West v. Huxol*, 135 F.Supp.3d 590 (W.D.
Ky. 2015) (EMTALA does not provide private cause of action against physicians). The Court does not
take a position on whether such a complaint would be barred by the statute of limitations.