UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ESTATE OF DEREK VALENTINE, et al., Plaintiffs, v. COUNTY OF MERCED, et al., Defendants.	Case No. 1:23-cv-01697-JLT-SAB ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND GRANTING IN PART AND DENYING IN PART DEFENDANTS COUNTY OF MERCED, MERCED COUNTY SHERIFF'S OFFICE, VERNON WARNKE, JOEL PENA, EMANUEL GUTIERREZ, BIANCA GUZMAN, DIANE RENTFROW, AND GEORGE SZIRAKI'S MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT AND GRANTING PLAINTIFFS LEAVE TO FILE A SECOND AMENDED COMPLAINT (Docs. 43, 46, 47, 51)

On December 8, 2023, the Estate of Derek Valentine, Araceli Sanchez; minors L.V., C.V, and M.V, Ruth Ramirez, and Albert Valentine (collectively "Plaintiffs") filed the complaint in this civil rights action pursuant to 42 U.S.C. § 1983 against the County of Merced, Merced County Sheriff's Office, Vernon Warnke, and California Forensic Medical Group ("CFMG"). (Doc. 1.) A first amended complaint was filed on June 25, 2024, adding claims against Defendants Joel Pena, Emanuel Gutierrez, Bianca Guzman, Diane Rentfrow, George Sziraki, Christopher Caughell, and Alexandra Reyes. (Doc. 35.) On August 6, 2024, the Defendants County of Merced, Merced County Sheriff's Office, Vernon Warnke, Joel Pena, Emanuel Gutierrez, Bianca Guzman, Diane Rentfrow, and George Sziraki (hereafter "County

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Defendants") filed a motion to dismiss Plaintiffs' first amended complaint. (Doc. 43.) On August 7, 2024, the motion was referred to the magistrate judge for the preparation of findings and recommendations.

On October 2, 2024, the magistrate judge issued findings and recommendations recommending granting in part and denying in part the County Defendants' motion to dismiss. (Doc. 51.) The findings and recommendations were served on the parties and contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days from the date of service. (*Id.* at 87.) On October 16, 2024, Plaintiffs filed objections. (Doc. 52.) On October 29, 2024, Defendants filed a response to Plaintiffs' objections. (Doc. 54.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court concludes the findings and recommendations are supported by the record and by proper analysis. Accordingly, IT IS ORDERED that:

1. The findings and recommendations, filed October 2, 2024, are **ADOPTED IN FULL**.
2. County Defendants' motion to dismiss, filed August 6, 2024, is **GRANTED IN PART AND DENIED IN PART** with leave to amend as follows:
    a. The motion to dismiss the deliberate indifference claims against Defendants County of Merced, Merced County Sheriff's Department, Guzman, and Warnke is **DENIED** and is **GRANTED** as to Defendants Pena, Gutierrez, Rentfrow, and Sziraki;
    b. Defendants' motion to dismiss the *Monell* claim based on inadequate observation and monitoring is **DENIED** and is **GRANTED** for all other *Monell* claims;
    c. Defendants' motion to dismiss the interference with familial association claims under the First and Fourteenth Amendments is **DENIED** as to Defendants County of Merced, Merced County Sheriff's Department, and Warnke, and is **GRANTED** as to Defendants Pena, Gutierrez, Rentfrow,

and Sziraki;

d. Defendants' motion to dismiss the failure to summon medical care claim is **DENIED** as to Defendants County of Merced, Merced County Sheriff's Office, and Guzman, and is **GRANTED** as to Defendants Pena, Gutierrez, and Warnke;

e. Defendants' motion to dismiss the failure to produce medical records claim against the County of Merced and Merced County Sheriff's Department is **GRANTED**;

f. Defendants' motion to dismiss the Bane Act claim brought by Plaintiffs Sanchez, L.V., C.V., M.V., Ramirez, and Valentine for lack of standing is **GRANTED**;

g. Defendants' motion to dismiss the Bane Act claim against Defendants Guzman, Warnke, County of Merced, and Merced County Sheriff's Department is **DENIED**, and is **GRANTED** as to Defendants Pena, Gutierrez, Rentfrow and Sziraki;

h. Defendants' motion to dismiss the intentional infliction of emotional distress claim is **GRANTED**;

i. Defendants' motion to dismiss the negligence claim against Defendants Guzman, County of Merced, and Merced County Sheriff's Office is **DENIED** and is **GRANTED** as to Defendants Pena, Gutierrez, Rentfrow, Sziraki, and Warnke;

j. Defendants' motion to dismiss the wrongful death claim against Defendants Guzman, County of Merced, and Merced County Sheriff's Office is **DENIED** and is **GRANTED** as to Defendants Pena, Gutierrez, Rentfrow, Sziraki, and Warnke; and

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3. Plaintiffs are granted leave to file a second amended complaint within **14 days** of the date of entry of this order.

IT IS SO ORDERED.

Dated: **January 9, 2026**

UNITED STATES DISTRICT JUDGE