

1. 25CV03075 June Howard, by and through her attorney in fact, Genevieve Bauguess v. AOCL, LLC et al.

*EVENT: Defendants Sequoia Healthcare Group, LLC, Aspen Skilled Healthcare, Inc., and Aspen Healthcare Services LLC's Demurrer to Plaintiff's First Amended Complaint*

Defendants Sequoia Healthcare Group, LLC, Aspen Skilled Healthcare, Inc., and Aspen Healthcare Services LLC's Demurrer to Plaintiff's First Amended Complaint is SUSTAINED WITHOUT LEAVE TO AMEND.

The Court's previous ruling indicated that the complaint failed to sufficiently allege how these Defendants had a custodial relationship with decedent. The Court further noted that statutory causes of action such as elder abuse must be pled with specificity.

Plaintiff cited *Samantha B. v. Aurora Vista Del Mar, LLC* (2022) 77 Cal.App.5th 85, arguing the case stands for the proposition that a management company can be directly liable for an underlying psychiatric hospital's elder abuse. In *Samantha B.*, the management company had "[d]aily operational direction and management" and "[c]linical responsibility for all service programs." (*Id* at p. 91)

The other entities in this case are not alleged to be management companies. The pleading does not allege that these Defendants were engaged in the day-to-day operations. The FAC vaguely alleges that Defendants, plural, had a custodial relationship with Plaintiff. However, consistent with our previous ruling, such allegations do not explain why these Defendants had a custodial relationship. Referencing the Defendants generically is not sufficiently specific.

If, in the course of discovery Plaintiff obtains more information permitting her to allege specific facts as to how one or more of these Defendants had a custodial relationship with Plaintiff, then she could file a motion for leave to amend as appropriate.

Defendants shall prepare and submit a form of order consistent with this ruling within two weeks.