



Wright et al v. Southern Arizona Children's Advocacy Center et al

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Brian Wright, et al.,

Plaintiffs, v. Southern Arizona Children's Advocacy Center, et al.,

Defendants.

No. CV-21-00257-TUC-JGZ ORDER re Dr. Motion for Summary Judgment

Motion for Summary Judgment claiming immunity from suit. (Doc. 297.) The Plaintiffs filed an opposition to the Motion. (Doc. 313.) Defendant Woolridge did not file a reply.

The Court will deny the Motion.

Discussion On December 16, 2020, Sahuarita Police Department (SPD) officers were investigating the possible physical abuse of minor L.A.W. SPD officers brought L.A.W. to Southern Arizona Chi , where Defendant Woolridge, a physician, conducted a of L.A.W. (Doc. 298 at 5.) The FME was requested and authorized by SPD Detective Johnston, who signed a SACAC consent form indicating he was the guardian of L.A.W. (Doc. 297 at 2.) were not notified prior to the exam. (Doc. 204 at 11-12.) In the pending action, Plaintiffs assert two claims under 42 U.S.C. § 1983 against Dr. Woolridge. (Doc. 204 at 39-41.) In Count Five, Plaintiffs allege Dr. Woolridge violated L.A.W. by conducting an unconsented detention, interrogation, and forensic medical exam. (Id.) In Count Six, Plaintiffs allege Dr. Woolridge violated L.A.W. conducting the unconsented exam. (Id.) To prove their § 1983 claims, Plaintiffs must show that (1) acts by the defendant (2) under color of state law (3) deprived him of federal rights, privileges, or immunities and (4) caused him damage. *Thornton v. City of St. Helens*, 425 F.3d 1158, 1163-64 (9th Cir. 2005) (cleaned up).

Dr. Woolridge moves for summary judgment on Counts Five and Six, asserting that, even if Plaintiffs could prove the elements of their claims, Dr. Woolridge is entitled to immunity pursuant to Arizona Revised Statutes § 13-3620(J), which immunizes any person [an] investigation resulting from a report,



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information or records required or authori § 13-3620(J). 1

The issue presented by Dr. Woolridge is a purely legal question that can be decided on summary judgment. Fed. R. Civ. P. 56(a); see Dupree v. Younger, 598 U.S. 729, 737 (2023) . The law is clear that A.R.S. §

13-3620(J) ims. Immunity under § 1983 is governed by federal law; state law cannot provide immunity from suit for federal civil rights violations Wallis v. Spencer, 202 F.3d 1126, 1144 (9th Cir. 2000) (citing Martinez v. State of Cal., 444 U.S. 277, 284 (1980)). Accordingly,

IT IS ORDERED (Doc. 297) is denied. Dated this 4th day of April, 2024.

1 Dr. Woolridge disputes that he was acting under color of state law, but because that issue involves determination of facts, Dr. Woolridge intends to present that defense at trial.

