

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF VENTURA
VENTURA DIVISION**

TENTATIVE RULINGS

EVENT DATE: 02/26/2015
JUDICIAL OFFICER: Tari Cody

EVENT TIME: 08:20:00 AM

DEPT.: 20

CASE NUM: 56-2014-00460814-CU-PA-VTA
CASE TITLE: PEREZ RULFO VS. BLOIS

CASE CATEGORY: Civil - Unlimited

CASE TYPE: PI/PD/WD - Auto

EVENT TYPE: Motion To Strike Portions Of Complaint
CAUSAL DOCUMENT/DATE FILED: Motion to Strike, 02/04/2015

No notice of intent to appear is required. If you wish to submit on the tentative decision, you may send a telefax to Judge Cody's secretary at 805-662-6712, stating that you submit on the tentative. Please include the hearing date, the case name and case number on your telefax. Do not call in lieu of sending a telefax, nor should you call to see if your telefax has been received. If you submit on the tentative without appearing and the opposing party appears, you run the inherent risk of the hearing being conducted in your absence.

The court's tentative ruling is as follows:

The motion to strike would have been denied because it was not timely served. But, because Plaintiff opposed on the merits the Court will consider the merits.

The motion is granted with respect to the prayer for punitive damages, (not the other allegations in the complaint) with leave to amend. More than just that the defendant intentionally drove while intoxicated must be pleaded to support a claim for punitive damages. "[O]ne who voluntarily commences, and thereafter continues, to consume alcoholic beverages to the point of intoxication, knowing from the outset that he must thereafter operate a motor vehicle demonstrates, ... such a conscious and deliberate disregard of the interests of others that his conduct may be called wilful or wanton." (*Taylor v. Superior Court* (1979) 24 Cal. 3d 890, 899 (internal quotes and citations omitted).) Since *Taylor*, facts also must be alleged to support a finding that the defendant's conduct was "despicable" which is a "new substantive limitation on punitive damage awards." *Lackner v. N.* (2006) 135 Cal. App. 4th 1188, 1211 (internal quotes and citations omitted).)

Absent waiver of notice and in the event an order is not signed at the hearing, the prevailing party shall prepare a proposed order and comply with CRC 3.1312 subdivisions (a), (b), (d) and (e). The signed order shall be served on all parties and a proof of service filed with the court. A "notice of ruling" in lieu of this procedure is not authorized.