

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

**MINUTE ORDER**

DATE: 09/10/2015

TIME: 08:20:00 AM

DEPT: 43

JUDICIAL OFFICER PRESIDING: Kevin DeNoce

CLERK: Tiffany Froedge

REPORTER/ERM: None

CASE NO: **56-2014-00460814-CU-PA-VTA**

CASE TITLE: **Perez Rulfo vs. Blois**

CASE CATEGORY: Civil - Unlimited

CASE TYPE: PI/PD/WD - Auto

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**EVENT TYPE:** Motion to Strike prayer for punitive damages from plaintiff's first amended complaint.

**MOVING PARTY:** Barbara Blois

**CAUSAL DOCUMENT/DATE FILED:** Motion to Strike portions of complaint, 02/04/2015

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**APPEARANCES**

Thomas G Adams, counsel, present for Plaintiff(s).

Jacob A O Stub, counsel, present for Defendant(s).

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At 8:52 a.m., court convenes in this matter with all parties present as previously indicated.

Matter submitted to the Court with argument.

The Court finds/orders:

Matter taken under submission.

After further consideration of argument by counsel, the Court rules as follows:

**The Defendant's motion to strike punitive damages is denied.**

Plaintiff has alleged that Defendant made no attempt to decelerate before striking Plaintiff's car and that Defendant intentionally operated the vehicle while intoxicated to the point of impairment in conscious disregard for the safety of others. It is also alleged that immediately before getting into the car, Defendant had just completed consuming at least four glasses of wine in approximately 2 hours and had taken Gabapentin, a powerful drug that contains the warning that it may cause drowsiness, dizziness, or blurred vision and that these effects may be worse if taken with alcohol. Defendant had a blood alcohol level of .21% as determined by a blood sample obtained an hour after the accident. Plaintiff has added allegations that Defendant violated Vehicle Code sections 23152 and 23153.

Evidence that a defendant was intoxicated while driving supports a claim of punitive damages. (Civ. Code, § 3294.) In *Taylor v. Superior Court* (1979) 24 Cal.3d 890, 896, 157 Cal. Rptr. 693, the Supreme Court held that, "while a history of prior arrests, convictions and mishaps may heighten the

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probability and foreseeability of an accident, we do not deem these aggravating factors essential prerequisites to the assessment of punitive damages in **drunk driving** cases." "Although it is true that no California case had specifically allowed punitive damages in a drunk driving case prior to *Taylor*... the increased liability is merely a change in the remedy for enforcing defendant's obligation to refrain from drunk driving, not a change in the nature of the obligation itself." (Peterson v. Superior Court (1982) 31 Cal. 3d 147, 161-162.) "Although there is much debate about the effectiveness of punitive damages as a deterrent to drunk driving..., the assumption of the majority in the *Taylor* decision was that imposing punitive damages would have a deterrent effect. Our decision to apply *Taylor* retroactively reiterates this court's resolve to support 'all possible means of deterring persons from driving automobiles after drinking . . .' and is a legitimate means of furthering the deterrent purpose of punitive damages." (Peterson v. Superior Court (1982) 31 Cal. 3d 147, 155.) "While the court in *Taylor, supra*, 24 Cal.3d 890, held that punitive damages may be assessed where the defendant was driving under the influence of alcohol at the time of the collision, despicable conduct was not a requirement when *Taylor* was decided." (*Lackner v. North* (2006) 135 Cal. App. 4th 1188, 1211-1212.)

Notice to be given by clerk.