

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

MINUTE ORDER

DATE: 02/26/2015

TIME: 08:20:00 AM

DEPT: 20

JUDICIAL OFFICER PRESIDING: Tari Cody
CLERK: Martha Lagana
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

EVENT TYPE: Motion To Strike Portions Of Complaint

MOVING PARTY: Barbara Blois

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

APPEARANCES

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

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

Counsel have received and read the court's written tentative ruling.

Matter submitted to the Court with argument.

The Court finds/orders:

The court's 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). 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).)

Motion is granted without prejudice to Plaintiff making a later request to amend to add additional facts.

Mr Stub 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.