

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

MINUTE ORDER

DATE: 08/15/2014

TIME: 08:20:00 AM

DEPT: 20

JUDICIAL OFFICER PRESIDING: Tari Cody
CLERK: Ellie Pangelinan
REPORTER/ERM: None

CASE NO: **56-2014-00453806-CU-PA-VTA**

CASE TITLE: **Lindsay vs. Christian**

CASE CATEGORY: Civil - Unlimited CASE TYPE: PI/PD/WD - Auto

EVENT TYPE: Motion to Strike portions of Complaint

MOVING PARTY: Drew Christian Construction Inc, Drew Christian

CAUSAL DOCUMENT/DATE FILED: Motion to Strike portions of complaint, 07/11/2014

EVENT TYPE: Demurrer (CLM)

MOVING PARTY: Drew Christian Construction Inc, Drew Christian

CAUSAL DOCUMENT/DATE FILED: Demurrer, 07/11/2014

APPEARANCES

Counsel David L. Weisberg is present on behalf of plaintiff.

Counsel Adam Hackett is present on behalf of defendant.

Matter submitted to the Court with argument.

The Court finds/orders:

As to the Demurrer, the Court adopts the tentative ruling as the order of the court.

The court's tentative ruling is as follows:

Defendants Drew Christian and Drew Christian Construction, Inc.'s demurrer to the second and third causes of action in the complaint is overruled. The fact that Plaintiff has chosen to allege negligence as a cause of action in various forms in his complaint does not mean there are insufficient facts to support the negligence claims pleaded. (See e.g., *Randi W. v. Muroc Joint Unified School Dist.* (1997) 14 Cal.4th 1066, 1086 (negligence per se pleaded as a separate "count").)

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.

Parties waive notice.

As to the Motion to Strike:

The Court takes this matter under submission as of 08/15/2014.