

TENTATIVE RULING:

The following tentative ruling is issued by the Honorable Susan Harlan:

Defendant's Motion to Strike portions of Plaintiff's Complaint is GRANTED.

The court notes Plaintiff filed a non-opposition on August 24, 2020.

The following portions of the Complaint are hereby stricken:

Pages 4 through 5 of Plaintiff's Complaint at Paragraph 11:

"Plaintiff is informed and believes and thereon alleges that Defendant GARCIA and DOES 1 through 10, inclusive, knowingly, willfully, and purposefully operated Defendant's vehicle on the public streets and highways after knowingly, willfully and purposefully ingesting intoxicating substances to the point of legal intoxication. Defendant GARCIA and DOES 1 though 10', inclusive, operation of a vehicle while intoxicated at unsafe speeds and in a reckless manner caused the collusion with Plaintiff 's vehicle. These actions constitute despicable conduct invoking the provisions of Civil Code Section 3294 because a person who voluntarily commences, and thereafter continues, to ingest or consume intoxicating substances to the point of intoxication and thereafter operates a vehicle in an unsafe manner, demonstrates a conscious and deliberate disregard of others. This despicable conduct of Defendant GARCIA and DOES 1 through 10, inclusive, was willful and wanton and in reckless disregard for the safety and well-being of Plaintiff Chronis and the general public. Plaintiff is therefore entitled to punitive and exemplary damages for the sake of example and by way of punishing Defendant GARCIA and DOES 1 through 10, and each of them."

Page 5 of Plaintiff's Complaint at Section 4:

"Exemplary damages pursuant to Civil Code Section 3294 (Defendant GARCIA only)".

Defendant is ordered to prepare and submit an order conforming to the court's ruling.

Unless a hearing is requested, this ruling is effective immediately. Neither further notice of the ruling nor a formal order per CRC 3.1312 is required.

19-CVC-11511

GIGENA, GABRIEL

VS.

RICK OWNER OF AND FINCH BODY
SHOP INC

DEMURRER - DEFENDANT'S

TENTATIVE RULING:

On the court's own motion, Defendant's Demurrer to Plaintiff's Second Amended Complaint is continued to September 21, 2020 at 8:30 a.m. in Department 1.

Unless a hearing is requested, this ruling is effective immediately. Neither further notice of the ruling nor a formal order per CRC 3.1312 is required.