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Safeway, Inc.

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**Superior Court of California, County of Alameda**  
**Rene C. Davidson Alameda County Courthouse**

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Kumar  Plaintiff/Petitioner(s)  VS.  Safeway, Inc.  Defendant/Respondent(s) (Abbreviated Title)	No. <u>RG14726707</u>  Order  Motion to Strike Complaint Denied
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The Motion to Strike Complaint filed for Safeway, Inc. was set for hearing on 08/27/2014 at 08:30 AM in Department 21 before the Honorable Wynne Carvill. The Tentative Ruling was published and was contested.

The matter was argued and submitted, and good cause appearing therefore,

IT IS HEREBY ORDERED THAT:

The tentative ruling is affirmed as follows: The Motion of defendant Safeway, Inc. ("Defendant") To Strike Portions of Plaintiff's Complaint ("Motion") is ruled on as follows:

The instant Motion was filed and will be heard concurrently with Defendant's demurrers to each cause of action in the operative complaint of plaintiff Rohini Kumar ("Plaintiff"), filed on May 23, 2014 ("Complaint"). The demurrers will be disposed by separate order, the pertinent portions of which are incorporated herein by this reference.

Defendant seeks to strike Plaintiff's claim for punitive damages, based in part on the discussion of the weaknesses of Plaintiff's allegations of fraudulent conduct that underlie her causes of action for violations of the CLRA and for common law fraud contained in its demurrer, and on its assertion that the allegations are insufficient to support a finding of "malice, oppression or fraud" within the meaning of Civil Code section 3294. The court disagrees.

The Motion is DENIED. Plaintiff's factual allegations are sufficient, for pleading purposes, to support a prayer for punitive damages.

Dated: 09/02/2014



Wynne Carvill  
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Judge Wynne Carvill