PROPOSED TENTATIVE

On February 17, 2026, after the court allowed plaintiff to file an amended pleading, plaintiffs Steven Ramirez, Miriam Ramirez, and Erik Ramirez, as individuals and successors-in-interest to decedent Rosa Sanchez (plaintiffs), filed a first amended complaint against defendants J. Garcia Trucking, Inc., Jose Alredo Parra (Parra), Grimmway Enterprises, Inc.(dba as Grimmway Farms) (collectively Grimmway), and Pastor Medrano (Medrano) (defendants), advancing a wrongful death and survivor action, both predicated on negligence. The lawsuit stems from an accident that occurred on September 20, 2023, at Grimmway Farms, involving the death of decedent Rosa Sanchez, plaintiffs' parent, by a vehicle owned by defendants and operated by Parra during Parra's employment with J Garcia Trucking. Plaintiff alleges that defendants are liable as joint employers, agents, and/or via a joint venture. Decedent was a pedestrian, walking behind the vehicle driven by Parra, which was travelling in the opposite direction on the farm field. Parra negligently reversed the vehicle "at a high rate of speed, knocking [d]ecedent to the ground and running her over and then traveling forward and running her over for a second time." (¶ 24.) Medrano was "the supervising employee from Defendant Grimmway, who owned, controlled maintained and managed, operated and used" the farm where the accident occurred. According to the operative pleading, defendants and "each of them" "had a duty to exercise reasonable care in the ownership, supervision, operation, and maintenance of the" vehicle driving by Parra, and each recklessly and carelessly managed, maintained, drove, operated, controlled, entrusted, and supervised the operation" of the vehicle driven by Parra.

As relevant for our immediate purposes (i.e., punitive damages), plaintiffs allege that prior to the day of the accident on September 20, 2023, "multiple farm workers employed by independent farm labor contractor Esparza Enterprises, Inc., who were working at Grimmway" farm at issue, reported to Medrano, who was "Grimmway's onsite supervisor," that Parra, a truck driver operating on the farm, "was an unsafe driver who endangered workers, creating a serious and obvious workplace hazard." Accord to plaintiffs, Grimmway "dismissed or ignored these repeated complaints and took no corrective action to remove Parra from driving duties, to warn field workers, to implement spotters or traffic controls, or to otherwise eliminate or reduce the known hazard before the fatal accident." Plaintiffs allege that Grimmway, "through its managing agents and supervisors, including Medrano, had actual knowledge of the extreme risk posed by Para's unsafe operation and nevertheless ratified, permitted, and continued the hazardous practice of allowing Parra to operate vehicles in close proximity to farm workers on active filed lanes without adequate controls." Plaintiffs are informed, believe and thereon allege that prior complaints and hazard reports made to Medrano triggered Grimmway's obligations to identify/evaluate the workplace hazard and to correct it in a timely manner based on severity. . ., yet Grimmway failed to comply, exhibiting conscious indifference to worker safety." (¶¶ 49A-50.) Plaintiffs in their "Prayer for Relief," Item 9 ask for "punitive and exemplary damages against Grimmway [] and [] Medrano pursuant to Civil Code section 3294, in an amount to be proven at trial."

Defendants Grimmway and Medrano have filed a motion to strike all requests for punitive damages. They claim that because there is no allegation that defendants intended to harm decedent, they must plead malice, oppression, or fraud pursuant to Civil Code section 3294, subdivision (a), and as to malice, they must plead facts specifically, not generally. They argue more directly that plaintiffs have failed to plead facts showing despicable conduct, and further, that defendants acted willfully and with a conscious disregard of the safety of decedent and others. According to defendants, plaintiffs have failed to detail specific facts of prior incidents from which a court could determine that defendants' actions were vile, done with awareness of the real risk to decedent, and consciously disregarded that risk. That is, according to defendants, plaintiffs offer conclusory statements that Parra was an "unsafe driver," without specific facts of showing the type of misconduct. They also allege that plaintiffs have failed to allege corporate liability for Grimmway under Civil Code section 3294, subdivision (b), which requires that with regard to a corporate employer, plaintiff must show "the advance knowledge and conscious disregard, authorization, ratification, or act of oppression fraud, or malice must be on the part of an officer, director, or managing agent of the corporation." The only person identified is Medrano, who was the "onsite supervisor"; there are no allegations or facts that he was an officer, director or managing agent.

Plaintiffs have filed opposition. They insist that the allegations are sufficient. Specifically, they insist there are sufficient factual allegations to support despicable conduct; that Medrano acted with despicable conduct and with malice. It also insists that it has adequately pleaded that Madrano is a managing agent, which generally is question of fact.

Defendants filed a 3-page reply on June 2, 2026, reiterating the arguments advanced in their motion to strike.

All briefing has been examined. Trial is scheduled for August 31, 2026.

Preliminarily, the court observes that plaintiffs do not challenge the timeliness of the motion to strike. The court therefore will not address the issue.

The law is settled with regard to pleading punitive damages. Civil Code section 3294, subdivision (a) provides that plaintiff may seek punitive damages not arising from contract where it is proven by clear and convincing evidence that the defendant has been guilty of oppression, fraud, or malice. Plaintiffs here rely exclusively on "malice" as the basis for punitive damages against the defendants. Subdivision (c) defines malice to mean "conduct which is intended by the defendant to cause injury to the plaintiff ***or*** despicable conduct which is carried on by the defendant with willful and conscious disregard for the safety of others." Civil Code section 3294, subdivision (b) provides that an employer (such as Grimmway) "shall not be liable for damages pursuant to subdivision (a) unless the employer had advance knowledge of the unfitness of the employee and employed him with the or her with conscious disregard of the rights or safety of others or ratified the wrongful conduct for which damages are awarded or was personally guilty of . . . malice." With respect to a corporate employer, the advance knowledge and conscious disregard, authorization, ratification or act of malice "must be on the part of an officer, director, or managing agent of the corporation."

Case law has put important glosses onto these statutory requirements. Where plaintiff alleges an intentional wrong, "a prayer for exemplary damage may be supported by pleading that the wrong was committed willfully or with a design to injure." (*G.D. Searle & Co. v. Superior Court* (1975) 49 Cal.App.3d 22, 29.) Plaintiffs have not alleged that defendants intentionally tried to harm, or acted with a design to harm, decedent -- so this theory is not relevant to the court's immediate analysis.

Generally, plaintiff, to state a prima facie claim for punitive damages in the operative pleading, must "set forth the elements as stated in [Civil Code] section 3294," as well as "specific factual allegations showing that defendant's conduct was oppressive, fraudulent, or malicious to support a claim for punitive damages." (*Today's IV, Inc. v. Los Angeles County Metropolitan Transportation Authority* (2022) 83 Cal.App.5th 1137, 1193.) Punitive damages may not be pleaded generally. (*Ibid*.) That is, the complaint "must include specific factual allegations showing that defendant's conduct was . . . malicious to support a claim for punitive damages." (*Brousseau v. Jarrett* (1977) 73 Cal.App.3d 864, 872.)

"Despicable conduct" is conduct that is " 'so vile, base, contemptible, miserable, wretched or loathsome that it would be looked down upon and despised by most ordinary decent people.' " (*Mock v. Michigan Millers Mutual Ins. Co.* (1992) 4 Cal.App.4th 306, 330.) Such conduct has been described as having the character of outrage frequently associated with crime. (*Butte Fire Cases* (2018) 24 Cal.App.5th 1150, 1159.) "Conscious disregard" means " 'that the defendant was aware of the probable dangerous consequences of his conduct, and that he willfully and deliberately failed to avoid those consequences.' " (*Hoch v. Allied–Signal, Inc.* (1994) 24 Cal.App.4th 48, 61) Put another way, the defendant must "have *actual knowledge* of the risk of harm it is creating and, in the face of that knowledge, fail to take steps it knows will reduce or eliminate the risk of harm." (*Ehrhardt v. Brunswick, Inc.* (1986) 186 Cal.App.3d 734; *Butte Fire Cases, supra,* 24 Cal.App.5th at p. 1159; italics added.) The mere carelessness or ignorance of the defendant does not justify the imposition of punitive damages. Punitive damages are proper only when the tortious conduct rises to levels of extreme indifference to the plaintiff's rights, a level which decent citizens should not have to tolerate.(*Lackner v. North* (2006) 135 Cal.App.4th 1188, 1210.) Punitive damage awards have been reversed where the defendant's conduct was merely in bad faith and overzealous or the defendant took action to protect or minimize the injury to the plaintiff. (*Id.* at p. 1212.)

Our high court has addressed the then-existing malice definition for punitive damages in *Taylor v. Superior Court* (1979) 24 Cal.3d 890, which is helpful when examining malice in this case. In *Taylor,* the high court affirmed that a conscious disregard for the rights or safety of others may constitute malice within the meaning of section 3294, but clarified that, "in order to justify an award of punitive damages on that basis, the plaintiff must establish that the defendant was aware of the probable dangerous consequences his conduct, and that he willfully and deliberately failed to avoid those consequences." (*Id.* at pp. 895-896.) The *Taylor* court also acknowledged, with apparent approval, the conclusion in *G.D. Searle & Co. v. Superior Court, supra,* 49 Cal.App.3d at page 32 that mere reckless disregard or misconduct ***cannot*** be enough to sustain an award of punitive damages. (*Taylor, supra,* at p. 895, quoting *G.D. Searle & Co. v. Superior Court, supra,* at p. 32.) Plaintiff must show that defendant "was aware of the probable dangerous consequences of his conduct, and that he willfully and deliberately failed to avoid those consequences." (*Id.* at p. 896.)

Additionally, "by selecting the term 'managing agent,' and placing it in the same category as 'officer' and 'director,' the Legislature intended to limit the class of employees whose exercise of discretion could result in a corporate employer's liability for punitive damages." (*White v. Ultramar, Inc.* (1999) 21 Cal.4th 563, 573.) The term is subject to a narrow construction that limits corporate liability for punitive damages to only those employees who "exercise substantial discretionary authority over decisions that ultimately determine corporate policy." (*Id.* at pp. 576-577.) "Thus, supervisors who have broad discretionary powers and exercise substantial discretionary authority in the corporation could be managing agents." (*Id.* at p. 577.) To demonstrate that a corporate employee is a "true managing agent," a plaintiff seeking punitive damages must show that "the employee exercised substantial discretionary authority over significant aspects of a corporation's business." (*White*, *supra*, 21 Cal.4th at p. 577.) Decisions that meet this standard concern formal policies that affect a substantial portion of the company—the type of decision "likely to come to the attention of corporate leadership." (*Roby v. McKesson Corp.* (2009) 47 Cal.4th 686, 715.) A managing agent's discretion is the "sort of broad authority that justifies punishing an entire company for an otherwise isolated act of oppression, fraud, or malice." (*Ibid.*) Our high court has explained that a "managing agent" must "be more than a mere supervisory employee. (*White, supra,* at p. 573.) Classification as a managing agent does "not depend on employees' managerial level, but on the extent to which they exercise substantial discretionary authority over decisions that ultimately determine corporate policy. Thus, supervisors who have broad discretionary powers and exercise substantial discretionary authority in the corporation could be managing agents. Conversely, supervisors who have no discretionary authority over decisions that ultimately determine corporate policy would not be considered managing agents even though they may have the ability to hire or fire other employees." (*Id.* at pp. 576-577.) Thus, "a plaintiff seeking punitive damages would have to show that the employee exercised substantial discretionary authority over significant aspects of a corporation's business." (*Id.* at p. 577.)

With this background, plaintiff's punitive damages allegations are insufficient to withstand defendants' motion to strike. Plaintiffs allege that Parra "***carelessly and negligently*** controlled his vehicle by reversing" it at a high rate of speed, knocking decedent to the ground "and running over and then traveling forward and running over Decedent a second time." Plaintiffs then allege that punitive damages against Medrano and Grimmway are appropriate because defendants allegedly knew "Parra was a careless, reckless, and negligent driver on prior occasions" at the field where the decedent was killed (¶ 22), and that they continued to allow Parra to drive "carelessly, recklessly, and negligently . . . ," (¶ 23) so as to create "an unreasonable risk of harm to others . . . ." (¶ 27.) Plaintiffs allege that defendants had been told multiple times that Parra "***was an unsafe driver who endangered workers***, creating a serious and obvious workplace hazard." (¶ 49A.) According to plaintiffs, defendants ignored these complaints "and took no corrective action to remove Parra from driving duties, to warn field workers, to implement spotters or traffic controls, or to otherwise or eliminate or reduce known hazards before the fatal accident." Plaintiffs then conclusorily allege that Medrano "had actual knowledge of the extreme risk posed by Parra's unsafe operation and nevertheless ratified, permitted, continued the hazardous practice of allowing Parra to operate vehicles in close proximity to farm works on active field lanes without adequate controls"; and that "prior complaints and hazard reports made to Medrano triggered Grimmway's obligations to identify/evaluate the workplace hazard and to correct it in a timely manner based on severity," and yet Grimmway failed to comply "exhibiting conscious indifference to worker safety . . . ."

The best plaintiffs have alleged is that defendants' actions (or failure to act) constituted negligence, simply bootstrapping punitive damages with vague and conclusory allegations that simply track the statutory language. That is not enough. Punitive damages are appropriate if the defendant's acts are reprehensible, fraudulent or in blatant violation of law or policy. The mere carelessness or ignorance of defendant does not justify the imposition of punitive damages. Punitive damages are proper only when the tortious conduct rises to levels of extreme indifference to the plaintiff's rights, a level which decent citizens should not have to tolerate." ' [Citation.]" (*Scott v. Phoenix Schools, Inc.* (2009) 175 Cal.App.4th 702, 715–716.) In order for defendants' actions to be "despicable," they must be so vile, base, contemptable, miserable, wretched or loathsome that it would be looked down upon and despised by ordinary decent people. A mere failure to correct workplace safety violations, described with broad generalities and without factual specifics, cannot alone amount to a vile, miserable, or wretched failing, constituting reprehensible conduct and despised by ordinary decent people.[1] If that were true, all workplace safety violations could fit the bill, despite the observations that the punitive damages statute was intended to circumscribe those situations giving rise to punitive damages. Further, plaintiff's broad generalities fails to support the requirement that plaintiffs must show defendants knew (a subjective state of mind) of the probable consequences of any failure to stop or limit Parra's driving, and willfully and deliberately failed to act in conscious disregard of the safety of farm workers. The only way plaintiff can demonstrate that defendants acted despicably, and with probable knowledge of the danger to the safety of other farm workers and with conscious disregard, if the warnings given by the farm workers alerted them to the ***specific danger*** that was confronted by decedent. It is not enough that defendants should have known – that is a negligence standard, insufficient to support punitive damages. Plaintiffs must detail the nature of the complaints to show defendant's conduct was despicable, and, further, that defendants were

[1] For example, in *Zirpel v. Alki David Productions, Inc.* (2023) 93 Cal.App.5th 563, the appellate court observed as follows: "There is substantial evidence David acted with malice when terminating Zirpel's employment. When Zirpel voiced his concerns regarding workplace safety, David yelled and screamed obscenities at Zirpel in front of coworkers, called him a 'faggot,' and told him to 'suck my dick.' While screaming at Zirpel, David stood so close to him that spittle flew in Zirpel's face. After telling Zirpel was fired , David followed Zirpel out of the theater building and continued to scream at him. The totality of the circumstances here supports a finding of reprehensible conduct." (*Id.* at p. 579-580.) The point is that there must be something more than mere negligence to warrant punitive damages.

aware of the probable consequences of the specific dangers posed by Parra's driving, and to show that defendants (Medrano) willfully and deliberately disregarded that known risk. Vague generalities, steeped in negligence, fails to satisfy the necessary heighted showing required for malice. More factual specificity about the prior complaints is required to cure these lacunae.

The court also finds that plaintiffs have failed to plead that Grimmway is liable for punitive damages as a corporate employer. Specifically, plaintiff must plead that Medrano was an officer, director, or managing agent. The only theory relevant here appears to be Medrano's possible status as a managing agent. And as noted above, a managing agent is not dependent on a person's managerial level, but on the extent to which they exercise substantial discretionary authority over decisions that ultimately determine corporate policy. "Thus, supervisors with no discretionary authority over decisions that ultimately determine corporate policy would not be considered managing agents even though they may have the ability to hire or fire other employees." Plaintiffs must allege that the employee exercised "substantial discretionary authority over significant aspects of a corporation's business." (*White, supra*, at pp. 576-577.)

The pleading falls short of these requirements. Plaintiffs allege that Medrano was Grimmway's "onsite supervisor"; and that within his "supervisory duties" he "dismissed or ignored these repeated complaints and took no corrective action to remove Parra from driving duties, to warn field workers, to implement spotters or traffic controls, or to otherwise eliminate or reduce the known hazard before the fatal incident." Medrano "had actual knowledge of the extreme risk posed by Parra's unsafe operation and nevertheless ratified Parra's driving." An employee with some supervisorial or administrative responsibility, who authorized or ratified the unlawful conduct, such as pleaded here, is not sufficient standing alone to show a manager agent. (*White, supra*.at p. 577.) This includes allegations that Medrano exercised substantial discretionary authority over significant aspects of a corporation's business. (*White*, ibid.) There are no allegations that Medrano had any authority over corporate policy in any way. While evidentiary facts need not be pleaded, ultimate facts are required. (*Clauson v. Superior Court* (1998) 67 Cal.App.4th 1253, 1255 [in order to survive a motion to strike an allegation of punitive damages, the ultimate facts showing an entitlement to such relief must be pleaded by plaintiff].) " '[C]orporate policy' is the general principle which guides a corporation, or rules intended to be followed consistently over time in corporate operations. A 'managing agent' is one with substantial authority over decisions that set these general principles and rules." (*Cruz v. Homebase* (2000) 83 Cal.App.4th 160, 167.) It is simply not enough that an employee's decisions may have significant consequences. More must be pleaded.

<u>Summary:</u>

The court grants the motion to strike all references to punitive damages, with leave to amend. Plaintiff has 20 days from today's hearing date to amend the pleading.

There are two procedural issues the parties should be prepared to discuss at the June 9, 2026 hearing.

First, the record shows that defendants filed an answer to the subsequently consolidated complaint on February 2, 2025. Given the pending trial date of August 28, 2026, the court directs the parties to discuss when the amended answer can be filed, what impact the amended answer will have on the summary judgment/adjudication and trial dates, and whether the trial date will have to be continued. It seems possible that the parties can stipulate that the amended answer can be submitted before trial without harm or prejudice to any party (i.e., in order to keep the pending dates on calendar).

Second, the court is also aware that there is a pending summary judgment motion/ adjudication motion on calendar for July 28, 2026. Defendants in the summary adjudication motion challenge plaintiffs' claims for punitive damages raised in the operative pleading; specifically, defendants contend in their Separate Statement that there are no issues of disputed fact to show malice or to show that Madrano was a director, officer, or managing agent. (Issues Nos. 21 to 24 of defendant's Separate Statement). Technically an amended complaint supersedes any earlier iteration, which impacts a pending summary judgment/adjudication motion (as the pleadings frame the nature of summary judgment/adjudication). The court observes that of this writing no opposition to the summary judgment/adjudication motion has been filed. If the parties wish to keep the August 31, 2026 trial date and the July 28, 2026 motion date, ***<u>and only if the parties agree,</u>*** the court can keep the July 28, 2026 date and at that time determine whether disputed issues of material fact exist to support the claim for punitive damages. The same law and motion deadlines as detailed in Code of Civil Procedure section 437c would apply. This resolution remains possible because the issues at play in the motion to strike (at issue today) involve only the facial validity of the allegations, not the evidence offered to support or oppose. As a result, the summary judgment/adjudication can go forward if all parties agree. If the parties cannot agree on this, the court will have little choice but to continue the trial date and direct defendant to file another summary judgment/adjudication motion (addressing punitive damages).

As a minimum, the parties should come prepared to discuss the impact of these issues on the scheduled summary judgment/adjudication motion, whether the matter can proceed as scheduled, and whether a trial continuance is required.