

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SACRAMENTO
GORDON D SCHABER COURTHOUSE

MINUTE ORDER

DATE: 06/25/2013

TIME: 02:00:00 PM

DEPT: 53

JUDICIAL OFFICER PRESIDING: David Brown

CLERK: E. Brown

REPORTER/ERM:

BAILIFF/COURT ATTENDANT: C. Chambers

CASE NO: **34-2012-00130439-CU-MC-GDS** CASE INIT.DATE: 10/01/2012

CASE TITLE: **The National Grange of the Order of Patrons of Husbandry vs. The California State Grange**

CASE CATEGORY: Civil - Unlimited

EVENT ID/DOCUMENT ID: ,9988685

EVENT TYPE: Motion to Strike - Civil Law and Motion

MOVING PARTY: The National Grange of the Order of Patrons of Husbandry, Edward L Luttrell

CAUSAL DOCUMENT/DATE FILED: Motion - Other to strike Robert McFarland's 1st amended cross complaint, 05/23/2013

APPEARANCES

Nature of Proceeding: Motion to Strike

TENTATIVE RULING

Cross-defendants The National Grange of the Order of Patrons of Husbandry ("National Grange") and Edward L. Luttrell Motion to Strike Specified Portions of the Cross Complaint of the Robert McFarland is GRANTED.

Moving parties move to strike the punitive damage allegations of the 2nd cause of action for tortious interference with contract and the 3rd for intentional interference with prospective economic advantage.

Punitive damages are not available in actions arising out of contract, including interference with contract. *PM Group, Inc. v. Stewart* (2007)154 Cal. App. 4th 55, 69. See also, Civil Code 3294(a) which provides that punitive damages may be obtained in an action for the breach of an obligation *not arising from contract*. The motion is therefore granted.

This minute order is effective immediately. No formal order nor further notice is required, the tentative ruling providing sufficient notice.

COURT RULING

There being no request for oral argument, the Court affirmed the tentative ruling.