

**DEPARTMENT THREE - JUDGE HARRY KINNICUTT
TENTATIVE RULINGS SCHEDULED FOR
TUESDAY, MARCH 22, 2011**

**BROCK v. GAW, VAN MALE, SMITH, MYERS & REYNOLDS
Case No. FCS037131**

Motion to Strike filed by Defendant Gaw, Van Male

TENTATIVE RULING

The motion to strike filed by defendant is denied. Unlike in the case of *Turman v. Turning Point of Central California, Inc.*, (2010) 191 CalApp.4th 53, relied on by defendant, the complaint in the present case alleges facts indicating malice and oppression on the part of defendant. Specifically, the complaint alleges that defendant law firm, through its partners, committed deliberate, discriminatory and hostile acts against plaintiff based on plaintiff's sexual orientation and his status as a whistle blower, in conscious disregard of plaintiff's rights. Therefore, the complaint alleges facts sufficient to state a claim for punitive damages.

**DEPARTMENT EIGHT – JUDGE WENDY GETTY
TENTATIVE RULINGS SCHEDULED FOR
TUESDAY, MARCH 22, 2011**

**324 VIRGINIA STREET PARTNERS, LLC v. WALKER
Case No. FCS037111**

Motion to Compel Discovery Responses filed by Appellant

TENTATIVE RULING

The motion to compel is continued on the court's own motion to April 28, 2011, at 9:00 a.m. in Department 8 to be heard with the demurrer and motion for protective order set for that time.