

**DEPARTMENT TWELVE - JUDGE RICHARD BENNETT
TENTATIVE RULINGS SCHEDULED FOR
WEDNESDAY, OCTOBER 27, 2010**

**ARCHER v. FOOD 4 LESS, ET AL.
Case No. FCS030626**

Motion to Correct Judgment

TENTATIVE RULING

Plaintiff's motion to correct the judgment is denied.

The judgment identified a total damage figure to be apportioned between all parties in the percentages specified by the jury representing the parties' culpability. Not only can comparative fault principles apply to intentional torts, noneconomic damages must be allocated in proportion to a defendant's percentage of fault pursuant to Civil Code section 1431.2(a). Consequently, the Court finds no clerical error in the judgment that is capable of correction after entry of judgment. (Code Civ. Proc. § 473(d); *Rochin v. Pat Johnson Mfg. Co.* (1998) 67 Cal.App.4th 1228, 1237.)