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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEVE OUZOUNIAN, an individual,

Plaintiff,

v.

FCA US LLC, a Delaware Limited Liability Company and DOES 1 to 25, inclusive,

Defendants.

No. 2:20-cv-00179-JAM-KJN

ORDER GRANTING DEFENDANT'S MOTION TO DISMISS

This matter is before the Court on FCA US LLC's ("Defendant") Motion to Dismiss. Mot. to Dismiss ("Mot."), ECF No. 25. Steve Ouzounian ("Plaintiff") filed an opposition to Defendant's motion, Opp'n, ECF No. 27, to which Defendant replied, Reply, ECF No. 28. The Court presumes the parties are familiar with the events leading up to this motion, as they were described in the Court's previously issued Order. See Order, ECF No. 21. They will not be repeated here. After consideration of the parties' briefing on the motion and relevant legal authority, the Court GRANTS Defendant's Motion to

1 Dismiss.¹

2
3 I. OPINION

4 A. Legal Standard

5 A Rule 12(b)(6) motion challenges the complaint as not
6 alleging sufficient facts to state a claim for relief. "To
7 survive a motion to dismiss [under 12(b)(6)], a complaint must
8 contain sufficient factual matter, accepted as true, to state a
9 claim to relief that is plausible on its face." Ashcroft v.
10 Iqbal, 556 U.S. 662, 679 (2009) (internal quotation marks and
11 citation omitted). While "detailed factual allegations" are
12 unnecessary, the complaint must allege more than "[t]hreadbare
13 recitals of the elements of a cause of action, supported by mere
14 conclusory statements." Id. at 678. "In sum, for a complaint
15 to survive a motion to dismiss, the non-conclusory 'factual
16 content,' and reasonable inferences from that content, must be
17 plausibly suggestive of a claim entitling the plaintiff to
18 relief." Moss v. U.S. Secret Serv., 572 F.3d 962, 969 (9th Cir.
19 2009).

20 B. Analysis

21 Plaintiff's second and third causes of action request that
22 the Court find Defendant strictly liable for design and
23 manufacturing defects. See Second Amended Complaint ("SAC")
24 ¶¶ 24-37. Plaintiff alleges Defendant's conduct, with regard to
25 those defects, was "fraudulent, malicious[,] and oppressive" and
26

27 ¹ This motion was determined to be suitable for decision without
28 oral argument. E.D. Cal. L.R. 230(g). The hearing was scheduled
for September 15, 2020.

1 "justif[ies] an award of punitive damages pursuant to California
2 Civil Code § 3294." SAC ¶¶ 30, 37. As described in more depth
3 in the Court's June 16, 2020, Order, a claim for punitive
4 damages must set forth the elements as stated in the general
5 punitive damage statute, California Civil Code § 3294. Turman
6 v. Turning Point of Central California, Inc., 191 Cal.App.4th
7 53, 63 (2010). These statutory elements include allegations
8 that the defendant has been guilty of oppression, fraud, or
9 malice. See Cal. Civ. Code § 3294(a).

10 Importantly, "[s]omething more than the mere commission of
11 a tort is always required for punitive damages. Taylor v.
12 Superior Court, 24 Cal.3d 890, 894 (1979) (citing Prosser, Law of
13 Torts at 9-10 (4th Ed. 1971)). And "[t]he mere allegation an
14 intentional tort was committed is not sufficient to warrant an
15 award of punitive damages." Grieves v. Superior Court, 157
16 Cal.App.3d 159, 166 (1984) (citing Taylor, 24 Cal.3d at 894).
17 Plaintiff, in his SAC, has again failed to allege facts that
18 support a finding of the oppression, fraud, or malice necessary
19 for a punitive damages award. As before, the facts presented
20 suggest only that Defendant negligently failed to: (1) inform
21 Plaintiff of the recall; and (2) instruct its authorized dealers
22 to inform customers of the recall. See SAC ¶¶ 12, 13, 15, 18.
23 These facts fall short of rendering plausible Plaintiff's claim
24 that Defendant acted with oppression, fraud, or malice.

25 Accordingly, the Court DISMISSES WITH PREJUDICE Plaintiff's
26 claims for punitive damages included in his second and third
27 causes of action.

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II. ORDER

For the reasons set forth above, the Court GRANTS
Defendant's Motion to Dismiss.

IT IS SO ORDERED.

Dated: September 10, 2020



JOHN A. MENDEZ,
UNITED STATES DISTRICT JUDGE