

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

DEC 20 2022

BY Patricia Guerrero
PATRICIA GUERRERO, DEPUTY

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

LINDA AYRES,
Plaintiff,

v.

STATE FARM GENERAL INSURANCE
COMPANY, et.al.
Defendants,

CASE NO. CIVSB2106284

**RULING ON AMERICAN
ENVIRONMENTAL GROUP'S
DEMURRER AND MOTION TO STRIKE
THIRD AMENDED COMPLAINT**

Request to strike entire TAC as untimely filed.

AEG asks the Court to strike the entire TAC on grounds it was not filed within the time period authorized following the sustaining of AEG's previous demurrer.

The Court in part sustained the demurrer to the prior SAC on April 13, 2022, with leave to amend. The minute order did not state the time period in which Plaintiff could amend, but AEG's

1 subsequent notice of ruling (filed April 18, 2022) provided the Court granted 60 days leave to
2 amend. The docket now shows the TAC was not filed until July 6, 2022. Although the TAC was
3 filed beyond the deadline, it is now on file and the instant demurrer has been fully briefed on the
4 merits. The Court denies AEG's request to strike the entire TAC.
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7 ***Third cause of action for interference with contractual relations and conspiracy.*** The
8 Court has previously overruled AEG's demurrers to this cause of action twice. AEG cites no legal
9 authority whatsoever in support of its argument as to this cause of action. AEG argues the third
10 cause of action lacks allegations of terms certain enough to form a contract, and therefore contends
11 there could be no interference. However, as has been repeatedly determined in relation to other
12 previous demurrers, Plaintiff adequately pleads the existence of a contract between herself and
13 Defendant State Farm with which Plaintiff interfered. This is effectively a rehash of prior
14 demurrers which were overruled; The Court again overrules the demurrer to the third cause of
15 action.
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19 ***Fourth cause of action for fraud and fifth cause of action for intentional***
20 ***misrepresentation and deceit.*** To sustain a fraud-based cause of action, a plaintiff must allege:
21 (1) misrepresentation (false representation, concealment or nondisclosure); (2) knowledge of
22 falsity; (3) intent to deceive; (4) justifiable reliance; and (5) resulting damage. The particularity
23 requirement for a fraud-based claim necessitates pleading facts that show how, when, where, to
24 whom, and by what means the representations were tendered. The plaintiff must state particular
25 allegations with regards to corporate defendants, such as "the names of the persons who made the
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