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David Very Successfully Obtained the Dismissal of a Claim of Punitive Damages

David Very successfully obtained the dismissal of a claim of punitive damages against a major trucking client in a significant pedestrian/truck accident pursuant to a motion for judgment on the pleadings shortly after the complaint was filed. There has been a recent trend of Plaintiff attorneys including counts for punitive damages to be used as leverage against companies and arguing that it to early to dismiss the count on the pleadings as discovery may uncover evidence of implied malice. In a decision issued in December of 2023, the Superior Court Justice rejected the Plaintiff's argument that discovery may uncover evidence to support the punitive damages claim, stating, "The court is reticent to allow Plaintiff to engage in a fishing expedition." This decision will support motions in future cases to defeat this tactic.

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