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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

RANI KURAPATI,

Plaintiff and Respondent,

v.

YOSEF ADDE,

Defendant and Appellant.

B282373

(Los Angeles County
Super. Ct. No. YC070158)

APPEAL from a judgment of the Superior Court of
Los Angeles County, Ramona G. See, Judge. Reversed with
directions.

The Nguyen Law Group and Thanh Nguyen for Plaintiff and
Respondent.

Lieber & Galperin, Stanley P. Lieber, and Collin L. Grant for
Defendant and Appellant.

The trial court granted plaintiff Rani Kurapati's motion for summary adjudication of four causes of action asserted against defendant Yosef Adde. After Kurapati dismissed the remaining causes of action, the court entered judgment for Kurapati in the amount of \$140,030, representing \$40,030 in compensatory damages and \$100,000 in punitive damages.

Adde contends that the award of punitive damages must be reversed because it is unsupported by evidence of his financial condition. Kurapati does not dispute this point, and we agree. We therefore reverse the award of punitive damages and direct the court to enter an amended judgment in the amount of \$40,030.

FACTUAL AND PROCEDURAL SUMMARY

In July 2013, Kurapati asked Adde to repair a pair of diamond earrings that Kurapati had previously purchased from Adde for \$35,030. Kurapati also asked Adde to appraise a set of diamond studs that Kurapati had purchased for \$10,000 from a third party. Adde agreed to do both.

Kurapati, who lives in Florida, asked Adde, who lives in California, about the safety of sending the jewelry by mail. Adde assured Kurapati that the jewelry would be insured for \$50,000. In reliance on this assurance, Kurapati sent the earrings to Adde using a preaddressed shipping label that Adde provided. Adde insured the jewelry for only \$5,000.

A few days after Kurapati mailed the jewelry to Adde, Adde acknowledged his receipt of the package in an email to Kurapati. About two weeks later, Kurapati asked Adde to return the jewelry. Adde did not return the jewelry, telling Kurapati that he never received the items. Kurapati thereafter recovered \$5,000 under the insurance policy covering the loss of the jewelry.

In October 2014, Kurapati sued Adde under a variety of theories to recover compensatory and punitive damages arising from the loss of his jewelry.

In August 2016, Kurapati moved for summary adjudication of his causes of action for breach of contract, fraud, negligent misrepresentation, and conversion. Kurapati supported the motion with his declaration, documentary evidence, and discovery responses establishing the facts summarized above. He offered no evidence of Adde's financial condition and made no argument to support an award of punitive damages.

The trial court granted the motion for summary adjudication as to the causes of action that were the subject of the motion, and awarded Kurapati \$40,030 in compensatory damages—the amount Kurapati paid for the jewelry less the \$5,000 he received from the insurance carrier. The court also awarded Kurapati \$100,000 in punitive damages. The court did not explain how it determined the figure for punitive damages.

Adde objected to the order granting summary judgment on the ground, among others, that the order “included an award of punitive damages, despite the fact that [Kurapati] never provided evidence of [Adde's] financial condition.” Our record does not reveal any express ruling on Adde's objections.

Kurapati dismissed the remaining causes of action alleged in his complaint and thereafter the court entered judgment for Kurapati and against Adde in the amount of \$140,030.

Adde timely appealed.

DISCUSSION

Adde contends that the trial court erred by awarding Kurapati punitive damages in the absence of any evidence of Adde's financial condition. Kurapati agrees and states that he is unopposed "to vacating the portion of the Judgment awarding \$100,000 in punitive damages against [Adde] and remanding this matter to the trial court for further proceedings on that issue."

We agree with the parties that the award of punitive damages cannot stand in the absence of evidence of Adde's financial condition. (See *Adams v. Murakami* (1991) 54 Cal.3d 105, 109 ["award of punitive damages cannot be sustained on appeal unless the trial record contains meaningful evidence of the defendant's financial condition"]; *Soto v. BorgWarner Morse TEC Inc.* (2015) 239 Cal.App.4th 165, 195 (*Soto*) ["Evidence of a defendant's financial condition is a legal precondition to the award of punitive damages."].)

Because the award of compensatory damages in the amount of \$40,030 is supported by evidence in the record (the prices Adde paid for the jewelry), and the award of punitive damages is not, the judgment must be reversed as to the punitive damages award and otherwise affirmed. (See *Soto, supra*, 239 Cal.App.4th at pp. 195, 207; *Kelly v. Haag* (2006) 145 Cal.App.4th 910, 917 (*Kelly*).)

We reject Kurapati's suggestion that there should be "further proceedings" on the issue of punitive damages. In order "to enhance the finality of judgments and avoid 'an unending roundelay of litigation'" (*Bank of America v. Superior Court* (1990) 220 Cal.App.3d 613, 626), litigants are charged with the "responsibility for the complete litigation of their cause during the proceedings" (*Silberg v. Anderson* (1990) 50 Cal.3d 205, 214), and a party who fails to marshal the evidence to support his claim

“must bear the consequences of the resultant evidentiary shortfall” (*Soto, supra*, 239 Cal.App.4th at p. 198). Thus, when we reverse an award of punitive damages because the evidence is insufficient to support the award and the plaintiff had a full and fair opportunity to make the requisite showing, no further proceedings are allowed. (*Id.* at p. 195; *Baxter v. Peterson* (2007) 150 Cal.App.4th 673, 681; *Kelly, supra*, 145 Cal.App.4th at p. 919.)

Here, Kurapati litigated this case for approximately two years and there is nothing in the record to suggest he was deprived of a full and fair opportunity to prove his claim for punitive damages. Therefore, he is not entitled to further proceedings on that issue.

DISPOSITION

The judgment is reversed to the extent it awards Kurapati punitive damages. The court is directed to file an amended judgment providing that Kurapati shall recover from Adde the sum of \$40,030, plus costs and interest as provided in the original judgment. Appellant is awarded his costs on appeal.

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ROTHSCHILD, P. J.

We concur.

CHANEY, J.

JOHNSON, J.