

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Thomas Edgton, Jr. v. Costco Wholesale Corporation

Edgton v. Costco · No. 2:23-cv-00318-DC-CSK PS · Decided May 16, 2025

SUMMARY

The United States District Court for the Eastern District of California considers Costco Wholesale Corporation’s motion for summary adjudication concerning Thomas Edgton, Jr.’s request for punitive damages in a negligence and gross-negligence action. The court recommends granting the motion in part to the extent the plaintiff seeks punitive damages on behalf of other individuals and denying it in part as to the remainder, while separately denying a request to reopen discovery and striking a second opposition.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 16, 2025
DOCKET	2:23-cv-00318-DC-CSK PS
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for partial summary judgment, styled as summary adjudication, on plaintiff's request for punitive damages in a diversity negligence action. The magistrate judge issued an order and findings and recommendations granting the motion in part and denying it in part, subject to review by the assigned district judge.
STANDARD OF REVIEW	Summary judgment or summary adjudication is proper when there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law. The moving party bears the initial burden of identifying the basis for the motion and record evidence showing the absence of a genuine dispute; the burden then shifts to the opposing party to produce evidence establishing a genuine issue. Reasonable inferences are drawn in favor of the nonmoving party.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

summary judgment

punitive damages

civil procedure

negligence

damages

PRACTICE AREAS

civil procedure

torts

remedies

QUESTIONS PRESENTED

1. Whether plaintiff's allegations were limited to post-injury conduct such that his punitive-damages request failed as a matter of law.
2. Whether plaintiff could seek punitive damages on behalf of other individuals or the public at large.
3. Whether plaintiff's opposition could add new claims or theories not pleaded in the complaint.
4. Whether defendant's argument, raised for the first time at the hearing, concerning the absence of evidence that an officer or director authorized or ratified the conduct should be considered.
5. Whether plaintiff's informal request to reopen discovery and his second opposition should be allowed.

HOLDINGS

1. The complaint was not limited to post-injury conduct because it alleged that Costco failed to correct a dangerous freezer defect and that the sharp edge remained dangerous. Defendant therefore failed to meet its initial summary-judgment burden on this ground, and the motion was denied in part.
2. Plaintiff could not seek punitive damages against Costco on behalf of other individuals. The motion for summary adjudication was granted in part to the extent plaintiff sought punitive damages for injuries inflicted on nonparties.
3. Plaintiff could not amend the complaint or add new claims or theories through an opposition to summary judgment.
4. The court declined to consider defendant's argument that plaintiff lacked evidence that an officer or director knew, authorized, or ratified the alleged conduct because defendant raised the argument for the first time at the hearing.

KEY QUOTATIONS

"Summary judgment is appropriate when there is "no genuine dispute as to any material fact and the mov[ing party] is entitled to a judgment as a matter of law."" (at 2)

"Because Plaintiff is appearing pro se, the Court must liberally construe his pleadings." (at 4)

"punitive damages may not be used to punish a defendant for injury it inflicts on nonparties." (at 4)

FACTUAL BACKGROUND

On November 22, 2020, Thomas Edgton, Jr. was shopping at a Costco warehouse in Rancho Cordova, California. While attempting to remove a bag of frozen chicken from a freezer, he cut his hand on a sharp exposed edge. He asserted negligence and gross-negligence claims, alleging that Costco failed to correct an unreasonably dangerous freezer defect and covered the defect, and he sought compensatory and punitive damages.

PROCEDURAL HISTORY

Plaintiff filed the action in Sacramento Superior Court on November 1, 2022. Defendant answered, removed the case to federal court on February 21, 2023, and later filed a summary judgment motion that was denied without prejudice because it was not properly re-noticed after referral and a stay. Defendant filed the operative motion for summary adjudication seeking dismissal of the punitive-damages request. After briefing and an April 1, 2025 hearing, the magistrate judge recommended granting the motion only insofar as plaintiff sought punitive damages on behalf of other individuals and denying the remainder; the court also denied plaintiff's informal discovery request and struck his second opposition.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The findings and recommendations were submitted to the assigned district judge under 28 U.S.C. § 636(b)(1), with 14 days allowed for objections.

CASES CITED

- Caldwell-Parker v. Surprise Police Dep't, 2022 WL 18110867, at *2 n.3 (D. Ariz. Dec. 2, 2022)
- Gooch v. American Eagle Airlines, Inc., 2016 WL 590190, at *1 n.1 (C.D. Cal. Feb. 10, 2016)
- Lies v. Farrell Lines, Inc., 641 F.2d 765, 769 n.3 (9th Cir. 1981)
- Mora v. Chem-Tronics, 16 F. Supp. 2d 1192, 1200 (S.D. Cal. 1998)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-25 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 250-52, 255 (1986)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 585-87 & n.11 (1986)
- Richards v. Nielsen Freight Lines, 602 F. Supp. 1224, 1244-45 (E.D. Cal. 1985), aff'd, 810 F.2d 898, 902 (9th Cir. 1987)
- Lopez v. Smith, 203 F.3d 1122, 1132 n.14 (9th Cir. 2000) (en banc)
- Moran v. Selig, 447 F.3d 748, 759-60 (9th Cir. 2006)
- Schroeder v. McDonald, 55 F.3d 454, 460 & nn.10-11 (9th Cir. 1995)
- Lew v. Kona Hospital, 754 F.2d 1420, 1423-24 (9th Cir. 1985)
- Nuwintore v. Mgmt. & Training Corp., 2018 WL 3491676, at *7 (E.D. Cal. July 19, 2018)
- Central Office Tel. v. AT&T Co., 108 F.3d 981, 993 (9th Cir. 1997), rev'd on other grounds, 524 U.S. 214, 228 (1998)

- 569 E. Cnty. Blvd. LLC v. Backcountry Against the Dump, Inc., 6 Cal. App. 5th 426, 429 n.3 (2016)
- Eldridge v. Block, 832 F.2d 1132, 1137 (9th Cir. 1987)
- Boag v. MacDougall, 454 U.S. 364, 365 (1982)
- Coleman v. Quaker Oats, 232 F.3d 1271, 1294 (9th Cir. 2000)
- Pickern v. Pier 1 Imps. (U.S.), Inc., 457 F.3d 963, 969 (9th Cir. 2006)
- Philip Morris USA v. Williams, 549 U.S. 346, 353-55 (2007)
- Rice Corp. v. Grain Bd. of Iraq, 582 F. Supp. 2d 1309, 1313 (E.D. Cal. 2008)
- Acasio v. Lucy, 2017 WL 1316537, at *10 (N.D. Cal. Apr. 10, 2017)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153, 1156-57 (9th Cir. 1991)

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