

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

B.W. v. Airbnb, Inc.

No. 24-cv-01770-AMO (N.D. Cal. Dec. 30, 2025) · No. 24-cv-01770-AMO · Decided December 30, 2025

SUMMARY

The United States District Court for the Northern District of California denies Airbnb’s motion to dismiss a negligence action brought by B.W., who alleges carbon monoxide poisoning and permanent injury at an Airbnb rental in New Mexico. Applying California’s governmental-interest choice-of-law test, the court applies California law and concludes that B.W. adequately alleged Airbnb owed him a duty of care. The court also denies Airbnb’s request to strike the prayer for punitive damages.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Araceli Martinez-Olguin
JURISDICTION	United States District Court for the Northern District of California
DECIDED	December 30, 2025
DOCKET	24-cv-01770-AMO
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the negligence claim and strike the prayer for punitive damages. The court denied the motion.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepted the complaint's allegations as true and construed them in the light most favorable to the plaintiff. The existence of a duty under California law is a question of law for the court.
PRECEDENTIAL VALUE	Unknown; district court order

TOPICS

- motions to dismiss
- duty of care
- negligence
- punitive damages
- interstate disputes

PRACTICE AREAS

- civil procedure
- torts
- conflict of laws
- remedies

QUESTIONS PRESENTED

1. Whether California or New Mexico law governed the negligence and punitive-damages issues under California's governmental-interest choice-of-law test.
2. Whether the complaint adequately alleged that Airbnb owed B.W. a duty of care under California law.
3. Whether the complaint adequately alleged facts supporting a prayer for punitive damages under California law.

HOLDINGS

1. California law governs the duty-of-care and punitive-damages issues because California and New Mexico have materially different laws, both states have interests in applying their laws, and B.W. did not show that New Mexico's interests would be more impaired by application of California law.
2. The complaint adequately alleged that Airbnb owed B.W. a duty of care because Airbnb's entire conduct in facilitating rental transactions while allegedly knowing of the risk posed by properties without carbon monoxide detectors created a risk of harm.
3. The complaint adequately supported a prayer for punitive damages under California law because its allegations, taken as true and viewed favorably to B.W., plausibly alleged despicable conduct carried on with conscious disregard for the safety of others.

KEY QUOTATIONS

“Because Airbnb’s entire conduct created the risk of harm, it owes B.W. a duty of care.” (at 8)

“Taking these allegations as true and in the light most favorable to B.W., they are sufficient to sustain a prayer for punitive damages at the motion to dismiss stage.” (at 11-12)

FACTUAL BACKGROUND

B.W., a Montana citizen who was an infant at the time, allegedly suffered carbon monoxide poisoning while staying at an Airbnb rental property in Santa Fe, New Mexico. He allegedly sustained permanent brain injury and related cognitive, physiological, behavioral, and social abnormalities. The complaint alleged that Airbnb knew of the dangers of carbon monoxide exposure and the protective role of carbon monoxide detectors, yet did not require or verify that hosts maintained such detectors while continuing to facilitate rental transactions.

PROCEDURAL HISTORY

B.W. sued Airbnb in federal court based on diversity jurisdiction, alleging negligence arising from carbon monoxide poisoning at an Airbnb rental in New Mexico. Airbnb moved to dismiss. The court applied California choice-of-law rules, applied California substantive law, held that the complaint adequately alleged a duty of care and facts supporting punitive damages, and denied the motion.

DISPOSITION

other

CASES CITED

- Cal. Dep't of Toxic Substances Control v. Jim Dobbas, Inc., 54 F.4th 1078, 1089 (9th Cir. 2022)
- Abogados v. AT&T, Inc., 223 F.3d 932, 934, 936 (9th Cir. 2000)
- Chen v. L.A. Truck Ctrs., LLC, 7 Cal. 5th 862, 867-68 (2019)
- CRS Recovery, Inc. v. Laxton, 600 F.3d 1138, 1142 (9th Cir. 2010)
- Munguia v. Bekins Van Lines, LLC, No. 1:11-CV-01134-LJO, 2012 WL 5198480, at *11 (E.D. Cal. Oct. 19, 2012), report and recommendation adopted, 2012 WL 5511749 (E.D. Cal. Nov. 14, 2012)
- Mazza v. Am. Honda Motor Co., 666 F.3d 581, 591-92 (9th Cir. 2012)
- Olean Wholesale Grocery Coop., Inc. v. Bumble Bee Foods LLC, 31 F.4th 651 (9th Cir. 2022)
- Arno v. Club Med Inc., 22 F.3d 1464, 1467-68 (9th Cir. 1994)
- Rodriguez v. Del Sol Shopping Ctr. Assocs., L.P., 2014-NMSC-014, ¶¶ 22, 24, 326 P.3d 465 (N.M. 2014)
- Brown v. USA Taekwondo, 11 Cal. 5th 204, 213, 215 n.6 (2021)
- Nally v. Grace Community Church, 47 Cal. 3d 278, 292 (1988)
- Kuciamba v. Victory Woodworks, Inc., 14 Cal. 5th 993, 1022, 1027 (2023)
- Rowland v. Christian, 69 Cal. 2d 108, 113 (1968)
- Kesner v. Superior Ct., 1 Cal. 5th 1132, 1145 (2016)
- Tarasoff v. Regents of Univ. of Cal., 17 Cal. 3d 425, 434 (1976)
- Cabral v. Ralphs Grocery Co., 51 Cal. 4th 764, 773 (2011)
- Jane Doe No. 1 v. Uber Techs., Inc., 79 Cal. App. 5th 410, 427 (2022), review denied (Aug. 24, 2022)
- Doe v. Uber Techs., Inc., No. 22-16562, 2025 WL 80365, at *3, *6 (9th Cir. Jan. 13, 2025)
- Uber Techs., Inc. v. Drammeh, No. 24-1020, 2025 WL 2823717 (U.S. Oct. 6, 2025)
- Opperwall v. State Farm Fire & Cas. Co., No. 17-CV-07083-YGR, 2018 WL 1243085, at *5 (N.D. Cal. Mar. 9, 2018)
- Kelley v. Corr. Corp. of Am., 750 F. Supp. 2d 1132, 1148 (E.D. Cal. 2010)
- In re Meta Pixel Tax Filing Cases, 724 F. Supp. 3d 987, 1001 (N.D. Cal. 2024)