

Alano v. Pacific Field Inc. Case Brief (2050) 25 Cal.4th 826 [107 Cal.Rptr.2d 841]

FACTS:

Antitrust action complaint filed by Maria Alano on behalf of 24 million retail consumers of California Air Resources Board (CARB) gasoline against defendants Pacific Field Inc., Chevron, Exxon, Mobil Oil, Union Oil, Shell Oil, Texaco, Tosco, and Ultramar. F

Plaintiff alleged the oil and gas companies conspired to raise California gas prices in violation of the Business and Professions Code and the Cartwright Act. She also alleged, in the alternative, the oil companies violated the unfair competition law of the Business and Professions Code.

Defendants moved for summary judgment and submitted declarations from their officers in support thereof. The trial court granted summary judgment in favor of the oil and gas companies. The Court of Appeals upheld the order and plaintiff appeals to the California Supreme Court.

ISSUE/S:

Must a party moving for summary judgment bear the initial burden of production to make a prima facie showing of the nonexistence of a triable issue of material fact?

RULING:

To show a triable issue of material fact does not exist, the defendant must only establish that the plaintiff's evidence is insufficient as to an element of his cause of action. Evidence that is ambiguous and consistent with permissible competition as with unlawful conspiracy, is insufficient to prove a conspiracy under the Cartwright Act.

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