

automatically a case to a punitive damages claim.”¹ On the other hand, Plaintiff contends that under Delaware law, “for a complaint to survive a motion to dismiss it need only general notice of the claim asserted.”² The Court agrees with Defendant. As this Court noted in *In re Asbestos Litigation (Ardis)*³, without a factual basis or the elements of the claim under the substantive state law the claim is brought under, the claim is insufficient. Plaintiff did not plead specific facts to support a punitive damages claim against Defendant. Plaintiff’s willful and wanton conduct claim against Defendant is dismissed without prejudice. Plaintiff may move to amend if Plaintiff discovers evidence that supports a punitive damages claim.

IT IS SO ORDERED.

/s/ Calvin L. Scott

The Honorable Calvin L. Scott, Jr.

¹ Defendant cites to *In re Asbestos Litig. (Aungst)*, C.A. N12c-08-017 ASB (Del.Super. Dec. 17, 2012). Defendant also cites to numerous Asbestos Litigation cases where this Court has dismissed “cookie cutter” punitive damage claims.

² Plaintiff cites *Doe v. Cahill*, 884 A.2d 451, 458 (Del. 2005).

³ *In re Asbestos Litigation (Ardis)*, C.A. No. N13C-10-020 (ASB)(Del. Super. Feb. 6, 2014).