

SUPERIOR COURT OF DECATUR COUNTY
STATE OF GEORGIA

JAMES BRYAN WALDEN and
LINDSAY NEWSOME STRICKLAND,
Individually and on Behalf of the Estate of Their
Deceased Son, REMINGTON COLE WALDEN,

Plaintiffs,

v.

CHRYSLER GROUP, L.L.C., n/k/a
"FCA US LLC" and BRYAN L. HARRELL,

Defendants.

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CIVIL ACTION

FILE NO. 12-CV-472

FILED IN OFFICE
2015 JUN 24 04:11 PM
CECILIA WILLIS
CLERK OF SUPERIOR COURT
DECATUR COUNTY, GEORGIA
2015-5142

ORDER

Before this Court is the motion for new trial filed by defendant FCA US, LLC ("FCA"). That motion was heard by the Court on July 14, 2015. This Court has carefully reviewed the parties' briefing, considered oral arguments, weighed the evidence, and reviewed the trial transcript.

This court heard all the evidence and observed the credibility of the witnesses. The evidence against FCA was overwhelming.

This Court finds no merit in FCA's assertion that the jury acted from "passion" or "prejudice". The Court observed the jurors throughout the trial, as they delivered their verdict, and as the Court polled them. Throughout the trial, the jurors were respectful, on time, and attentive. This Court saw nothing to indicate, nor has it been presented with persuasive evidence or argument to suggest, that the jurors were "inflamed" or "irrational." This Court finds no evidence nor observed any conduct that would support FCA's claim that the jurors ignored

the Court's charge, and finds no evidence or argument to overcome the law's presumption that the jurors followed the charge. *See Bd. of Regents v. Ambati*, 299 Ga. App. 804, 808 (2009).

This Court finds no merit in FCA's criticism of the charge to the jury. The charge was complete, accurate, and fair; indeed, much of the charge was requested by FCA itself.

This Court finds no merit in FCA's criticism that the jury was not given "guidance" regarding the amounts of any verdicts it might render. This Court charged the jury in that regard according to Georgia law.


The Court finds no merit in FCA's criticism of Plaintiffs' cross examination of FCA witnesses and of Plaintiffs' opening statement and closing arguments. The Court notes that with respect to many of the items of which FCA is now critical, either no objection was made at trial at all, or the object was not timely or proper. FCA may not now claim error as to such items. O.C.G.A. § 24-1-103(a). This Court listened carefully to the entirety of the trial, including those examinations, statements, and arguments now criticized by FCA, and has reviewed the trial transcript, and finds that FCA's criticisms are unfounded. FCA contended, correctly, that the burden of proof Plaintiffs had to satisfy was that specified by Georgia's statute of repose. That meant Plaintiffs had to prove that FCA's conduct was reckless, or wanton, or that FCA committed a deliberate failure to warn of a known danger. The examinations and arguments which FCA criticizes were adjusted to meeting that burden of proof and/or was responsive to statements or arguments made by FCA itself or testimony given by FCA witnesses. Plaintiffs had a right to respond to and rebut FCA's defense arguments attempting to blame Defendant Harrell and about the actions of the National Highway Traffic Safety Administration ("NHTSA").

A handwritten signature or set of initials, possibly "JR", written in dark ink. The signature is stylized and somewhat circular in shape.

After having carefully weighed the evidence and considered the briefs and arguments of counsel, it is the decision of this Court that FCA's motion for new trial should be and said motion hereby is DENIED, conditioned on Plaintiffs' acceptance of a remittitur (a) of the wrongful death verdict to \$30,000,000 (thirty million), and (b) of the pain & suffering verdict to \$10,000,000 (ten million). Absent acceptance by Plaintiffs, said motion is GRANTED.

Plaintiffs are instructed to file a Notice with the Clerk of Court, copied to the Court and all counsel, indicating whether they accept this Court's remittitur. If Plaintiffs do accept said remittitur, Plaintiffs are further instructed to submit to the Court an Amended Final Judgment changing the sums shown as due from FCA and from Defendant Harrell in that Final Judgment entered by the Court on April 10, 2015.

SO ORDERED this 24th day of July, 2015.



J. Kevin Chason, Judge
Superior Court of Decatur County

**Prepared by the Court
using a substantial portion
of that proposed order submitted by:**

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