

**IN THE SUPERIOR COURT OF RABUN COUNTY
STATE OF GEORGIA**

STEPHAN PAUL BATCHELDER and
MARGARET MARY BATCHELDER,
Individually, as Administrators of the
Estate of RYAN PAUL BATCHELDER,
deceased,

Plaintiffs,

v.

MALIBU BOATS WEST, INC., and
MALIBU BOATS, LLC,

Defendants.

CIVIL ACTION
FILE NO. 2016-CV-0114-C

FIRST AMENDED ORDER ON MALIBU BOATS, LLC'S

POST-TRIAL MOTIONS

The Court, *sua sponte*, amends its order on Malibu Boats, LLC's post-trial motions, filed on July 18, 2022, by revising the only full paragraph on page 4 of the order as follows:

Additionally, the punitive damages award was well supported and squarely within constitutional bounds. Compelling evidence established that Malibu made repeated conscious decisions to not warn of a known safety defect, it mocked customers who attempted to raise concerns about bow swamping, it decided to warn about the risks of bow swamping on new boats, including the Response LX, while refusing to warn on identical boats it had already sold, despite knowing that the swamping risk posed the life-threatening hazard of "washing a small child" from the bow. The punitive damages awards against Malibu West and Malibu LLC are well within a single digit ratio when properly compared to the harm suffered by Ryan.

Except as revised above, the Court incorporates, adopts, and recasts the remaining contents of the order on Malibu Boats LLC's post-trial motions, filed on July 18, 2022, as if fully and completely set forth herein.

SO ORDERED, this 19th day of July, 2022.



HON. B. CHAN CAUDELL
JUDGE, SUPERIOR COURT OF RABUN COUNTY
MOUNTAIN JUDICIAL CIRCUIT

Original to Holly Henry-Perry, Clerk of Court
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Andrew S. Ashby, Attorney for Plaintiffs
Robert Shannon, Attorney for the Malibu Defendants
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