GEORGIA

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1. What are the venues/areas in Georgia that are considered dangerous or liberal?

The following Georgia counties are considered to be plaintiff-oriented: Clayton, Dekalb, Gwinnett, Bibb, Twiggs, Wilkinson, Bleckley, Hancock, Warren, Jefferson, Richmond, Burke, Harris, Muscogee, Talbot, Taylor, Marion, Webster, Steward, Randolph, Terrell, Dougherty, Sumter, Macon, Ware, Liberty, Chatham, and Lowndes.

2. Identify any significant trucking verdicts in your State during 2017-2018, both favorable and unfavorable from the trucking company's perspective.

Richards v. Total Transportation of Mississippi L.L.C.; U.S. Xpress Enterprises Inc.; U.S. Xpress Inc.; U.S. Xpress Leasing Inc.; New Mountain Lake Holdings L.L.C.; Mountain Lake Risk Retention Group Inc.; Johnson; Greywolf Logistics Inc.; Arch Insurance Company; Tayloe, JVR No. 1706230012 (In the Superior Court of Bryan County, State of Georgia, 2017).

Verdict: $15 Million

Megan Rebecca Richards, an adult, female nursing student, reportedly suffered a traumatic brain injury, fractures to her lower spine, a fractured shoulder and resulting post-traumatic stress disorder while she was a passenger in a vehicle involved in an accident on I-16 near Savannah, Georgia. Richards and several fellow nursing students, along with a second vehicle of students behind them, were traveling to a hospital for clinical rotations when they came to a stop in a line of vehicles due to a traffic accident ahead involving defendant truck driver Gordon Tayloe of Greywolf Logistics Inc. (Greywolf). The rear vehicle of nursing students was struck, run over and set ablaze by a tractor-trailer that was being operated at a speed of 68mph by defendant John Wayne Johnson, an employee of defendant Total Transportation of Mississippi L.L.C. (Total). This tractor trailer then struck the vehicle in which Richards was traveling, causing it to strike the tanker truck ahead of it and overturn twice onto the shoulder. Richards asserted Total had a unity of interest and ownership with defendants U.S. Xpress Enterprises Inc., U.S. Xpress Inc., U.S. Xpress Leasing Inc., New Mountain Lake Holdings L.L.C. and Mountain Lake Risk Retention Group Inc. (collectively the Xpress Entities). The accident reportedly killed five of the nursing students traveling in the two passenger vehicles, and the plaintiff and other survivors witnessed the suffering and deaths of their classmates. The plaintiff asserted claims for negligence against the defendants, as well as a claim against Johnson for willful misconduct, malice, fraud, wantonness, oppression, or an entire want of care. Johnson and Total admitted liability. The Xpress Entities disputed the plaintiff's joint venture claim. Tayloe and Greywolf denied liability, contending the second collision involving Johnson's tractor-trailer was too remote in time and distance to be considered a proximate result of any act or omission of Tayloe. A jury returned a $15 million verdict against Johnson, Total and the Xpress Entities. Jurors further found that Johnson's actions warranted punitive damages. According to available court documents, the parties ultimately entered into a confidential settlement agreement.

3. Are accident animations and/or computer-generated evidence admissible in your State?

There are two basic uses of computer display technology as demonstrative evidence: illustrations and simulations. *See Demonstrative evidence—Computer graphics and simulations*, Ga. Rules of Evidence § 10:2. Illustrations of normally unobservable phenomena may require the foundation testimony of a qualified expert that the illustration is a true and accurate representation. When the materials are not introduced into evidence but are used solely to illustrate the testimony of the expert witness, minimal authentication is generally required. *J.B. Hunt Transport, Inc. v. Brown*, 236 Ga. App. 634, 635 (1999) (trial court did not abuse its discretion in allowing a computer animation to be played to the jury which was not admitted as substantive evidence but used solely to illustrate an expert's opinion of how the accident occurred, and where inaccuracies in the animation were brought out upon cross-examination of the expert).

4. Identify any significant decisions or trends in your State in the past two (2) years regarding (a) retention and spoliation of in-cab videos and (b) admissibility of in-cab videos.

Georgia Appellate Courts have not reviewed any recent decisions on spoliation of in-cab videos. As to accident photographs, in *Lustre-Diaz v. Etheridge*, 309 Ga. App. 104 (2011), the Court of Appeals held that the trial court did not abuse its discretion in finding no evidence of

spoliation based on alleged failure of the defendants to produce original photographs of vehicles involved, where neither defendants nor their agents were in possession of original photographs that were not produced, and utility of photographs was limited by their content.

5. What is your State's applicable law and/or regulation regarding the retention of telematics data, including but not limited to, any identification of the time frames and/or scope for retention of telematics data and any requirement that third party vendors be placed on notice of spoliation/retention letters.

The motor carrier safety rules and regulations of the Georgia Department of Public Safety are the minimum safety requirements for all motor carriers operating both for hire and in private transportation in either interstate or intrastate commerce in Georgia, and to the extent that they do not conflict with Georgia law; and where applicable, are the same as the Motor Carrier Safety Regulations issued by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration.

In accordance with Title 49 CFR Parts 350 and 395, intrastate carriers operating solely in Georgia must comply with the Electronic Logging Device (ELD) final rule beginning January 1, 2019. Drivers and carriers who currently utilize the short haul (100 or 150 air mile) exception contained in 49 CFR 395.1(e) or who are required to complete a record of duty status 8 days or less in a 30 day period are exempt from the ELD requirement.

In *Sentry Select Ins. Co. v. Treadwell*, 318 Ga. App. 844 (2012), the Court of Appeals found that the evidence was sufficient to show that defendant driver, driver's employer, and employer's liability insurer had notice of potential litigation arising out of driver's rear-end collision with vehicle that motorist was towing, as required to show spoliation of evidence based on defendants' alleged loss/destruction of driver's logbook and data from two electronic systems inside vehicle. The passenger's attorney had sent a letter to the insurer stating that plaintiffs were receiving treatment for injuries sustained in collision and that, upon reaching maximum medical improvement, he would be in touch regarding settlement of claim. The attorney also requested certain documentation in relation to the claim. The insurer sent a reply letter in which it denied liability and that investigation revealed that employer and driver were not responsible for accident, and employer's vice president gave deposition testimony that he had been involved in a lot of litigation, that every collision on highway "does involve a claim," and that, based on investigation, he knew that they had a "very adversarial client."

At time of driver's rear-end collision with vehicle motorist was towing, driver's employer used the system to track location of its vehicles for dispatch purposes, and dispatch records were maintained in computer database. The dispatch records relating to driver's vehicle were purged from system. The Court found that the evidence showed that data from the electronic communications system in the defendant driver's vehicle existed, and was destroyed, and found there to be spoliation of evidence.

6. Is a positive post-accident toxicology result admissible in a civil action?

Yes. Georgia has codified the right to submit a positive post-accident toxicology result in a civil action at O.C.G.A. § 40-6-39. This section states, in relevant part:

> (a) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person [with ability impaired by alcohol, drugs, or toxic vapor], evidence of the amount of alcohol or drug in a person's blood, urine, breath, or other bodily substance at the alleged time, as determined by a chemical analysis of the person's blood, urine, breath, or other bodily substance shall be admissible.

O.C.G.A § 40-6-39 prescribes in detail the exact chemical toxicology analysis that is considered valid to be admissible in a civil action.

7. Is post-accident investigation discoverable by adverse counsel?

Georgia's discovery statute, O.C.G.A. § 9-11-26, provides that materials developed in anticipation of litigation are generally not discoverable. More specifically, O.C.G.A. § 9-11-26(b)(3) codifies Georgia's so-called "work product protection," which requires courts to protect against disclosure of "the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation." *Id.* Importantly, to be protected under the work product protection, the documents must be prepared in anticipation of litigation *and* contain mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation. *Id.* If the trial court determines that either element is absent, the information must be produced.

The work product protection will generally shield internally conducted post-accident investigation reports that are created in anticipation of litigation with "potential liability in mind." *See Carnes v. Crete Carrier Corp*., 244 F.R.D. 694, 700 (N.D. Ga. 2007). Documents, investigation reports, and other tangible items developed by one party in preparation for litigation are discoverable by the other party only in carefully limited circumstances. For example, in *Warmack v. Mini-Skools, Ltd.*, 164 Ga. App. 737 (1982), the Georgia Court of Appeals found that an inquiry by a potential claimant regarding the existence of accidental insurance coverage was sufficient grounds to believe that litigation was imminent, thereby rendering an insurance claim's adjuster's witness statements and notes protected from discovery as material prepared in anticipation of litigation.

In the carefully limited circumstances that a post-accident investigation may be discoverable, the moving party must show affirmatively that he has a substantial need for such evidence in the preparation of his case and that it would cause an undue hardship upon him to develop that evidence by means other than extraction from the files of the opposing party. *See Tobacco Rd., Inc. v. Callaghan*, 174 Ga. App. 539, 540 (1985); *see e.g.*, *McKesson HBOC, Inc. v. Adler*, 254 Ga. App. 500, 501 (2002) (reversing trial court's ruling to produce alleged work product protected documents based on the lack of a factual basis for waiver of the work product

doctrine and no findings by the trial court of substantial need and undue hardship). And even in cases where the requisite showing is made "the trial court may order the production, after an in-camera examination (or other acceptable agreement between the parties) with a view toward protecting against the disclosure of mental impressions, conclusions, opinions, or legal theories." *Tobacco Rd., Inc. v. Callaghan*, 174 Ga. App. at 540.

The party seeking to obtain protected work product must surpass a high burden to show "substantial need" and "undue hardship." *See Chua v. Johnson, 336 Ga. App. 298, 304* (a party must prove that he has a "substantial need" for the otherwise protected documents in order to prove his case sufficiently and that he is unable without "undue hardship" to obtain the same or substantially equivalent materials by other means."). For example, in *Ga. Int'l Life Ins. Co. v. Boney*, 139 Ga. App. 575, 581 (1976), the Georgia Court of Appeals, held that Plaintiff's bare assertion that it needed opposing counsel's information to prove its case because the information was otherwise unavailable was insufficient to prove substantial need and undue hardship.

8. Describe any laws in your State which regulate automated driving systems (autonomous vehicles) or platooning.

Senate Bill 219 was signed into law on May 7, 2017 with an effective date of July 1, 2017. The Act amended Georgia's Motor Vehicles and Traffic Code and created a legal framework for autonomous vehicle operation in Georgia. The legislature amended O.C.G.A. § 40-5-21, relating to exemptions to the requirement for a driver's license. The Act amends subsection (a), adding paragraph (13). O.C.G.A. § 40-5-21(a)(13) ("A fully autonomous vehicle with the automated driving system engaged or the operator of a fully autonomous vehicle with the automated driving system engaged."). O.C.G.A. § 40-6-279. Post-accident Statutory Duties. If a fully autonomous vehicle is involved in an accident, the vehicle is required to stay at the scene of the accident and the operator must promptly contacts law enforcement. O.C.G.A. § 40-8-11. Operation and Insurance. Operation of a fully autonomous vehicle requires the vehicle's complete compliance with all of the "[r]ules of the [r]oad." Until December 31, 2019, motor vehicle liability coverage must be 250 percent of the statutorily required minimum, equivalent to $750,000 for vehicles containing twelve or fewer passengers. After December 31, 2019, motor vehicle liability coverage reduced to $300,000 minimum.

9. Describe any laws or Court decisions in your State which would preclude a commercial driver from using a hands-free device to have a conversation over a cell phone.

None.

10. Identify any Court decisions in your State precluding Golden Rule and/or Reptile style arguments by Plaintiffs' counsel.

Invoking the "Golden Rule" or asking jurors or witnesses to put themselves in Plaintiffs' place is improper because it suggests that the case is to be decided on some emotional basis. *Myrick v. Stephanos*, 220 Ga. App. 520, 472 S.E.2d 431 (1996). It also asks the jurors to consider the case not as the impartial arbiters they are supposed to be, but from the biased standpoint of a litigant. *Opatut v. Guest Pond Club*, 188 Ga. App. 478, 373 S.E.2d 372 (1988).

11. Compare and contrast the advantage and disadvantages of Federal Court versus State Court in your State.

Generally, analysis of the advantages and disadvantages of federal and state court specific to Georgia has limited difference from the general analysis national scale, e.g., federal court imposes heightened pleading standards, federal court jury pools are pooled from the entire district as opposed to a county, and federal court judges may have more familiarity with certain cases involving federal question.

Affirmative Defenses: one of the most significant differences in state and federal pleading requirements deals with how and when other affirmative defenses must be raised. The Georgia Civil Practice Act requires only, in the initial defensive pleading, that a party assert the affirmative defenses of accord and satisfaction, arbitration and award, discharge in bankruptcy, duress, estoppel, failure of consideration, fraud, illegality, injury by fellow servant, laches, license, payment, release, res judicata, statute of frauds, statute of limitations, and waiver. O.C.G.A. § 9-11-8(c). Other defenses, whether affirmative defenses or otherwise, need not be asserted in a defendant's answer and can be raised for the first time in a motion for summary judgment or other motion, or even at trial. *Gerschick & Assocs., P.C. v. Pounds*, 266 Ga. App. 852, 855 (1) (2006) ("O.C.G.A. § 9-11-8(c) does not imply…that an affirmative defense can be raised only by answer or it is forever waived*."); Hardy v. Ga. Baptist Health Care Sys., Inc.*, 239 Ga. App. 596, 597 (1999) ("If it is not pleaded it is generally held that [an affirmative] defense is waived, but if it is raised by motion, or by special plea in connection with the answer or by motion for summary judgment there is no waiver."); *Walker v. Burke County*, 149 Ga. App. 704 (1979) (permitting defendant to raise affirmative defense of "emergency vehicle" for the first time at trial).

In federal court, "[e]very defense to a claim for relief in any pleading must be asserted in the responsive pleading if one is required." Rule 12(b), Fed. R. Civ. P. To be clear, a party "must affirmatively state any avoidance or affirmative defense" in responding to a pleading. Rule 8(c)(1), Fed. R. Civ. P. Rule 8(c) contains a list of affirmative defenses that must be asserted in responding to a pleading, but it is important to remember that list is not exhaustive and that all affirmative defenses must be asserted in responding to a pleading (e.g., in an answer to a complaint). Typically, failure to raise an affirmative defense in one's answer or other responsive pleading will result in waiver of the defense. *See Edwards v. Fulton County*, 509 Fed. Appx. 882, 887 (11th Cir. 2013); *Am. Nat'l Bank of Jacksonville v. FDIC*, 710 F.2d 1528, 1537 (11th Cir. 1983).

Amending Pleadings: in state court, parties may amend their pleadings as a matter of course, without leave of court, any time before entry of a pretrial order. O.C.G.A. § 9-11-15(a). No response is required to an amended pleading unless ordered by the court. *Id*. In federal court, a party generally may amend his pleading once, either within 21 days after service of the initial pleading or within 21 days after the earlier of service of the responsive pleading or service of a motion to dismiss, motion for more definite statement, or motion to strike. Rule 15(a)(1), Fed. R. Civ. P.

Scheduling Orders: the Georgia Civil Practice Act does not specifically provide for the issuance of scheduling orders, though an increasing number of state and superior courts have begun issuing scheduling orders as a matter of course or in more complex cases. Federal district courts, by contrast, are required to issue a scheduling order "as soon as practicable," but in any event no later than 120 days after any defendant has been served with the complaint or 90 days after any defendant has appeared, whichever is earlier. Rule 16(b), Fed. R. Civ. P. The district court's scheduling order must provide deadlines for joining other parties, amending pleadings, completing discovery, and filing motions. Rule 16(b)(3), Fed. R. Civ. P. The scheduling order may also modify the timing of disclosures under Rules 26(a) and 26(e)(1), modify the extent of discovery, provide for disclosure or discovery of electronically-stored information, include any agreements reached by the parties regarding assertion of claims of privilege or protection as trial-preparation material after information is produced, set dates for pretrial conferences and for trial, and "include other appropriate matters." Rule 16(b)(3)(B), Fed. R. Civ. P. Once it has been issued, a scheduling order may be modified only for "good cause" and with the judge's consent. Rule 16(b)(4), Fed. R. Civ. P.

Written Discovery: in state court, the only real limit on the amount of written discovery that may be served, absent some more specific court order in a particular case, is that no party may serve more than 50 interrogatories, including subparts, on any other party without leave of court. O.C.G.A. § 9-11-33(a)(1). The Federal Rules limit a party to serving no more than 25 interrogatories, including discrete subparts, on any other party without leave of court. Rule 26(a)(1), Fed. R. Civ. P.

Depositions: under Georgia law, the deposition of a party or witness may be used in state court if the court finds that the witness is outside the county, rather than more than 100 miles away. O.C.G.A. § 9-11-32(a)(3)(B). Second, the Georgia Civil Practice Act provides for the use of a deposition of a witness where "because of the nature of the business or occupation of the witness it is not possible to secure his personal attendance without manifest inconvenience to the public or third persons." O.C.G.A. § 9-11-32(a)(3)(E). This provision is often used to present the testimony of treating physicians or other medical professionals at trial. *See, e.g., Pembrook Mgmt., Inc. v. Cossaboon*, 157 Ga. App. 675, 676 (2) (1981). In federal court, a deposition of any person may be used for any purpose if the witness is dead or cannot attend or testify due to age, illness, infirmity, or imprisonment; the witness is more than 100 miles from the place of hearing or trial or outside the U.S. (unless the witness's absence was procured by the party offering the deposition); the party offering the deposition could not procure the witness's attendance by subpoena; or on motion and notice, the court finds that "exceptional circumstances make it desirable—in the interest of justice and with due regard to the importance of live testimony in open court—to permit the deposition to be used." Rule 32(a)(4), Fed. R. Civ. P.

Motions: under Georgia law, a motion generally must be filed sufficiently early that the time for response will elapse prior to trial. Motions for summary judgment, in particular, must be filed "sufficiently early so as not to delay the trial," and "no trial shall be continued by reason of the delayed filing of a motion for summary judgment." Ga. Unif. Super. Ct. R. 6.6. Any response to a motion filed in superior court must be filed and served within 30 days after service of the motion. Ga. Unif. Super. Ct. R. 6.2. In state court, a response must be filed within 30 days after service of the motion or on the date of the hearing (if any), whichever is sooner. Ga. Unif. State

Ct. R. 6.2. In federal court, deadlines for filing motions may be set either by the court's scheduling order or by local rule. In federal court, deadlines for filing motions may be set either by the court's scheduling order or by local rule.

Voluntary Dismissal: in state court, of course, a plaintiff may dismiss its case voluntarily and without prejudice once at any time prior to the first witness being sworn at trial. O.C.G.A. § 9-11-41(a)(1)(A). In federal court, after an opposing party has filed an answer or a motion for summary judgment, a plaintiff may only dismiss its case either by court order or by a stipulation of all parties in the case. Fed. R. Civ. P. 41(a)(1)(A).

12. How does your State handle the admissibility of traffic citations (guilty plea, pleas of no contest, etc.) in subsequent civil litigation?

The admissibility of traffic citations in subsequent civil litigation has not been addressed by a Georgia appellate court under Georgia's "new" Evidence Code. *See, e.g., Chrysler Grp., LLC v. Walden*, 303 Ga. 358, 358, 812 S.E.2d 244, 247 (2018) ("Although the new Evidence Code became law in January of 2013 . . . cases can take some time to make their way to this Court on Appeal"). The new rules are based on the Federal Rules of Evidence with minor changes.

Although dicta, *Walden* provides guideposts for the bench and the bar to use when assessing a novel issue under the Georgia Evidence Code. *Id.* Georgia courts should first look to decisions interpreting the Federal Rules of Evidence issued by the United States Supreme Court and the Eleventh Circuit. *Id.*, 303 Ga. at 361, 812 S.E.2d at 249 ("Especially the decisions of the United States Supreme Court and the Eleventh Circuit"). If no decision addresses the issue, Georgia courts should then look to federal district courts for decisions interpreting the Federal Rules of Evidence. *Id.*, 303 Ga. at 367-68, 812 S.E.2d at 253 ("although these cases are not binding, their analyses highlight the varying outcomes that may be appropriate depending on the facts of a case").

Rules 401, 402, and 403 overlay the entire Georgia Evidence Code, and are generally applicable to all evidence that a party seeks to present. *See, e.g., State v. McPherson*, 341 Ga. App. 871, 874 n.8, 800 S.E.2d 389, 392 (2017), *citing U.S. v. McGarity*, 669 F.3d 1218, 1244 (V)(B), n. 32 (11th Cir. 2012). Using these rules, it is likely a Georgia court reviewing federal district court decisions will hold traffic violations are usually inadmissible as unduly prejudicial, absent a guilty plea.

- *Mavromatis v. Murphy*, No. 1:14-cv-3469-WSD, 2016 U.S. Dist. LEXIS 68988, at *10-11 (N.D. Ga. May 26, 2016) (Defendant's plea of nolo contendere to a charge of failure to maintain lane is not admissible);
- *Rhodes v. Curtis*, No. 04-cv-476, 2006 U.S. Dist. LEXIS 27036, 2006 WL 1047021, at *2 (D. Okla. Apr. 12, 2006) ("Evidence of traffic citations is only admissible in a subsequent civil proceeding if the defendant voluntarily and knowingly entered a plea of guilty.");

- *Bergeron v. Great W. Cas. Co.*, No. 14-cv-13, 2015 U.S. Dist. LEXIS 71787, 2015 WL 3505091, at *4 (E.D. La. June 3, 2015) (federal courts "agree that evidence of a traffic citation is only admissible if the defendant pleaded guilty to the citation");
- *Dawson v. Carbollosa*, No. 14-cv-0057, 2014 U.S. Dist. LEXIS 175136, 2014 WL 7272768, at *3 (W.D. La. Dec. 18, 2014) ("the mere fact that a party was charged with a traffic violation is not sufficient to show admissibility of traffic citation.");
- *Cunningham v. Wash. Gas Light Co.*, No. 86-cv-2392, 1988 WL 90400, at *1 (D.D.C. Aug. 11, 1988) ("[T]he mere issuance or failure to issue a traffic citation is not admissible in a civil trial.").

13. Describe the laws in your State which regulate whether medical bills stemming from an accident are recoupable. In other words, can a plaintiff seek to recover the amount charged by the medical provider or the amount paid to the medical provider? Is there a basis for post-verdict reductions or offsets?

In Georgia, a plaintiff can recover billed medicals. For medical expenses, the plaintiff has the burden to show that such expenses were proximately caused by the tort and that the expenses were reasonable. O.C.G.A. § 51-12-7; *Emory Healthcare, Inc. v. Pardue*, 328 Ga. App. 664, 673 (2014); *Allen v. Spiker*, 301 Ga. App. 893, 896 (2009). Incurred medical expenses are a legitimate item of damages and proof thereof is generally admissible. O.C.G.A. § 51-12-7 (“In all cases, necessary expenses consequent upon an injury are a legitimate item in the estimate of damages.”).

Expert testimony is not required as “the patient or the member of his or her family or other person responsible for the care of the patient shall be a competent witness to identify bills for expenses incurred in the treatment of the patient upon a showing by such a witness that the expenses were incurred in connection with the treatment of the injury, disease, or disability involved in the subject of litigation at trial and that the bills were received.” O.C.G.A. § 24-9-921(a) & (b).

Post-Verdict Reduction. *See, e.g., Andrews v. Ford Motor Co.*, 310 Ga. App. 449, 451 (2011) (“even when the collateral source rule applies and the court excludes from the trial evidence that the plaintiff received compensation from someone other than the tortfeasor, the rule does not provide that a plaintiff is entitled to collect from both his or her insurer and from the defendant tortfeasor for the same item of damages. Such a double recovery is prohibited under fundamental equitable principles.”)

Georgia follows the collateral source rule, barring the defendant from presenting any evidence as to payments of expenses of a tortious injury paid for by a third party and taking any credit toward the defendant's liability and damages for such payments. *Kelley v. Purcell*, 301 Ga. App. 88, 91 (2009) (citations omitted). “The collateral source rule applies to payments made by various sources, including insurance companies, beneficent bosses, or helpful relatives.” *Hoeflick v. Bradley*, 282 Ga. App. 123, 124 (2006) (citations omitted). A write-off or write-down of medical expenses by the provider is also a collateral source, and evidence of such is inadmissible. *See, e.g., Olariu v. Marrero*, 248 Ga. App. 824, 825-26 (2001); *Candler Hosp. v. Dent*, 228 Ga. App. 421, 422 (1997). Evidence regarding payments made by collateral sources is

deemed irrelevant. *See, e.g., Hoeflick*, 282 Ga. App. at 124. "Evidence which is not relevant shall not be admissible." O.C.G.A. § 24-4-402.

14. Describe any statutory caps in your State dealing with damage awards.

There are no compensatory damages caps. Except in cases of intentional harm or those involving drugs or alcohol, punitive damages are limited to $250,000. O.C.G.A. § 51-12-5.1(g). This exclusion from the cap on punitive damages applies only to the active tortfeasor. O.C.G.A. § 51-12-5.1(f). Consequently, vicarious liability does not attach when considering unlimited punitive damages. *Corrugated Replacements, Inc. v. Johnson*, 340 Ga. App. 364, 372 (2017) (holding that the family purpose doctrine did not apply to allow a plaintiff to pursue unlimited punitive damages against the owner of a vehicle that was driven by another person who was under the influence of alcohol).

In tort cases arising from product liability, there are no limitations to the award of punitive damages. O.C.G.A. § 51-12-5.1(e)(1). Seventy-five percent of this award, after deducting the cost of litigation (including reasonable attorney's fees), goes to the state treasury. O.C.G.A. § 51-12-5.1(e)(2).