

IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

REBECCA HOLT, Individually, and  
MICHAEL HOLT, Individually and as the  
Administrator of the Estate of CHARLES  
WOODY HOLT,

Plaintiffs,

v.

MARRIOTT INTERNATIONAL, INC.,  
STARWOOD HOTELS & RESORTS  
WORLDWIDE, LLC, *formerly known as*  
STARWOOD HOTELS & RESORTS  
WORLDWIDE, INC., and SLC ATLANTA  
LLC, *formerly known as* WESTIN  
PORTMAN PEACHTREE II L.L.C.

Defendants.

Civil Action File No. 17EV005390

**ORDER DENYING DEFENDANTS'**  
**MOTION TO EXCLUDE EDWARD PRIBONIC, P.E.**

This matter is before the Court on Defendants' motion to exclude Edward Pribonic, P.E. under O.C.G.A. § 24-7-702. Plaintiffs identified Mr. Pribonic as an expert in the field of safety, engineering, and forensic analysis. His expertise includes extensive experience with amusement park rides and other mechanical structures that move. The admissibility of expert testimony is governed by O.C.G.A. § 24-7-702 and the *Daubert* opinion. Under Georgia law, there are five prerequisites to the admissibility of an expert opinion. First, the opinion must be of some scientific, technical, or other specialized knowledge that is relevant and will "assist the trier of fact." O.C.G.A. § 24-9-7-702 (b). Second, it must be shown that the expert is qualified "by knowledge, skill, experience, training, or education." *Id.* Not only must the expert be qualified, but he "must be qualified as to the relevant area of expertise." *Smith v. Liberty Chrysler-Plymouth-Dodge, Inc.*, 285 Ga. App. 606, 608 (2007) (quoting *Johnson v. Kenebel*, 267 Ga. 853,

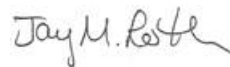
857 (1997)). Third, the testimony must be "based upon sufficient facts or data" which are, or will be, admitted into evidence at trial. O.C.G.A. § 24-7-702(b)(1). Fourth, the testimony must be "the product of reliable principles and methods." O.C.G.A. § 24-7-702(b)(2). Fifth, the witness must "appl[y] the principles and methods reliably to the facts of the case." O.C.G.A. § 24-7-702(b)(3).

The parties have filed extensive briefing on these issues and presented oral argument to the Court on May 10, 2019. Having considered the briefs, arguments of counsel, evidence, and all other matters of record, the Court finds as follows:

Defendants' motion requests to exclude Mr. Pribonic's opinions on multiple grounds. The Court finds based upon the totality of the evidence that Plaintiffs have met their burden of proving that Mr. Pribonic is qualified; his opinions are based upon reliable principles and methods; and his opinions will assist the trier of fact.

For all these reasons, the Court DENIES Defendants' motion to exclude the testimony of Edward Pribonic, P.E.

So ORDERED, this 23rd day of May, 2019.



Hon. Jay Roth  
Judge, State Court of Fulton County  
Division A