

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

DARIN RAUGUTH,
as Personal Representative of the
Estate of JACOB RAUGUTH,

Cross-Plaintiff,

Case No. 17-001037-NZ

Hon. David S. Swartz

-vs-

MATTHEW STOY,

Cross-Defendant.

This is a final order which resolves all
pending claims and closes the case
pursuant to MCR 2.602(A) (3)

Laurence Harry Margolis (P69635)
Margolis Law, P.C.
Attorneys for Cross Plaintiff Rauguth
214 S. Main Street, Suite 202
Ann Arbor, MI 48104
(734) 994-9590; Fax (888) 320-9382
larry@lawinannarbor.com

Matthew Stoy, MDOC Inmate No.: 438915
In Pro Per
MDOC
Bellamy Creek Correctional Facility (IBC)
1727 West Bluewater Highway
Ionia, MI 48846
(616) 527-2510

ORDER OF JUDGMENT
AGAINST CROSS DEFENDANT MATTHEW STOY

At a session of said Court held in the City of Ann Arbor, County of Washtenaw and State of

Michigan on this 21st day of March, 2018

PRESENT: Hon. David S. Swartz
Washtenaw County Circuit Court Judge

Cross Plaintiff filed a one-count complaint against cross defendant Matthew Stoy alleging gross negligence in driving while intoxicated causing the death of Jacob Rauguth, age 19. The estate seeks general and compensatory damages, including exemplary damages.

Cross Defendant Stoy has failed to respond to the cross claim and has not endeavored to enter an appearance in this action at any time.

STAB

The court has reviewed the pleadings, the cross-plaintiff's motion for determination of damages and the attached exhibits thereto. The court finds that Jacob Rauguth was beloved by a very close family and had a multitude of friends, and therefore a substantial award for loss of love, society and companionship is warranted. The court also finds that Jacob was working and planned to go to college and therefore he lost a lifetime of earnings and financial opportunities commensurate with his estimated lifetime earnings by educational attainment.

Finally, this court determines that exemplary damages are warranted under the circumstances of this tragic case. Stoy previously had an aggravated drunk driving conviction in New York in 2014. On July 2, 2017 Stoy chose to drive on a public highway with a blood alcohol content of .33 grams per 100 milliliters of blood, nearly four times the legal limit; he drove recklessly, disregarded three traffic control devices and t-boned Jacob's vehicle, resulting in Jacob's untimely death. Such egregious conduct calls out for a large award of exemplary damages.

IT IS HEREBY ORDERED

- 1.) That judgment be entered against Matthew Stoy on the one – count cross complaint:
gross negligence.
- 2.) That Cross Plaintiff, Darin Rauguth, as personal representative of the Estate of Jacob Rauguth be awarded the sum of \$10,000,000.00, exclusive of interest and costs, as determined by this court in the following manner:

Economic Damages in the amount of \$1,000,000.00

Loss of love, society and companionship in the amount of \$5,000,000.00

Conscious pain and suffering in the amount of \$0.00

Exemplary Damages in the amount of \$4,000,000.00

3.) That any of the above damages collected by the Estate in the future be divided amongst the three heirs under the wrongful death statute, and as stipulated to in the Agreement of Interested Persons, in the following percentages:


Father, Darin Rauguth	42.5%
Mother, Lisa Rauguth	42.5%
Brother, Joseph Rauguth	15%

IT IS FURTHER ORDERED that Cross-Plaintiff Darin Rauguth, as Personal Representative of the Estate of Jacob Rauguth is awarded taxable costs of \$325.00; and

IT IS FURTHER ORDERED that interest shall accrue on this judgment at the statutory rate; and

IT IS FURTHER ORDERED that the Personal Representative of the Estate of Jacob Rauguth retained Laurence H. Margolis to prosecute the Estate claims and said firm is entitled to 1/3 of the net recovery as full compensation for the attorney fee for services rendered. Said fee is fair and reasonable and, if any money is collected in the future, the Estate owes said attorney 1/3 of any sums collected, in addition to any costs spent prosecuting or collecting said judgment.

This is a final order and does close the case.



Honorable David S. Swartz
Washtenaw County Circuit Court Judge

PREPARED BY:

Laurence Harry Margolis (P69635)
Margolis Law, P.C.
Attorney for Cross Plaintiff Darin
Rauguth, as Personal Representative
of the Estate of Jacob Rauguth
214 S. Main Street, Suite 202
Ann Arbor, MI 48104
(734) 994-9590