

# The Indiana Jury Verdict Reporter

The Most Current and Complete Summary of Indiana Jury Verdicts

February 2023

Statewide Jury Verdict Coverage

24 IJVR 2

*Unbiased and Independently Researched Jury Verdict Results*

## In This Issue

### Marion County

Auto Negligence - Defense verdict p. 2

Auto Negligence - \$27,500 p. 3

Medical Negligence - Defense verdict p. 5

### St. Joseph County

Retaliatory Discharge - \$600,000 p. 1

### Lake County

Premises Liability - Defense verdict p. 3

### Jasper County

Auto Negligence - \$100,000 p. 3

### Allen County

Auto Negligence - Defense verdict p. 5

### Notable Out of State Verdict

*Richmond, Kentucky*

Auto Negligence - \$275,000 p. 7

**Retaliatory Discharge - A second grade teacher claimed to have been injured in a hallway collision with a student; the teacher claimed the school, fearing a potential worker's compensation claim, retaliated against her by making her working conditions so intolerable she had no choice but to resign**

*Grabowski v. South Bend Community School Corp.*, 71C01-1903-CT-89

Plaintiff: Patrick F. O'Leary, Elkhart

Defense: Lyle R. Hardman and

Michelle K. Floyd, *Hunt Suedhoff*

*Kearney, LLP.*, South Bend

Verdict: \$600,000 for plaintiff

County: **St. Joseph**, Circuit

Court: J. Broden, 1-12-23

Connie Grabowski began working as a teacher for the South Bend Community School Corporation in January of 1994. In 2016 she was working as a second grade teacher at the Wilson Primary Center. One of Grabowski's second grade students allegedly presented Grabowski with repeated disciplinary issues.

The student is identified in the record only as "S.J." On 4-22-16 Grabowski and the school principal met with S.J.'s mother to discuss her son's behavior. During the discussion, S.J.'s mother accused Grabowski of having told S.J. on one occasion to "shut his big fat mouth." Grabowski denied the accusation.

The result of the meeting was that a behavior log was begun with the idea that it would be sent home with S.J. each day to inform his mother of his ongoing behavioral problems.

This would become relevant just a few days later.

In the afternoon of 4-25-16, Grabowski accompanied her students to the restroom. According to Grabowski, S.J. ignored her instructions to remain in line, and instead he ran into her with enough force that she was knocked into a wall and injured.

Grabowski reported the incident to the school using the required Worker's Compensation Accident Report Form. On the form Grabowski described her injuries due to the incident as being comprised of tenderness in her right ankle, wrist, and thigh.

As it happened, there was a security camera in the hallway, and it captured the incident on video. When she reported the incident to the principal, Grabowski asked to view the video. She claims the principal refused the request and told her to keep quiet and not make waves.

Grabowski also noted the incident in S.J.'s behavior log and sent it home with him. S.J.'s mother responded by filing a bullying complaint with the school about Grabowski. The implication was that Grabowski was motivated by racial animus against S.J. The school launched an investigation and placed Grabowski on administrative leave pending the outcome of the investigation.

Once the investigation was complete, the school approached

## Civil Jury Verdicts

Timely coverage of civil jury verdicts in Indiana including court, division, presiding judge, parties, cause number, attorneys and results.

entered a defense judgment.

**Case Documents:**

[Jury Verdict](#)

**Premises Liability - A woman visiting a casino claimed the door to an elevator in the casino parking garage closed on her too quickly and knocked her to the ground**

*Rodriguez v. Horseshoe Hammond, LLC., et al.*, 45D01-1405-CT-108

Plaintiff: Benjamin D. Fryman and Robert M. Schwerd, *Schwerd Fryman & Torrenza, LLP.*, Valparaiso

Defense: Kevin C. Schiferl and Blake N. Shelby, *Frost Brown Todd, LLC.*, Indianapolis

Verdict: Defense verdict on liability

County: **Lake**, Superior

Court: J. Sedia, 10-19-22

On 5-13-12, Maria Rodriguez and her husband, Valdomera Rodriguez, visited the Horseshoe Hammond casino located at 777 Casino Center Drive in Hammond. Maria would later claim that as she entered an elevator in the parking garage, the elevator doors closed on her too quickly and knocked her to the ground. The incident was caught on surveillance video.

The record does not reveal the nature of Maria's claimed injuries or the amount of her medical expenses. She filed suit against Horseshoe Hammond as well as against the maker of the elevator, Schindler Elevator Corp. Valdomera also presented a derivative claim for his loss of consortium.

Horseshoe Hammond and Schindler Elevator both defended the case and denied any wrongdoing. They argued the elevator was well maintained and complied with all applicable codes and standards. Defendants denied the elevator had caused the incident or plaintiffs'

injuries. Rather, defendants blamed the incident on Maria for entering the elevator unsafely. Defendants also disputed the nature and extent of plaintiffs' claimed injuries.

The case was tried for three days in Hammond. The jury returned a verdict that found Horseshoe Hammond and Schindler Elevator were not at fault. Having so found, the jury did not address the issues of apportionment or damages. The court entered a defense judgment.

**Case Documents:**

[Pretrial Order](#)

[Jury Verdict](#)

[Final Judgment](#)

**Auto Negligence - Plaintiff claimed to have been injured in a failure-to-yield intersection crash; although the jury assigned a portion of the fault to plaintiff, the majority of the fault was assigned to defendant**

*Abid v. Harty*, 49D07-1904-CT-15152

Plaintiff: E. Ralph Hoover, *Craven Hoover & Blazek, P.C.*, Indianapolis

Defense: Larry A. Yeager, *State Farm Litigation Counsel*, Indianapolis

Verdict: \$27,500 for plaintiff less 15% comparative fault

County: **Marion**, Superior

Court: J. Shaheed, 10-5-22

On 2-4-18, Syeda Abid was driving west on Crawfordsville Road in Speedway. At the same time, Shafontez Harty was approaching from the opposite direction. At the intersection of North High School Road, Abid attempted to make a left turn on a green turn arrow. As she did so, Harty attempted to make a right turn on a red light. The two collided in the intersection.

The record does not reveal the nature of Abid's claimed injuries or the amount of her medical expenses.

She filed suit against Harty, a State Farm insured, and blamed him for failing to yield the right-of-way, making an unsafe turn, and colliding with her.

Harty defended the case and denied fault. He also disputed the extent and causation of Abid's claimed injuries. He initially also accused Abid of failing to mitigate her damages. However, Harty later withdrew that affirmative defense. Finally, Harty blamed the crash on Abid.

The case was tried in Indianapolis. The jury returned a verdict in which fault was allocated 15% to Abid and the remaining 85% to Harty. The jury set Abid's raw damages at \$27,500. After reduction for comparative fault, her final award came to \$23,375. The court entered a judgment for that amount, plus costs of \$157 and post-judgment interest. The judgment has been satisfied.

**Case Documents:**

[Jury Verdict](#)

**Auto Negligence - Plaintiff was driving a farm tractor on a rural road when he was rear-ended by defendant who was distracted by using her cell phone; defendant blamed the crash on plaintiff for failing to have adequate signage and lights on his tractor in violation of the law**

*Patzchke v. Wujek*,

37D01-1911-CT-1172

Plaintiff: David A. Wilson, *Wilson & Novak, P.C.*, Merrillville

Defense: Hannah J. Barnard, *State Farm Litigation Counsel*, Crown Point

Verdict: \$100,000 for plaintiff less 45% comparative fault

County: **Jasper**, Superior

Court: J. Bailey, 1-11-23

In the late afternoon of 11-28-17,