

The Indiana Jury Verdict Reporter

The Most Current and Complete Summary of Indiana Jury Verdicts

June 2014

Statewide Jury Verdict Coverage

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Unbiased and Independently Researched Jury Verdict Results

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Civil Jury Verdicts

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

Premises Liability - A 13 year-old boy visiting at the lakeside trailer of a family friend was electrocuted when he went swimming in the lake; the boy's parents blamed his death on faulty wiring at the trailer park

Crays v. Angel Shores Mobile Home Park, 79D01-1101-CT-10

Plaintiff: Nicholas Deets, *Hovde*

Dassow & Deets, LLC., Indianapolis

Defense: Katherine J. Noel, *Noel &*

Noel, Kokomo

Verdict: \$3,000,000 for plaintiffs less 95% comparative fault

County: **Tippecanoe**, Superior

Court: J. Williams, 3-13-14

For some years the Dillner Trailer Park was located at 11730 West 850 N. in the town of Monticello in Carroll County. The trailer park was situated on Lake Freeman, and all the lots included boat docks and sheds. The docks were accessed from the various lots by means of stairs, and metal ladders were attached to the docks to provide a means of climbing out of the water.

In 2001, Bryan Wagner and his wife, Donna Wagner, purchased a trailer and a boat from one of the tenants of the Dillner Trailer Park for \$19,000. The lot on which the trailer sat was still owned by Dillner, and the Wagners leased it from the park.

Some years later the trailer park changed ownership and came to be operated as the Angel Shores Mobile Home Park. The Wagners continued their lease arrangement with Angel Shores. It is possible the Wagners might have signed a new lease with

Angel Shores in early 2010, but they do not remember specifically.

The Wagners' lot came equipped with electrical lines running from the trailer to the shed area and boat lift at the dock. During the course of the Wagners' residency on the lot, Bryan did further electrical work himself.

Bryan's efforts included running more electricity to the dock and replacing the junction box under the stairs by the shed. In August of 2002 he ran new wiring down to the dock, and in 2006 or 2007 he added a mercury vapor light. Bryan did this work personally and never had it inspected.

On 7-24-10, the Wagner family decided to spend the weekend in their trailer on the lake. They were accompanied on this trip by a guest in the person of 13 year-old Zachary Crays. Zachary knew the Wagners because Bryan was his coach.

On that day Zachary and the Wagner children swam in the lake while the adults occupied themselves with performing maintenance on the trailer. At one point Bryan changed a burned out fuse to get the outside lights working, then he took the children boating. It began raining, however, so everyone went inside the trailer and remained there the rest of the day.

The next day, 7-25-10, the children went out to swim again. As they did so, they began to feel a tingling sensation in their legs that made them decide to get out of the water. The oldest Wagner child managed to

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into her, and she targeted INDOT on a theory of vicarious liability. Ali admitted rear-ending Stanley, but he explained he had not been able to see her due to glare from the sun.

The parties eventually stipulated to the dismissal of Ali from the case. The litigation continued thereafter against INDOT. Initially, INDOT defended the case. One week before trial, however, INDOT admitted liability and made a settlement offer of \$245,000. When plaintiff rejected that offer, INDOT proceeded with a defense that focused on damages.

It was INDOT's theory that this

was a low-speed crash that happened at only 5-10 mph and was too minor to have caused any serious injuries. Although the crash caused \$3,100 in damage to the Dodge that Ali was driving, his airbags did not deploy, and he suffered no injury.

Furthermore, the damage to Stanley's Hyundai amounted to a mere \$1,918. Defendant also noted that Stanley had initially declined treatment at the scene, saying she was okay. It was only later that she changed her mind and went to the hospital.

The case was tried for two days in Crown Point. The jury returned a verdict for Stanley and awarded her damages of \$750,000. The court reduced the award to comply with the statutory cap and entered a judgment for \$700,000.

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