

The Indiana Jury Verdict Reporter

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July 2025

Statewide Jury Verdict Coverage

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Premises Liability - A

DoorDash driver picking up orders from a restaurant suffered an elbow fracture when she slipped and fell on ice while exiting the restaurant; the restaurant blamed the incident on plaintiff, but the jury assigned the restaurant 100% of the fault

Frost v. Panera, LLC.,
02D03-2306-CT-450

Plaintiff: Brandon W. Smith, John L. Smith, and Amy Lenceski, *Morgan & Morgan*, Indianapolis

Defense: Daniel M. Witte, *Travelers Litigation Counsel*, Indianapolis

Verdict: \$987,000 for plaintiff

County: **Allen**, Superior

Judge: Jennifer L. DeGroote,
6-25-25

In late January of 2023, several inches of snow fell on the Fort Wayne area. One of the businesses affected by this snowfall was the Panera restaurant located at 2104 East DuPont Road. The restaurant

had contracted with a company called Outdoor Detail, Inc. to provide snow and ice removal services.

The contract between Panera and Outdoor Detail required the contractor to come to the restaurant and clear the parking area and sidewalks of snow and ice whenever there was an accumulation of two inches or more. Outdoor Detail fulfilled that obligation and removed snow from the restaurant parking area on 1-25-23.

There was some additional snowfall over the next few days. However, the new accumulation amounted to less than two inches in the parking area, and the sidewalk in front of the restaurant had only a dusting of snow.

On 1-28-23, three days after Outdoor Detail had done its work, Angela Frost, then age 52 visited the Panera restaurant. Frost was a DoorDash delivery driver, and she

Civil Jury Verdicts

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



The location where Frost fell and surveillance of her walking out

compensable emotional distress.

This case was tried for three days. The jury was asked if Purnell was “laid off” because of his race. The jury answered “yes” for Purnell. He was awarded \$22,000 in compensatory damages which represented his mental anguish and pain and suffering. A consistent judgment was entered.

Long Electric moved for a new trial and/or JNOV relief and cited two key errors. First it repeated its trial argument that the owner (the decision-maker) didn’t even know Purnell’s race, and thus there could be no discrimination. It also argued there was no basis for Purnell’s emotional distress, the company noting he didn’t seek any professional help.

Judge Barker denied the motion. The court wrote on the two issues: (1) there was competing proof as to the shifting explanations given for the lay-off, and (2) while Purnell’s proof of emotional distress was limited, there was still testimony that described his being nervous and anxious.

The plaintiff also moved for an award of attorney fees and sought \$203,728. Judge Barker took a fine-toothed comb to the motion and ultimately awarded attorney fees of \$112,597. The final judgment for Purnell (entered 6-17-25) was for \$144,875. That represented the \$22,000 verdict, \$6,646 in back pay as ordered by the court, the attorney fees just described, and costs of \$3,631.

Case Documents:

[Summary Judgment Order](#)

[Jury Verdict](#)

[Final Judgment](#)

[Order Denying Defense JNOV](#)

[Motion](#)

Auto Negligence - A woman claimed to have suffered extensive injuries in a rear-end crash that took place in stop-and-go traffic on I-80; the tortfeasor and his employer admitted fault for the crash and defended on damages; the jury awarded the woman and her husband a total of \$5,500,000

Hoefflicker v. HEPACO, LLC., et al.,
45D04-2203-CT-316

Plaintiff: Jack A. Kramer and Otto J. Shragal, *Allen Law Group, LLC.*,
Chesterton

Defense: Edward W. Hearn and Catherine Breitweiser-Hurst, *Johnson & Bell, Ltd.*, Crown Point

Verdict: \$5,500,000 for plaintiffs
(allocated \$5,000,000 for Lisa Hoefflicker and \$500,000 for James Hoefflicker)

County: **Lake**, Superior

Judge: Kristina C. Kantar, 6-11-25

In the morning of 10-21-21, Nathan Patterson was driving from his home in Portage on his way to work in Griffith. Patterson was a field supervisor for a hazardous waste remediation company called HEPACO, LLC.

One of the perks of Patterson’s job is that he was provided with a company-owned 2020 Ford F-350 truck that he could use for both work-related and personal tasks. Patterson was driving the truck as he traveled west on I-80 in Lake County.

Just ahead of Patterson was Lisa Hoefflicker in a 2019 Honda CR-V. Hoefflicker, then age 56, was on her way to work as a billing manager for Women’s Care Group. Although Hoefflicker had only a high school diploma, she earned a base salary of \$76,400 per year in that position, plus annual bonuses of between \$7,000 and \$8,000.

The road was congested that morning, and the traffic was stop-and-go. Despite being on the road in heavy traffic, Patterson used his cell phone to make three phone calls. Two calls were to his project manager, and the other call was to a co-worker.

At a point near mile marker 12.9, the vehicle in front of Hoefflicker stopped abruptly. This prompted Hoefflicker to slam on her brakes. Patterson behind her was unable to stop in time. He attempted to veer to the right, but he nonetheless rear-ended Hoefflicker. An instant later Patterson himself was rear-ended by a third vehicle.

Hoefflicker claimed to have suffered extensive injuries in the crash. They included a closed head mild traumatic brain injury that resulted in cognitive impairment, post-concussive syndrome, optic neuropathy, hearing impairment, changes to her balance and gait, speech deficits, headaches, sleep apnea, reduction in her range of motion and mobility, panic attacks, PTSD, chronic pain, aggravation of a low back condition, and a cervical spine injury.

In addition, part of Hoefflicker’s treatment included wound debridement that resulted in an infection. She underwent a lumbar spinal fusion surgery on 3-11-22, and she will require a lifelong spinal cord stimulator. Her incurred medical expenses climbed to \$1,421,404.

Hoefflicker filed suit against Patterson and HEPACO, LLC. She blamed Patterson for driving recklessly by talking on his cell phone and rear-ending her. She targeted HEPACO on a theory of vicarious liability. Additionally, Hoefflicker’s husband, James, presented a

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