

The Indiana Jury Verdict Reporter

The Most Current and Complete Summary of Indiana Jury Verdicts

July 2024

Statewide Jury Verdict Coverage

25 IJVR 7

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.

Medical Malpractice - Plaintiff sought treatment with a rheumatologist who placed her on a regimen of steroid medications; plaintiff later claimed the rheumatologist had misdiagnosed her condition and that the prolonged use of the unnecessary steroids had caused her to suffer various injuries

Miller v. Allcare Rheumatology, LLC, et al., 29D05-1906-CT-5920

Plaintiff: Ann M. Waldron, Brandon E. Tate, and Katherine A. Piscione, *Waldron Tate Bowen Land, LLC*, Indianapolis

Defense: Kirk D. Bagrowski and Allison E. Pulliam, *Eichhorn & Eichhorn, LLP*, Hammond

Verdict: Defense verdict on liability
County: **Hamilton**, Superior

Judge: David K. Najjar, 4-18-24

On 2-20-15, Georgia Miller visited the offices of Allcare Rheumatology, LLC. in Westfield with complaints of pain in her muscles and joints. Miller was evaluated by rheumatologist Dr. Trinh Tran who was an employee of Allcare Rheumatology.

Dr. Tran diagnosed Miller with three conditions: seronegative rheumatoid arthritis, polymyalgia rheumatica, and systemic lupus erythematosus (SLE). Based on that diagnosis, Dr. Tran started Miller on a regimen of steroid medications.

After remaining on this regimen for over two years, Miller sought a second opinion from the Cleveland Clinic in July of 2017. The staff at Cleveland Clinic determined that the

diagnosis Dr. Tran had given to Miller had no basis in either serology or imaging. That is, it had been a misdiagnosis.

In light of this revelation, the decision was made that the steroid regimen Miller had been on was not necessary and should be discontinued. However, the sudden cessation of such a regimen could itself lead to serious negative health consequences, and so Miller had to be weaned off the steroids gradually.

This process took another two years and was not concluded until 2019. By that time Miller's ordeal had lasted a total of some four years. During that ordeal she suffered various injuries that included Achilles tendinopathy, a ruptured right biceps tendon, and a probable partial thickness tear of a hip tendon, all of which Miller attributed to her excessive and prolonged use of steroids.

Miller presented her case to a medical review panel comprised of three rheumatologists. They were Drs. Tracy Brenner and James Ehlich, both of Indianapolis, and Dr. Henry Davis of Terre Haute. Miller criticized Dr. Tran for the misdiagnosis and consequent misguided treatment regimen. She targeted Allcare Rheumatology on a theory of vicarious liability as Dr. Tran's employer.

The medical review panel issued the unanimous opinion that Dr. Tran and Allcare Rheumatology's treatment of Miller did in fact

constitute a breach of the rheumatology standard of care. However, the panel further concluded that the breach was not a factor in Miller's claimed damages.

Miller filed suit against Dr. Tran and Allcare Rheumatology on the grounds noted above. Plaintiff's identified IME was Dr. Robert Gregori, Physical Medicine, Indianapolis. It was Dr. Gregori's opinion that Miller's injuries were indeed caused by the steroid regimen prescribed and administered by defendants.

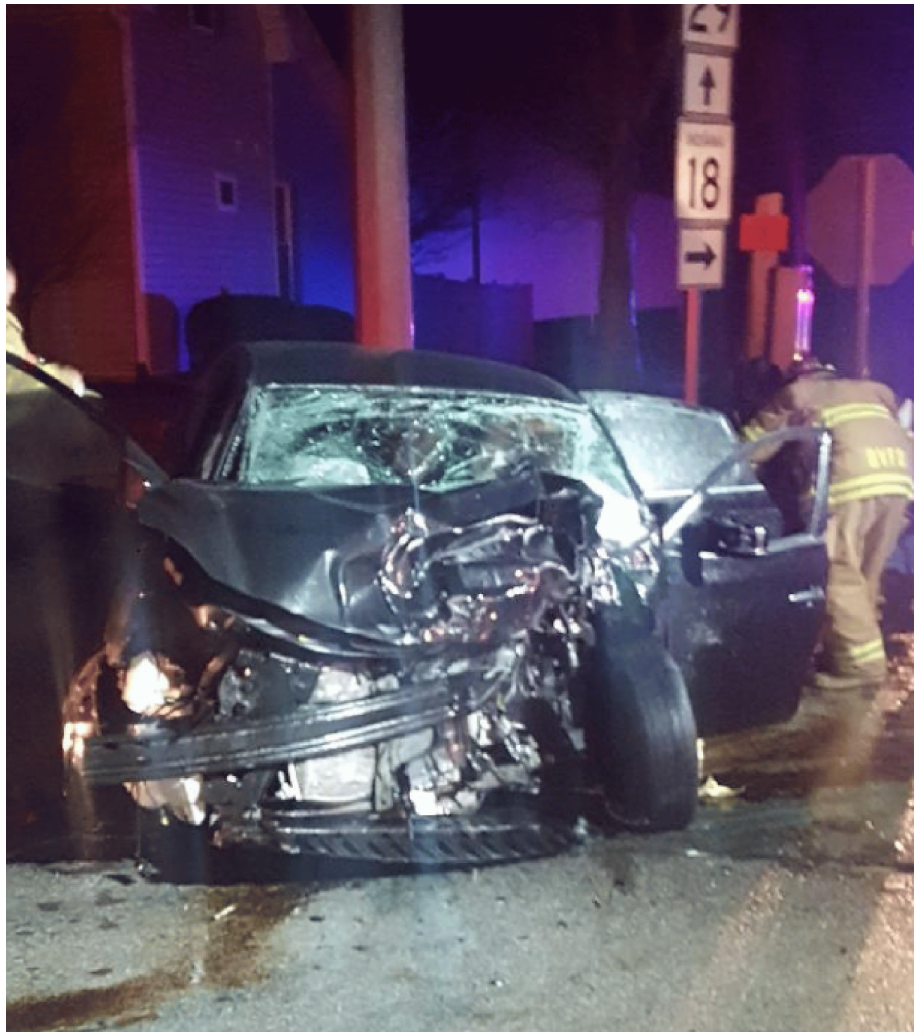
Dr. Tran and Allcare Rheumatology defended the case and called their treatment of Miller reasonable and appropriate in all respects. Defendants also disputed the nature, extent, and causation of Miller's claimed injuries, and they accused Miller of failing to mitigate her damages.

Defendants identified several experts in this case. They included Dr. Alvin Wells, Rheumatology, Franklin, WI; Dr. Jon Sieber, Orthopedic Surgery, Indianapolis; and Dr. G. Klaud Miller, Orthopedic Surgery, Chicago, IL.

The case was tried in Noblesville for four days. The jury returned a verdict for Dr. Tran and Allcare Rheumatology, and the court entered a defense judgment. Miller then filed a post-trial notice of appeal. At the time the IJVR reviewed the record, the appeal was still pending.

Case Documents:

[Defense Summary Judgment Motion](#)
[Plaintiff Summary Judgment Response](#)
[Pretrial Order](#)
[Jury Verdict](#)
[Final Judgment](#)



The Alanis vehicle after the collision

Auto Negligence - Plaintiff was injured in a failure-to-yield crash that happened when defendant ran a stop sign at the intersection of two state roads

Alanis v. Bullard, 08C01-1704-CT-4
Plaintiff: Anthony W. Patterson and Katherine M. Moore, *Parr Richey Frandsen Patterson Kruse, LLP.*, Lebanon; and James D. Moore, *Ryan Moore Cook Triplett & Albertson, LLP.*, Frankfort
Defense: Thomas E. Rosta, *Metzger Rosta, LLP.*, Noblesville

Verdict: \$2,359,268 for plaintiff
County: **Carroll**, Circuit
Judge: Laura W. Zeman, 6-4-24

On 1-18-17, Albertina Alanis, age 46, was driving south on S.R. 29 in the Town of Flora in Carroll County. At the same time, Mercedes Bullard was driving east on S.R. 18. At the intersection of the two roadways, Bullard ran a stop sign and collided with Alanis. Alanis incidentally is a native of Mexico but is a legal resident of the United States. She does not speak English and an