

The Indiana Jury Verdict Reporter

The Most Current and Complete Summary of Indiana Jury Verdicts

June 2023

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.

Age Discrimination - A factory worker at a company that makes RVs alleged he was forced to resign after enduring age-related harassment by co-workers – the company argued the worker had already decided to quit when he was eligible for Social Security – the trial court initially granted summary judgment for the employer, but the 7th Circuit reversed and explained the trial court made a mistake in failing to draw factual inferences in favor of the plaintiff – it was a hollow appellate victory as the employer prevailed on liability at trial

Stamey v. Forest River, 3:19-250

Plaintiff: Patrick T. O’Leary, Elkhart
Defense: Mark F. Criniti and Patrick J. O’Rear, *SouthBank Legal*, South Bend

Verdict: Defense verdict on liability
Federal: **South Bend**

Court: J. Leichty, 5-4-23

Sam Stamey, then in his early 50s, started working for Forest River in October of 2007. The company makes recreational vehicles. Stamey worked in production and installed rough wiring in the vehicles. His first ten years or so with Forest River were uneventful.

The pages of time turned, and by 2018, Stamey was in his early 60s. He found himself a victim of relentless age-related harassment. His co-workers hurled insults on a nearly daily basis, Stamey estimating there were 1,000 separate insults.

They were of the typical variety of insults, such as asking if he was a

Wal-Mart greeter, if he was still alive, and if his dentures had fallen out. Beyond the insults there were also physical events. His workstation was defaced, and his co-workers would tape his tools together.

Stamey made an internal complaint in the summer of 2018. Nothing changed. He filed an EEOC complaint. The harassment continued. Stamey believed the Forest River response was non-existent and ineffective.

It finally was too much for Stamey on 8-3-18. He was then 62.5 years old. When he came to work a supervisor in another department approached him and said, “You’ve got one foot in the grave and the other on a banana peel.” Stamey thought it was the final straw. He quit his job and never returned.

Stamey then sued Forest River in this lawsuit and alleged age-harassment-related constructive discharge. That is, the harassment was so severe that he had no choice but to quit his job. If Stamey prevailed he sought lost wages and benefits.

Stamey died in 2022, so those damages were limited from the resignation until his death. The estate measured those damages at approximately \$3,800 a month, representing his wages and health insurance benefits.

Forest River denied it all. Their version was simple. Stamey quit. Why did he quit? He was still