

STATE OF INDIANA)	IN THE LAKE SUPERIOR COURT
)	ROOM SIX
COUNTY OF LAKE)	SITTING AT CROWN POINT, INDIANA
)	
)	FILED IN OPEN COURT
NATALIE DARNELL,	October 11, 2023)
Plaintiff)
	<i>Rehana Adat-Lopez</i>)
v.)
	JUDGE, LAKE SUPERIOR COURT,	CAUSE NO.: 45D10-2203-CT-000244
CARRIE DAWSON,	CIVIL DIVISION, ROOM 6)
Defendant.	SS)

PRE-TRIAL ORDER

Pursuant to the order of the Court, the attorneys for the parties to this action appeared before the Honorable Judge Rehana Adat-Lopez at 2293 North Main Street, Crown Point, Indiana for a Pre-Trial Conference.

Plaintiff Natalie Darnell is represented by David Gladish and Mark Schocke. Defendant Carrie Dawson is represented by Elizabeth Call.

Thereupon, the following proceedings were had and the following engagements and undertakings arrived at:

- I. Jurisdiction.** Jurisdiction was conceded by counsel and found by the Court to be present.
- II. Status of the Pleadings.** The case is at issue on Plaintiff’s Complaint and the Answers and Affirmative Defenses of the Defendant.
- III. Pending Motions.** There are no pending motions, however, the parties will file motions in limine in accordance with the trial court’s schedule.
- IV. Contentions of the Parties.**
 - A. Plaintiff Natalie Darnell’s Contentions**

Plaintiff Natalie Darnell is an adult resident of the City of Hammond, Lake County, State of Indiana. Defendant Carrie Dawson was an adult resident of the City of Gary, Lake County, State of Indiana. On January 3, 2022, Plaintiff was traveling westbound on Ridge Road at Prairie Avenue in the Town of Highland, Indiana when Defendant stuck Plaintiff’s rear bumper of vehicle.

The Defendant owed a duty of care to Plaintiff. Defendant Carrie Dawson drove in a negligent and reckless manner which included but was not limited to the following: driving too fast for road conditions; failing to keep a proper sufficient lookout for other vehicles in the roadway; failing to maintain her vehicle so that it would not come in contact with the vehicle containing Plaintiffs; and failing to give proper and sufficient notice of her approach.

As a direct and proximate result of Defendant's negligence as foresaid, Plaintiff was violently struck, causing great pain and personal injury which required medical care and treatment and future medical care and treatment. Plaintiff required medical care and treatment and has suffered emotional distress as a direct result of Defendant's conduct.

B. Defendant Carrie Dawson's Contentions

On Monday, January 3, 2022, at approximately 3:22 p.m., Ms. Natalie Darnell was involved in an automobile accident with Carrie Dawson at the intersection of Ridge Road and Prairie Avenue in Highland, Lake County, Indiana. Ms. Darnell contends that both parties were traveling westbound on Ridge Road. The traffic light for the parties was red. Ms. Dawson's vehicle rolled into the rear of Ms. Darnell's vehicle. Defendant disputes the severity of the impact of the vehicles. Defendant disputes the nature, extent, and proximate cause of Ms. Darnell's injuries. Defendant contends that if Ms. Darnell was injured in the accident, any such injury was a temporary exacerbation of pre-existing injuries.

V. Admission and Factual Stipulations.

The following facts are established by admissions in the pleadings or by stipulation of counsel: TO BE DETERMINED.

VI. Contested Issues of Fact

1. The severity of the impact between the vehicles.

2. The speed at which Defendant's vehicle was traveling at the time of the collision.
3. The nature, extent, and cause of Plaintiff's injuries and damages proximately resulting from this accident, if any.

VII. Contested Issues of Law:

Contested issues of law are implicit in the contested issues of fact.

VIII. Exhibits

A. Plaintiff Natalie Darnell's Exhibits. In addition to the exhibits listed by the Defendant, Plaintiff Natalie Darnell may offer into evidence the following:

1. Life expectancy Chart/Table.
2. Any and all depositions (transcripts and videos) taken in this matter, including exhibits thereto or identified therein, and any other proceedings which were sworn to and transcribed.
3. Photographs and video of the scene where the subject incident occurred and/or photographs of the scene of the incident at the time of the incident, if any, including that of any items, vehicles, people, or the like which were involved in any way. Such photographs and video shall include but shall not be limited to Google Earth representations or other general mapping software.
4. Any and all documentation verifying all the incidental expenses incurred by the Plaintiff resulting from the subject incident, if any.
5. Any and all of Plaintiff's medical bills from whatever source incurred as a result of the subject incident.
6. A listing of Plaintiff's medical expenses showing, write-offs and adjustments, if necessary and applicable.
7. Any and all medical records, reports, films, bills, charts, notes, narratives, letters, or the like from any medical provider of the Plaintiff, including but not limited to records and bills from the following:

Community Care Network, Inc/Immediate Care in CCNI Munster
Immediate Care;
Foreit Medical Group, LLC/Focused Pain Relief;
MRI & Diagnostic Center;

Lakeshore Bone & Joint Institute;
Orthopedic Specialists;
Center for Minimally Invasive Surgery;
Midwest Express Clinic; and
Hinge Health

8. Any and all radiologic and/or diagnostic records and films of the Plaintiff and/or the Plaintiff's injuries or conditions.
9. All x-rays, CT films, MRI films, bone scans or any other test records regarding treatment and/or diagnosis of Plaintiff's injuries related to the subject incident;
10. Curriculum Vitae of any healthcare professional and/ or expert who may be called to testify in this cause.
11. Any and all applicable State Statutes, Federal Statutes, Rules of Evidence, Rules of Trial Procedure, Ordinances, Local Ordinances, or the like.
12. Any and all responses to interrogatories, requests for production, request for admissions, or other discovery tool, subject to objections.
13. Medical Diagrams and/or illustrations and/or visual aids and/or demonstrative exhibits of the scene of the incident, the incident itself, the Plaintiff's injuries, conditions, treatment, and limitations, including but not limited to a skeletal model.
14. Medical and/or visual illustrations, images, diagrams, pictures, models, tissues, nerves, tendons, muscles, bones and of procedures and ligaments, timeline and/or charts to aid and illustrate medical testimony, including but not limited to medical treatises, articles, literature, internet and/or website articles and books for supporting, impeachment, and/or rebuttal purposes;
15. Demonstrative exhibits/power points/videos/images/photographs the scene of the incident, and/or reenactment of the incident as presented by Plaintiff used for the purposes of presenting evidence and/or explaining how the subject collision occurred and why the subject collision occurred;
16. Demonstrative exhibits/power points/videos of Plaintiff's injuries and treatments, both past and future, including but not limited to, injections and surgical procedures. This shall include the specific materials and tools utilized in the performed and/or recommended procedures.

17. The investigative report, standard crash report, incident report, or the like, as it relates to the incident that is subject of Plaintiff's complaint, including any attachments or notes thereto.
18. Documentation relating to the property damage and/or repair estimates of vehicles, rental car receipts, structures, personal belongings or the like, if applicable. Including but not limited to documentation from Gerber Collision & Glass-Munster.
19. Any and all documentation regarding lost time from work, loss of future earning capacity, tax returns, or the like, if applicable.
20. Any and all expert reports identified and produced by way of Discovery.
21. Any and all pleadings in this matter or any other matter surrounding the events subject to this litigation, including but not limited to Plaintiff's Complaint and Defendant's Answer and Affirmative Defenses, or claims against the Defendant, and/or any other pleadings, plea agreements, probable cause affidavits, motions, orders, served, filed or entered in any litigation resulting from the subject events and subject motor vehicle incident, including but not limited to damages, property damage, medical payments, subrogation or the like;
22. A copy of Plaintiff's automobile insurance policy;
23. Any and all articles, treatises, publications, text books, and/or similar, relating to any of the diagnosis, prognosis, or other opinions rendered by the healthcare professionals identified of the Plaintiff or Defendant.
24. Any and all articles, treatises, publications, text books, and/or similar, relating to any of the opinions rendered by expert witnesses identified by the Plaintiff or Defendant.
25. Copies of the Defendant's and Plaintiff's cell phone records.
26. Any exhibits to be used for purpose of rebuttal and/or impeachment.
27. All the Defendant's exhibits to which the Plaintiff does not object.

B. Defendant Carrie Dawson's Exhibits. In addition to the exhibits listed by the Plaintiff, Defendant Carrie Dawson may offer into evidence the following:

1. Photographs, video, diagrams and digital imaging of the scene.

2. Any and all documentation relating to property damage sustained by any vehicle in the subject collision including but not limited to repair estimates, salvage/loss reports and/or photographs.
3. Map, diagram, and/or sketch of location of accident.
4. Indiana Standard Accident Report.
5. Any medical bills, records, notes and reports regarding Plaintiffs from health care providers with whom Plaintiffs have treated or consulted regarding Plaintiffs' medical condition prior or subsequent to the subject matter in this cause.
6. Business and employment records of the Plaintiffs.
7. IRS records of the Plaintiffs.
8. Any and all reports prepared by medical experts, accident reconstructionists, biomechanical experts, auto structure damage experts and/or any other experts in regards to this cause of action.
9. Curriculum vitae of any expert witness.
10. Any and all documentation prepared by, utilized by, referred to by, and/or reviewed by and expert witness.
11. All x-rays, films, scans, digital imaging and other test records regarding diagnosis and/or treatment of the Plaintiffs.
12. Any and all video/surveillance tapes of the Plaintiffs.
13. Medical/visual materials in the form of anatomical drawings, medical illustrations, imaging, diagrams, charts, models to aid and illustrate medical testimony including but not limited to books, articles, treatises and/or additional medical literature.
14. Demonstrative materials including but not limited to computer reenactment scenes, computer simulations, illustrations, photographs, diagrams, charts, calendars, storyboards, timemaps and/or timelines.
15. Any and all climatological records and/or weather records/reports.
16. Any and all depositions/statements of any witnesses.
17. Any documents or things produced or referred to in discovery.
18. All pleadings filed in this cause.
19. Interrogatory Answer and Response for Production by the Plaintiffs and Co-Defendant.

20. Copies of any and all statutes, ordinances and/or other laws governing/relating to the subject matter incident.
21. Any and all exhibits listed or called by any party.
22. Any and all exhibits necessary for rebuttal or impeachment, but that are unknown at this time.
23. Medical bills summary including contractual write-offs, pursuant to Stanley v. Walker.

IX. Witnesses.

A. Plaintiff Natalie Darnell's Witnesses. Plaintiff's witnesses may include any of the following persons and/or their depositions, transcripts of their statements, and video/audio statements, together with all persons listed or called to testify by the Defendant:

1. Natalie Darnell
2. Carrie Dawson
3. Devin Peterson
4. Joshua Brzezinski and Officer Yonkman of the Highland Police Department.
5. Ava Darnell
6. Bowie Darnell
7. Dr. Oksana Kushnir, Community Care Network, Inc/Immediate Care in CCNI Munster Immediate Care
8. David J. Foreit, DO, Dawn Coronado, Nerissa Dixon, Lauren Kozy, Foreit Medical Group, LLC/Focused Pain Relief, 2940 Highway Avenue, Highland, IN 46322
9. Dr. Steve Hossler, Southlake MRI & Diagnostic Center, 108 E. 90th Drive, Merrillville, IN 46410
10. Dr. Dwight Tyndall, Lakeshore Bone & Joint Institute, 601 Gateway Blvd., Chesterton, IN 46304;
11. Dr. Nitin Khanna and Dr. George Charuk, Christina Elizalde, and Aldwin-Alexis Cabalfin, PT, DPT Orthopedic Specialists of Northwest Indiana, 730 45th Street, Munster, IN 46321;

12. All other investigating police, law enforcement officers, or other investigating entities discovered throughout the discovery process.
13. All paramedics, EMTs, ambulance operators, fire fighters, or other emergency responders who had any involvement with the incident that is subject of Plaintiff's complaint.
14. Any other eyewitnesses to the incident that is subject of Plaintiff's complaint, or witnesses who were present at the scene immediately before or after the subject incident.
15. Any medical provider of the Plaintiff identified during discovery, including but limited to nurses, technicians, therapists, counselors, physical therapists, occupational therapists, manual therapists, massage therapists, radiologist, physicians, surgeons, specialists, or other employees/staff of a medical provider of the Plaintiff, including but not limited to:

Community Care Network, Inc/Immediate Care in CCNI Munster
Immediate Care
Foreit Medical Group, LLC/Focused Pain Relief;
Southlake MRI & Diagnostic Center;
Lakeshore Bone & Joint Institute;
Orthopedic Specialists of Northwest Indiana;
Center for Minimally Invasive Surgery;
Midwest Express Clinic/Midwest Express Munster; and
Hinge Health

16. Any employee and/or agent of a body shops, automobile repair facilities, or similar facility who is familiar with the extent of damage to any vehicle involved in the subject incident from Gerber Collision & Glass-Munster including but not limited to Michael Reinschreiber.
17. Any medical expert the Plaintiff may call to testify regarding the Plaintiff's injuries disclosed in discovery.
18. One or more of the following fields: biomechanical engineer, economist, vocational economist, sociologist, psychologist, psychiatrist, life care planner, accident re-constructionist. If and when the identities of these experts become known, the Plaintiff will supplement this response and reserves the right to do so at any time before the trial of this matter including the right to supplement,

before or during the trial of this matter, the identity of any expert witness necessary for the purposes of rebuttal testimony.

19. Any and all records custodians for documents, records, charts, or any other record necessary for the authentication, certification, foundation, and otherwise admission of such documents or records into evidence.
20. Any and all radiologist who interpreted Plaintiff's x-rays, scans, CT's, MRIs, or other test.
21. A representative from State Farm Mutual Automobile Insurance Company.
22. Any and all Court reporters and/or videographers engaged in the recording, videoing, and /or transcribing of any depositions or other proceedings taken in this matter.
23. Any and all record custodians or other representatives for items listed as Plaintiff's exhibits, necessary for the authentication, certification, foundation, or otherwise admission of such exhibit into evidence.
24. Illustrators, technicians, administrators, photographers, videographers, or the Like regarding exhibits of the Plaintiff and/or demonstrative exhibits of the Plaintiff to be used or produced at trial of this cause.
25. Any and all witnesses necessary for rebuttal or impeachment purposes, the necessity or identify of which cannot be reasonably determined until a later time, including trial of this matter.
26. Catherine Dawson.
27. Jana Voskuil, FNP-C and Joseph Legaspi, MD, Midwest Express-Munster, 8135 Calumet Avenue, Munster, IN 46321.
28. A representative of Hing Health.
28. Any and all witnesses listed by the Defendant(s) to which the Plaintiff does not object.

B. Defendant Carrie Dawson's Witnesses. Defendant's witnesses may include any or all of the following persons and/or their depositions, transcripts of their statements, and video/audio statements, together with all persons listed or called to testify by the Plaintiff:

1. Natalie Darnell
2. Carrie Dawson

3. Devin Peterson
4. Dr. Yogen Patel
5. Any and all health care providers with whom the Plaintiff have treated or consulted.
6. Any and all radiologists who interpreted Plaintiff's x-rays, scans and other test records.
7. Physician performing TR35 examination of the Plaintiff.
8. Any and all biomechanical experts, accident reconstructionist, auto structure damages experts, physician expert performing medical records review and/or any other experts in regards to this cause of action.
9. Any and all records custodians or other representatives of the persons or entities listed as exhibits.
10. Illustrators, technicians, administrators, photographers, artists, regarding authenticity of demonstrative materials.
11. Any and all witness listed or called by any party.
12. Any and all witness necessary for rebuttal or impeachment, but who are unknown at this time.

C. In the event that there are other witnesses to be called at the trial, their names and addresses and the subject matter of their testimony will be reported to opposing counsel at least ten (10) days prior to trial. This restriction does not apply to rebuttal or impeachment witnesses, the necessity of whose cannot reasonably be anticipated before trial.

X. **Jury Instructions.** It is directed that requests for special instructions must be submitted to the Court, in triplicate, with supporting authorities, at the scheduled Pre-Trial Conference, subject to the right of counsel to supplement such requests during the course of the trial on matters that cannot reasonably be anticipated.

XI. **Amendments to Pleadings.** No amendments to the pleadings are anticipated.

XII. **Trial Briefs.** None are anticipated or required by the Court at this time. If trial briefs are to be submitted, they are to be served with the Court and served upon opposing

counsel no later than ten (10) days prior to trial with opposing counsel given leave to file responsive brief no later than five (5) days prior to trial.

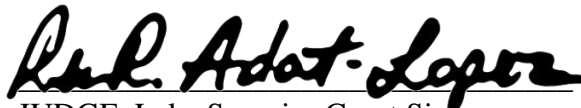
XIII. Pre-Trial Order Controls. This Order will control the course of the trial and may not be amended except by consent of the parties and the Court, or by order of the Court to prevent manifest injustice. The pleadings are deemed merged herein.

XIV. Settlement.

The parties have discussed settlement but have been unable to reach agreement. If a settlement is achieved, the Court will be immediately notified.

XV. Length of Trial and Setting. The probable length of trial is three days. ~~This case has not yet been scheduled for trial.~~ Jury Trial scheduled to commence on February 26, 2024

SO ORDERED on _____ **October 11, 2023** _____.



JUDGE, Lake Superior Court Six

SS

Submitted by:



Elizabeth Call
10180 Broadway
Crown Point, IN 46307
(219) 226-2800
Attorney for Carrie Dawson
Attorney No.: 22944-45
Email: indi.law-call@statefarm.com
*Employees of the Law Department
State Farm Mutual Automobile Insurance Company*

Opposing Counsel:

/s/ David S. Gladish

David S. Gladish
Gladish Law Group
3235 - 45th Street
Highland, IN 46322
Attorney for: Natalie Darnell

CERTIFICATE OF SERVICE

I certify that on October 10, 2023, I electronically filed the foregoing document using the Indiana E-Filing System (IEFS). I also certify that on October 10, 2023, the foregoing document was served upon the following person(s) via IEFS.

David Gladish
David@davidgladish.com
Attorney for: Natalie Darnell

By: _____

