## The Indiana Jury Verdict Reporter

The Most Current and Complete Summary of Indiana Jury Verdicts

January 2025 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. Medical Malpractice - On two successive annual mammogram screenings, two different radiologists interpreted plaintiff's mammograms as showing no evidence of abnormalities; when plaintiff was subsequently diagnosed with breast cancer and underwent chemotherapy, a double mastectomy, and radiation treatments, she criticized the two radiologists for having missed the correct diagnosis

Papacek v. Anderson, et al., 29D03-2212-CT-9807 Plaintiff: Kelley J. Johnson, Law Office of Kelley J. Johnson, Indianapolis; and Katherine A. Franke, Broadwing Legal, Indianapolis

Defense: David S. Strite and Rachel Dalton Dearmond, O'Bryan Brown & Toner, PLLC., Indianapolis
Verdict: \$50,000 for Michelle
Papacek against Anderson and
Northwest Radiology; \$0 for Jason
Papacek; defense verdict for
Hagman

County: **Hamilton**, Superior Judge: William J. Hughes, 8-30-24

On 8-24-18, Michelle Papacek, then age 42, presented for her annual mammogram screening. The mammogram was interpreted by a radiologist in Indianapolis, Dr. Thomas Hagman who was an employee of Northwest Radiology Network, P.C.

Dr. Anderson recorded his interpretation as indicating "no evidence of malignancy." He also made no recommendations for

further evaluation. Not quite a year later on 7-26-19, Papacek presented for another annual mammogram screening.

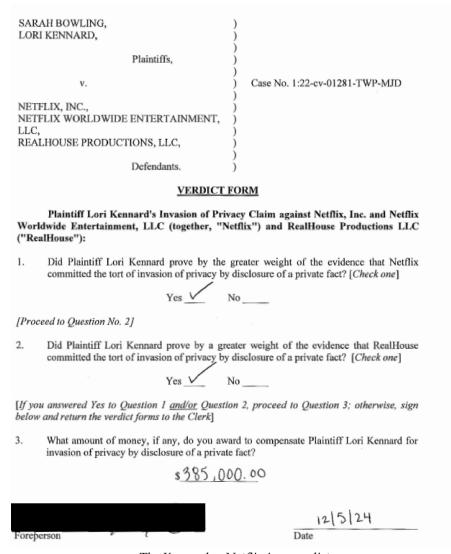
This time the mammogram was interpreted by radiologist Dr. Caryn Anderson, another employee of Northwest Radiology Network. Dr. Anderson also recorded her interpretation as indicating no abnormalities and no evidence of malignancy. She also made no recommendations for further evaluation.

A few months later on 10-15-19, Papacek consulted with her gynecologist and reported she had a lump on her left breast. The office staff confirmed the presence of the lump and referred Papacek to a hematologist/oncologist.

Papacek saw the oncologist two weeks later on 10-30-19. At that time she was diagnosed with invasive ductal carcinoma of her left breast. The cancer had metastasized to her lymph nodes. As a result, Papacek underwent chemotherapy which began on 11-13-19.

The chemotherapy caused Papacek to suffer multiple adverse reactions. She ultimately underwent a double mastectomy approximately five months later on 4-21-20. This, in turn, was followed by radiation treatments.

Papacek presented her case to a medical review panel. She was critical of both Dr. Hagman and Dr. Anderson for having missed the correct diagnosis of breast cancer.



The Kennard v. Netflix jury verdict

1970s and 1980s. His scheme was widely derided as evil, sinister and cruel.

A local reporter in Indianapolis broke the story about Cline in 2015. It set off a firestorm. The police were interested in Cline and began an investigation. Ultimately they concluded that his fertility scheme did not violate existing laws. He did plead guilty to charges of lying to investigators, and he lost his medical

license.

Cline's victims, his so-called Secret Children, began to connect after the exposure. They identified themselves by DNA testing and created a private Facebook group. Two women who were children of Cline, Lori Kennard and Sarah Bowling, joined the Facebook group. They shared messages within that private group but otherwise sought to maintain their privacy.

The notorious conduct of Cline caught the attention of documentary filmmakers with Realhouse Productions. They struck a deal in 2020 with Netflix (Realhouse and Netflix are synonymous defendants for purposes of this report) to create a documentary about Cline. It was called "Our Father," and production stretched over two years. Netflix took steps to protect the exposure of the Secret Children and employed an attorney to do clearances in this regard. It didn't work.

A trailer for the documentary was released on 5-14-22. During the course of the trailer, the plaintiffs' names were exposed as another victim scrolled through names on a DNA website screen. It was a fleeting disclosure. The documentary was out a week later, and again the names of the plaintiffs were exposed. The documentary was a success and trended No. 1 on Netflix. It was seen by millions around the world including an estimated 200,000-plus residents of Indiana. The plaintiffs complained, and within two weeks, their names were obscured. Kennard and Bowling believed the damage was already done. Their privacy had been breached, Netflix disclosing a private fact.

The two women sued Netflix and Realhouse Productions in state court (the defendants removed the case to federal court) and sought damages associated with the exposure. The tort of invasion of privacy by disclosure of private facts required proof of the violation of a negligence standard. It was alleged that while Netflix promised to protect the women, it still exposed their status despite those assurances and without a release of any kind. The plaintiffs alleged reputational harm by the