

The Indiana Jury Verdict Reporter

The Most Current and Complete Summary of Indiana Jury Verdicts

January 2026

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 - A 12 year-old boy with a history of cystic fibrosis and moderate malnutrition underwent a procedure to replace a gastronomy tube that delivered nutrition through his abdomen directly into his stomach; a piece of the apparatus broke off during the procedure and remained in the boy's body for some two years, causing him significant pain

Trebley v. Rescorla, et al.,
49D04-2311-CT-42699

Plaintiff: Kelley J. Johnson, *Law Office of Kelly J. Johnson*, Indianapolis
Defense: Elizabeth H. Knotts and Brandais H. Hagerty, *Hill Knotts & Goldman, LLC.*, Indianapolis
Verdict: Defense verdict on liability
County: **Marion**, Superior
Judge: Clayton A. Graham,
12-4-25

By 2019, Clayton Trebley, then age 12, had accumulated a medical history of cystic fibrosis with pulmonary manifestations, exocrine pancreatic insufficiency, and moderate malnutrition. Due to those conditions, Trebley had been outfitted with a gastronomy tube (i.e., a "G-tube") through his abdomen to deliver nutrition directly into his stomach.

On 4-17-19, Trebley came under the care of pediatric surgeon Dr. Frederick Rescorla at Riley Children's Health in Indianapolis. Dr. Rescorla's task was to remove Trebley's existing G-tube and replace it with a new one. During that procedure, a piece of the "mushroom-shaped" button that

holds the tube in place inside the stomach broke off.

Dr. Rescorla was aware of what had happened. However, he did not attempt to remove the broken piece and chose instead to let it remain in Trebley's body. Dr. Rescorla explained to Trebley's parents, (Jason and Rhonda) that the piece would pass naturally through their son's stool. He further explained that no follow-up appointment or testing was necessary.

Several months later on 7-5-19, Trebley was seen by Joling Tidwell, a general surgery nurse practitioner, to be evaluated for slow weight gain. Tidwell did not consult with Dr. Rescorla and did not evaluate Trebley for a foreign object in his body.

Over a year later on 9-24-20, Tidwell saw Trebley again, this time regarding increased leakage from the G-tube site. Among other things, Tidwell instructed Trebley on the care and replacement of the G-tube device. She also instructed his parents to return him to the clinic in one year or sooner, if needed.

Approximately four months later on 1-6-21, Trebley's parents took him to the emergency room at IU Health Riley Children's Hospital with complaints of sharp pain in his abdomen for the past three to four days. Trebley's pain on that visit was at a 7 on a 10 point scale.

It was then that a foreign object – i.e., the piece that had broken off the previous G-tube apparatus – was found in Trebley's rectum. He was

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same time, a 2011 Ford F150 being driven by John Kemper was heading north on Wabash Avenue. Kemper was on the job at the time for his employer, Altek Electrical Services, Inc.

Powell and Kemper arrived at the intersection of the two roads simultaneously. Kemper failed to yield the right-of-way and pulled into Powell's path. An instant later, they collided. It was a hard hit and Powell had to be extricated from her vehicle. She was briefly knocked unconscious.

Powell subsequently treated for a cervical strain, but more persistently has complained of headaches, migraines, dizziness and a mild cognitive dysfunction. Her incurred medical expenses came to \$72,497.

Powell filed suit against Kemper and blamed him for failing to yield, pulling into oncoming traffic, and thereby causing the crash. Much later in the litigation Powell amended her complaint to add Altek Electrical Services as a co-defendant on a theory of vicarious liability.

Altek Electrical Services filed a motion to dismiss the amended complaint insofar as it named Altek as a co-defendant on the ground that by then the statute of limitations had run. The court granted the motion and dismissed Altek from the case.

The litigation continued thereafter solely on Powell's claim against Kemper. Powell's identified experts included Dr. Andy Akan, Neurology, Munster; and Michael Mayfield, Life Care Plan, Celebration, FL. Akan described Powell's future course of care (including nerve blocks to relieve her headache symptoms) and Mayfield quantified the plan.

Kemper defended the case and denied that Powell's claimed injuries had been caused by the crash. He also

the time the IJVR reviewed the record, no judgment had yet been entered.

Case Documents:

[Complaint](#)

[Medical Review Panel Opinion](#)

[Plaintiff Expert Disclosure](#)

[Defense Expert Disclosure](#)

[Jury Verdict](#)

Auto Negligence - Plaintiff sought damages for injuries she sustained in a failure-to-yield crash that took place at an intersection; plaintiff's later attempt to amend her complaint to add the tortfeasor's employer as a co-defendant failed due to the statute of limitations having run

Powell v. Kemper,

82D01-2308-CT-4105

Plaintiff: Jeremy W. Schnepfer,

Schnepfer Law, LLC., Evansville

Defense: John J. Kreighbaum and

Danny E. Glass, *Fine & Hatfield, P.C.*,

Evansville

Verdict: \$250,000 for plaintiff

County: **Vanderburgh**, Superior

Judge: Leslie C. Shively, 11-13-25

On 8-27-21, Julie Powell, age 57, was driving a 2015 Honda Civic as she traveled west on Delaware Street in Vanderburgh County. At the

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