

The Indiana Jury Verdict Reporter

The Most Current and Complete Summary of Indiana Jury Verdicts

October 2024

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 - An elderly man's PSA test result was suggestive of prostate cancer, but a delay in communicating the test result to his doctors led to a delay of more than a year in discovering the cancer; by that time the cancer had developed to Stage IV and sent the man into renal failure

Yaros v. St. Mary Medical Center,
45D01-1903-CT-354

Plaintiff: Jack A. Kramer and
Hunter J. McKee, *Allen Law Group,*
LLC., Chesterton

Defense: Michael A. Sarafin and
Kelsie M. Farris, *Johnson & Bell, Ltd.,*
Merrillville

Verdict: \$25,800,000 for plaintiffs
(allocated \$21,800,000 for George
Yaros and \$4,000,000 for Llavonne
Yaros)

County: **Lake**, Superior

Judge: John M. Sedia, 8-22-24

In September of 2017, George Yaros, then age 63, was experiencing difficulty with emptying his bladder. On 9-5-17 he consulted on the matter with an internist, Dr. Helda Barakat, an employee of Porter Physician Group in Valparaiso.

Dr. Barakat ordered an ultrasound of Yaros's kidney and bladder as well as blood work that included a PSA test to check for prostate cancer. After reviewing the ultrasound, Dr. Barakat consulted with Dr. John Lynam, a urologist also employed by her practice group.

Drs. Barakat and Lynam agreed that Yaros needed to go to the ER where he was treated and released. He later followed up with Dr.

Lynam on 9-12-17 for more blood work. On 10-4-17 Yaros visited St. Mary Medical Center in Valparaiso to have the PSA test done.

When the result of the PSA test came back, it was 21.07. This result is considered very high and suggestive of prostate cancer. The staff at St. Mary faxed Yaros's lab test results to Dr. Barakat's office but failed to include the result of the PSA test.

Some nineteen days later on 10-23-17, St. Mary faxed the PSA test results to Dr. Barakat's office and indicated on the cover sheet that it was meant for Dr. Lynam. At no time did St. Mary ever send the PSA test result directly to Dr. Lynam.

Approximately a year later on 10-31-18, Yaros went to the ER at St. Mary due to fatigue and frequent urination. A new PSA test was done, and the result came back at 58.37 – i.e., nearly three times the already high previous result.

Yaros was diagnosed with acute renal failure, acute bilateral obstructive uropathy, and hyperkalemia (i.e., an abnormally high potassium level). The next day on 11-1-18, a nephrologist diagnosed Yaros with prostate cancer and a lesion in his spine. A biopsy was positive for malignancy and consistent with metastatic carcinoma. By this time the tumor had grown to Stage IV and had sent Yaros into renal failure.

Yaros underwent treatment for his condition and survived. However, he is now on dialysis and faces a lifetime

medical review panel. The panel members were Dr. Michael DiDonna, Orthopedic Surgery, Fishers; Dr. Ted Westlund, Pain Medicine, Indianapolis; and Dr. Robert Lillo, Physical Medicine, Muncie.

Among other things, Flaughner argued that Riley had administered the injection negligently and had failed to get informed consent. Regarding the latter claim, Flaughner explained she didn't know Riley was not a doctor, she didn't know the risks of receiving the injection, and she had not been given a written consent form.

Unfortunately, the record does not reveal the opinion of the medical review panel. In any event, Flaughner filed suit against Riley on the grounds noted above. She additionally named Riley's employer, Rehabilitation Associates, as a co-defendant on claims for vicarious liability and failure to supervise. Flaughner's identified experts included Dr. Robert Gregori, Physical Medicine, Indianapolis.

Riley and Rehabilitation Associates defended the case and denied their treatment of Flaughner had constituted a breach of the standard of care. In particular, defendants denied that Riley had administered the injection negligently and that she had failed to get Flaughner's informed consent.

Defendants further denied that Flaughner's claimed damages had been caused by anything that Riley had done. Rehabilitation Associates also insisted they had properly supervised Riley. Finally, defendants pointed to surveillance video of Flaughner using her hand without difficulty and claimed this evidence was proof of symptom magnification and malingering.

Defendants in this case identified several experts. They included Dr. James Baker, Orthopedic Surgery, Edgewood, KY; and Dr. Allison Williams, Internal Medicine, Indianapolis. Dr. Baker specializes in hand surgery.

The case was tried in Indianapolis. The jury returned a verdict for Riley and Rehabilitation Associates and therefore did not reach the issue of damages. The court entered a consistent defense judgment.

Case Documents:

[Final Judgment](#)

Auto Negligence - Defendant admitted fault for having caused a chain-reaction rear-end crash but disputed the nature and extent of plaintiff's claimed damages

Eagleson v. Zachary,
29D03-2304-CT-3201

Plaintiff: Matthew T. Kavanagh and Darron S. Stewart, *Stewart & Stewart*, Carmel

Defense: Patrick J. Murphy, *State Farm Litigation Counsel*, Indianapolis

Verdict: \$1,413 for plaintiff

County: **Hamilton**, Superior

Judge: Christopher J. Evans,
7-17-24

In the morning of 10-26-21, Jason Eagleson was driving west on E. 146th Street in Carmel. Behind him and traveling in the same direction was a vehicle being driven by Tamara Hiatt. Behind Hiatt was a vehicle being driven by Devon Zachary.

Eagleson stopped for a red light at the intersection with Hazel Dell Parkway. Hiatt followed suit, but Zachary did not. An instant later, Zachary rear-ended Hiatt. The force of the impact pushed her forward into the rear of Eagleson's vehicle.

The record does not reveal the

nature of Eagleson's claimed injuries or the amount of his medical expenses. He filed suit against Zachary and blamed him for setting off the chain of events that resulted in Eagleson being rear-ended. Eagleson also presented an underinsured motorist claim against his own insurer, Progressive.

The parties later stipulated to the dismissal of the UIM claim against Progressive. The litigation continued solely against Zachary. He admitted fault for the crash but disputed the nature and extent of Eagleson's claimed injuries.

The case was tried for two days in Noblesville solely on the issue of damages. The jury returned a verdict for Eagleson and awarded him damages of \$1,413. The court entered a judgment for that amount, plus costs. The judgment has been satisfied.

Case Documents:

[Jury Verdict](#)

Auto Negligence - Plaintiff was injured in a right-of-way crash that she claimed happened when defendant ran a stop sign at an intersection; defended denied negligence and blamed the crash on plaintiff

Watts v. Laux, 71D07-1809-CT-457

Plaintiff: William A. Keller, *Sweeney Julian*, South Bend

Defense: Francis A. Veltri, *Travelers Litigation Counsel*, St. Paul, MN

Verdict: Defense verdict on liability

County: **St. Joseph**, Superior

Judge: Mark P. Telloyan, 7-18-24

In the late afternoon of 4-28-17, Brittany Watts was driving a 2005 Acura MDX as she traveled south on Ironwood Road in Mishawaka. At the same time, Ralph Laux was driving west on Delaware Street in a