

The Indiana Jury Verdict Reporter

The Most Current and Complete Summary of Indiana Jury Verdicts

November 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.

Police Negligence - An elderly couple returning home from a medical appointment were hit in an intersection by a fleeing suspect being chased by police in a high-speed pursuit; the wife was seriously injured in the crash, and the husband was killed; it turned out the police were chasing the wrong suspect

Alexander v. City of Indianapolis, 49D12-2110-CT-35618

Plaintiff: Rachel A. East and Janet Davis Hocker, *Hocker Law, LLC.*, Indianapolis

Defense: Matthew Rayman and Jessica R. Gastineau, *Office of Corporation Counsel*, Indianapolis
Verdict: \$2,463,301 for plaintiffs (allocated \$1,625,000 for Jacki Alexander and \$838,301 for Estate of Charles Alexander)

County: **Marion**, Superior
Judge: Patrick J. Dietrick, 9-27-24

On 12-30-19, Jacki Alexander, then age 61, had undergone a CT scan to check on the status of her cancer treatment. Following the CT scan, Jacki's husband, 64 year-old Charles Alexander, was driving the couple back home. Jacki and Charles had been married for some 43 years. Charles had a long career in IT and was still working at the time for a financial services company.

It was the early afternoon as the couple proceeded south on Oaklander Road in the City of Lawrence. Charles was at the wheel of their 2018 Ford Explorer, while Jacki road with him as a front seat passenger. The couple stopped for a

red light at the intersection with Pendleton Pike.

Meanwhile, a scene of high drama was playing out some distance away. The Indianapolis Metropolitan Police had been looking for a suspect named Dewayne Gray who was wanted for a probation violation involving a gun charge.

As part of their investigation the IMPD had placed under surveillance a residence in Lawrence where they believed Gray might be located. During the noon hour the police had observed a man leaving the residence and driving away in a 2015 Dodge Challenger.

The police thought the man they observed was Gray. They were mistaken. The man was actually Marcel Carter who had visited the residence simply in order to attend his niece's 10th birthday party. Carter had no relevant criminal history, was not wanted on any criminal charges, and had no outstanding warrants.

Nonetheless, the police followed Carter and eventually pulled him over on a pretextual traffic stop. Carter later claimed the officers approached his car aggressively and with guns drawn. Fearing for his life, Carter pulled away and tried to drive back to the residence.

The police gave chase and rammed one of the squad cars into Carter's vehicle in a so-called "PIT" maneuver. This frightened Carter even more, and he fled in his car. The situation then evolved into a high-speed police pursuit that covered some 14 miles and reached speeds as

Anderson's path, and the two collided. Following the crash Hacker was cited for failing to yield, and both Max and Jacqueline were taken to the ER at IU Health Bloomington.

Jacqueline would later claim to have suffered trauma to her face and head, widely ranging pain, and glass in her eye that impaired her vision. Max claimed to have suffered head and heart trauma and a brain injury.

The record does not reveal the amount of the Andersons' respective medical expenses. However, they both moved into a nursing home sometime after the crash. They attributed this move in part to the effects of their injuries.

Max and Jacqueline filed suit against Hacker and blamed him for turning in their path and thereby causing the crash. Max died of unrelated causes nearly four years after the crash on 4-1-22 at the age of 88. Jacqueline died on 2-5-23 at the age of 89.

Following the Andersons' death, their estates were substituted in their places as plaintiffs even though the case caption was never changed. Hacker defended the case and implicated Max's fault for the crash. The identified defense IME was Dr. Robert Gregori, Physical Medicine, Indianapolis.

It was Dr. Gregori's opinion that both Max and Jacqueline had suffered mild soft-tissue injuries due to the crash and that Max had also sustained a skin tear to his left arm. All their other complaints were due to their advanced ages and pre-existing co-morbidities, including Max's incipient Alzheimer's disease.

The case was tried for two days in Bloomington. The jury deliberated for two hours and nineteen minutes before returning a verdict in which

Hacker was assigned 80% of the fault for the crash. The jury set plaintiffs' raw damages at \$20,000 each for Max and Jacqueline.

After reduction for comparative fault, plaintiffs' final award came to \$16,000 each for a total of \$32,000. The court entered a judgment for that amount, and it has been satisfied.

Case Documents:

[Final Judgment](#)

Tortious Interference - A doctor claimed his employer tortiously interfered with his business relationships by terminating his employment in violation of their contract and then interfering with his medical practice after he complied with a subpoena to turn over patient records as part of a DEA investigation

Story v. Ascension Medical Group

Indiana, 29D05-2105-PL-3135

Plaintiff: Kathleen A. DeLaney and

Christopher S. Stake, *DeLaney &*

DeLaney, LLC., Indianapolis

Defense: Andrew M. McNeil and

Bradley M. Dick, *Bose McKinney &*

Evans, LLP., Indianapolis

Verdict: \$2,050,000 for plaintiff

County: **Hamilton**, Superior

Judge: David K. Najjar, 10-3-24

In 2005, Dr. Timothy Story, a specialist in internal medicine, became co-owner of a "concierge" medical practice called FirstLine PHC along with his partner, Dr. Kevin McCallum. The business model of FirstLine is that patients pay an annual fee to have access to physicians whenever they might be needed.

Both Dr. Story and Dr. McCallum expanded their practice to form an association with Ascension Medical

Group Indiana. On 6-25-10, Dr. Story entered into an employment agreement with Ascension, and he began working for them a week later on 7-1-10.

Dr. McCallum was also an employee of Ascension, and other Ascension employees also worked at FirstLine. Additionally, Ascension provided malpractice insurance coverage for both Drs. Story and McCallum. Despite this arrangement, Ascension had no ownership interest in FirstLine.

Some ten years later in the Spring of 2020, the federal Drug Enforcement Agency (DEA) sent Dr. Story a subpoena asking him to turn over certain medical records. It seems the DEA was conducting an investigation of one of Dr. Story's patients and wanted the records as part of that investigation.

Dr. Story was sufficiently concerned about this that he hired legal counsel who communicated on his behalf with the DEA. In those communications the DEA gave assurances that Dr. Story was not himself under investigation.

Based on those assurances, Dr. Story turned over the requested medical records to the DEA. Dr. Story did not inform Ascension about these events because he had been cautioned to keep the matter confidential.

Upon receipt of the records, the DEA noticed that they seemed to belong to Ascension. The DEA then contacted Ascension and also requested patient records from them. This prompted Ascension to launch an internal investigation, during which it discovered what it considered to be troubling information.

For one thing, Ascension learned