

The Indiana Jury Verdict Reporter

The Most Current and Complete Summary of Indiana Jury Verdicts

December 2024

Statewide Jury Verdict Coverage

25 IJVR 12

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.

Premises Liability - An elderly golfer playing in a golf league suffered fatal injuries when another golfer ran into him with a golf cart; the decedent's estate blamed his death on the owner of the golf course

Estate of Rozinski v. Aberdeen Golf, LLC., 64D02-2208-CT-7329

Plaintiff: Todd S. Schafer and Timothy S. Schafer, II, *Schafer & Schafer, LLP.*, Merrillville

Defense: Matthew L. Hinkle and Jeffrey S. Zipes, *Coots Henke & Wheeler, P.C.*, Carmel

Verdict: \$4,000,000 for plaintiff less 40% comparative fault

County: **Porter**, Superior
Judge: Michael J. Drenth
(Special Judge), 10-11-24

In 2020 a company called Aberdeen Golf, LLC. operated a golf course in Valparaiso. The property was managed by Billy Casper Golf, LLC. On 9-10-20, the course hosted a golf league that included 76 year-old Harold Rozinski. Rozinski had retired early in 2020 as a machinist for a steel manufacturer Another member of the league who was playing that day was Milo Ihnat.

Given that COVID restrictions were in place at the time, each of the players was required to wait in their own separate golf cart before their turn at the tee. The game was to begin at Hole 10, which sloped downhill, and so the golf carts were congregated on the cart path in that area.

Ihnat had parked his cart some 20 feet behind Rozinski's cart and sat

waiting his turn. Meanwhile, Rozinski had gotten out of his cart and was standing in front of it. It is not known why Rozinski had done this, though there would later be some suggestion that he was "warming up" before teeing off.

At some point Ihnat decided to move his cart forward around Rozinski's cart. Ihnat started moving forward at half speed. Just as he began to pass Rozinski's cart, Ihnat thought he heard someone shouting off to his left.

Ihnat reflexively turned his head in the direction of the noise and thus momentarily took his eyes off the cart path in front of him. Rozinski chose that exact moment to walk around to the side of his cart in front of Ihnat's approaching cart.

When Ihnat looked back to the path in front of him, he saw Rozinski very near him. Ihnat instantly swerved to the left and tried to hit his brakes. Instead, he accidentally hit his accelerator. This caused Ihnat to sideswipe Rozinski's cart and run into Rozinski himself.

The impact knocked Rozinski to the ground where he hit his head. Help soon arrived, and Rozinski was taken from the scene to a local hospital where he died from his injuries later that day. He was survived by his wife of 54 years, Sandra Rozinski. Rozinski was described as a fiercely competitive golfer and a dedicated Bears and Cubs fan.

Both on her own behalf and as the administrator of her late husband's

Magee had crossed in front of his truck, and so the incident was not Davis's fault. Davis additionally disputed the nature and extent of Magee's claimed injuries. Finally, Davis explained that he had no assets and would be forced to file for bankruptcy in the event of the entry of a judgment against him.

The case was tried in Indianapolis. The jury returned a verdict for Magee in the amount of \$7,050. The court entered a judgment for that amount. Post-trial, Magee filed a motion for proceeding supplemental in an effort to collect on the judgment.

True to his word, Davis responded by filing for bankruptcy. Magee then filed a motion to stay the proceeding supplemental, and the court granted the motion.

Case Documents:

[Final Judgment](#)

Medical Malpractice - Plaintiff sought treatment at an ER for a leg injury when he fell on his knee after a wooden stepladder on which he was standing broke; the ER doctor failed to recognize plaintiff had suffered a transected artery, and the missed diagnosis led to an above the knee amputation of plaintiff's leg

Warren v. Behrens, et al.,
89C01-1306-CT-32

Plaintiff: Lance D. Cline and
Lindsay N. Popejoy, *The Cline Law Firm*, Carmel

Defense: Michael E. O'Neill and
Kelly K. McFadden, *O'Neill
McFadden & Willett, LLP.*,
Schererville

Verdict: \$3,500,000 for plaintiff

County: **Wayne**, Circuit

Judge: April R. Drake, 9-16-24

On 5-31-11, Jerry Warren, then age

60, retired from his job at the U.S. Postal Service to care for his wife who had Stage IV breast cancer. Less than two weeks later in the early evening of 6-11-11, Warren was doing some work at his home in Richmond while standing on a wooden stepladder.

Warren was standing on the fourth step on the ladder when the step broke and caused him to fall to the ground. He landed on his right knee and heard the sound of something pop in his right leg. Warren felt immediate pain in his knee. A short while later he began to experience what felt to him like a severe cramp in his right calf.

Warren's wife drove him to the ER at Reid Hospital where he was first triaged by a nurse and then placed in a room to wait for a doctor. The triage nurse noted that Warren was still in excruciating pain, his calf was swollen and hard, and his foot had turned purple. Additionally, the nurse was unable to locate a pulse in Warren's lower extremity.

One of the physicians on duty that evening was Dr. Jennifer Behrens, an employee of Emergency Medicine of Eastern Indiana, P.C. It was Dr. Behrens who was assigned to Warren's case. She first saw Warren at 5:45 pm, and she was with him for a total of approximately seven minutes.

During that brief visit Dr. Behrens took Warren's medical history, including an account of how his injury happened, and performed an apparently somewhat cursory examination. It would later be alleged that Dr. Behrens had failed to understand the details of how Warren was injured.

Based in part on that alleged misunderstanding Dr. Behrens

diagnosed Warren with a muscle tear in his right calf. She prescribed pain killers and ordered x-rays. Importantly, Dr. Behrens did not order ultrasound or arteriography studies.

This was significant because Warren's presentation was suggestive of an arterial injury. In fact, Dr. Behrens had made an incorrect diagnosis. Warren had actually dislocated his right knee and in the process had transected the popliteal artery.

This, in turn, led to extensive bleeding into his lower extremity and the development of a compartment syndrome. This, indeed, was the reason Warren's foot had turned purple. Dr. Behrens's diagnosis had failed to capture these facts.

Warren's leg was placed in a splint. He was given crutches and then discharged home at 11:30 pm. He followed up two days later on 6-13-11 with an orthopedist. It was the orthopedist who recognized that Warren's problems ran deeper than a mere torn muscle.

The orthopedist referred Warren on for an emergency consult with a vascular surgeon that same day. The surgeon, in turn, recommended urgent surgery to which Warren agreed and that was performed at 7:30 pm that evening.

The surgery revealed the seriousness of Warren's condition. With Warren's permission he was transferred to Methodist Hospital in Indianapolis in the hope of saving his leg. The medical team at Methodist determined that Warren's lower extremity was not in fact salvageable. He underwent an above the knee amputation on 6-16-11.

Warren submitted the case to a medical review panel comprised of