

# The Indiana Jury Verdict Reporter

The Most Current and Complete Summary of Indiana Jury Verdicts

February 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.

**Premises Liability - Plaintiff was awarded slightly over \$1.7 million for injuries she sustained when she slipped and fell on an accumulation of ice and snow in a shopping center parking lot; after the court awarded plaintiff both pre-judgment and post-judgment interest, her final award came to nearly \$2 million**

*Samuels v. Southlake Retail Center, LLC., 45D10-2008-CT-791*

Plaintiff: Arman G. Sarkisian and Katherine S. Sarkisian, *Sarkisian Sarkisian & Associates, P.C.*, Portage  
Defense: Min C. Wai and Jacquelyn A. Fernandez Leyva, *Kopka Pinkus Dolin, P.C.*, Crown Point

Verdict: \$1,785,000 for plaintiff less 15% comparative fault

County: **Lake**, Superior

Judge: Rehana Adat-Lopez,  
10-25-24

In the morning of 1-20-20, Kristy Samuels, then age 38, was on her way to an appointment with her dentist. Her dentist's office was located in the Southlake Retail Center at 5129 E. 81<sup>st</sup> Avenue in Merrillville.

When Samuels arrived at the Southlake location, she found that the winter weather had deposited a layer of snow and ice in the parking lot. As Samuels walked through the parking lot she slipped and fell on the accumulation of ice and snow, hitting her head on the pavement.

Samuels claimed to have suffered injuries to her head, brain, neck, spine, right arm, and lower back due to the incident. Those injuries have

caused her to experience neurological and cognitive deficits that have affected her hearing, vision, and memory. Those problems, in turn, have caused Samuels emotional and psychological issues. The record does not reveal the amount of her medical expenses.

Samuels filed suit against Southlake Retail Center and blamed it for allowing the snow and ice hazard to exist in its parking lot and failing to maintain the area in a reasonably safe condition for invitees such as her. That failure set the stage for Samuels to fall and sustain her various injuries.

Southlake Retail Center defended the case on several fronts. First, defendant insisted it acted reasonably at all times and denied having breached any duty to Samuels. Second, defendant denied having any notice of the condition of the parking lot at the time of the incident.

Finally, defendant blamed the incident on Samuels's own comparative fault and also disputed the nature, extent, and causation of Samuels's claimed injuries. The identified defense experts included Randy Ollis, Meteorology, Indianapolis; Dr. Leslie Masood, Neurology, Downers Grove, IL; and Dr. Robert Heilbronner, Neuropsychology, Chicago, IL.

The case was tried for five days in Crown Point. The jury had a question for the court: "Was the lot cleared after the incident on 1/20/20? If so, how? Salt? Snowplow?" The

there was an excess silage.

Valley View filed this lawsuit against Bos Dairy and Herrema Dairy and alleged three counts: (1) breach of contract, (2) unjust enrichment, and (3) criminal conversion. The alleged compensatory damages were \$116,000 to \$166,000 as to Bos Dairy, and the high end estimate regarding Herrema Dairy was \$317,000. If prevailing on criminal conversion, Valley View could also take treble damages.

The defense of the case was simple enough. They had accurately measured the feed corn and fully accounted to Valley View. The defendants also noted the plaintiffs had no evidence (other than speculation) that the measurements were inaccurate.

This “excess silage” case was tried in Lafayette for four days, and the deliberations lasted almost five hours. The jury verdict (it was a generic form) was for the defendants, and Valley View took nothing. A defense judgment was entered.

#### Case Documents:

[Summary Judgment Order](#)

[Pretrial Order](#)

[Jury Verdict](#)

### **Medical Malpractice - Plaintiff underwent surgery on his left eye at the beginning of the COVID crisis; when plaintiff subsequently suffered a total loss of vision in the eye, he blamed it on his ophthalmologist’s decision to shut down his practice temporarily due to COVID, thereby resulting in a failure to see plaintiff for a follow-up visit a week after the surgery**

*Niblick v. Retina & Vitreous, LLC.*, 71C01-2205-CT-175

Plaintiff: Michael S. Miller and Nathan M. Miller, *Montross Miller, LLP.*, Indianapolis

Defense: Michael G. Getty, *Hunt Suedhoff Kearney, LLP.*, South Bend

Verdict: Defense verdict on liability

County: **St. Joseph**, Circuit

Judge: Andre B. Gammage (Magistrate), 9-27-24

On 3-18-20, Eric Niblick underwent surgery on his left eye at the hands of Dr. Robert Lee, an ophthalmologist employed by Retina & Vitreous, LLC. of South Bend. This date happened to be around the time of the commencement of the COVID crisis.

The very evening of the day on which Niblick had his surgery, the American Academy of Ophthalmology issued practice guidance advising all its members to shut down their practices due to COVID. The guidance was to see only those patients who required urgent or emergency treatment.

The next day, on 3-19-20, Niblick visited Dr. Lee’s office for his first pre-scheduled follow-up visit. The standard of care under ordinary circumstances would have required another follow-up visit a week later on 3-26 and a fourth such visit a month later on 4-23.

However, Dr. Lee was aware of no

signs or symptoms indicating that Niblick’s follow-up visits were emergencies. Thus, in accordance with the guidance from the American Academy of Ophthalmology, Dr. Lee did not see Niblick again until 5-11-20.

By that time the condition of Niblick’s left eye had worsened. In an effort to address the problem Dr. Lee performed an additional procedure on Niblick’s eye that same day and then a second procedure the following day. Both procedures were unsuccessful. As a result, Niblick suffered a total loss of vision in his left eye.

Niblick presented the case to a medical review panel comprised of three ophthalmologists. They were Dr. Alexander Izad of Terre Haute, Dr. Frank Hrisomalos of Bloomington, and Dr. Sang Kim of Indianapolis. According to Niblick, Dr. Lee violated the standard of care by not seeing him for his follow-up visits, that failure resulting in the loss of Niblick’s vision.

The medical review panel issued a mixed opinion. Drs. Izad and Hrisomalos thought the evidence did not support the conclusion that Dr. Lee breached the applicable standard of care. Dr. Kim, however, thought there was indeed a standard of care breach.

Niblick filed suit against Dr. Lee and against Retina & Vitreous, LLC. on the grounds noted above. Niblick argued that if Dr. Lee had seen him for the regular follow-up visits, the deterioration in the condition of Niblick’s eye would have been caught and treated, and his vision would have been saved. Niblick’s identified expert was Dr. John Galanis, Ophthalmology, St. Louis, MO.

Niblick ultimately stipulated to the