

# The Indiana Jury Verdict Reporter

The Most Current and Complete Summary of Indiana Jury Verdicts

February 2024

Statewide Jury Verdict Coverage

25 IJVR 2

*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.

**Auto Negligence - Plaintiff was rendered a quadriplegic in a head-on crash with an intoxicated driver who was driving at nearly twice the posted speed limit while executing a passing maneuver in a no-passing zone heading into a curve**

*Schnee v. Early*, 06D01-2101-CT-3

Plaintiff: Ann Marie Waldron, Brandon E. Tate, and Katherine A. Piscione, *Waldron Tate Bowen Land, LLC.*, Indianapolis; and Michael E. Simmons, *Hume Smith Geddes Green & Simmons, LLP.*, Indianapolis

Defense: Benjamin G. Stevenson, *Threlkeld Stevenson*, Indianapolis  
Verdict: \$159,000,000 for plaintiffs (comprised of \$84,000,000 for Sherry Schnee and \$75,000,000 for David Schnee)

County: **Boone**, Superior  
Judge: Matthew C. Kincaid,  
1-11-24

In the pre-dawn hours of 10-18-20, Ryann Early was driving south in the 7000 block of C.R. 400 S in Whitestown in Boone County. Early was intoxicated at the time, and his B.A.C. would later be measured at 0.142% – i.e., nearly twice the legal limit.

As Early headed into a curve, he decided to move into the oncoming lane to pass a vehicle that was in front of him. Early took this action despite the fact he was in a no-passing zone. The posted speed limit in that area was 40 mph.

Blackbox data that was later recovered from Early's vehicle showed that as he moved into the oncoming lane he was traveling at

78.9 mph – i.e., nearly twice the posted speed limit. The data also showed 100% accelerator input, meaning that Early did not slow down.

At just that moment, a vehicle being driven by Sherry Schnee approached Early's position in the oncoming lane. Schnee's speed was later estimated at less than 10 mph. An instant later, the two vehicles collided in a head-on crash.

Schnee was transported by helicopter to a hospital where she was diagnosed with a broken neck. The effect of that injury was to render her a quadriplegic with no feeling below her armpits. Schnee's gross medical expenses totaled \$3,096,591. Of that amount, her medical providers accepted \$914,813 as payment in full.

Schnee filed suit against Early and blamed him for driving while intoxicated and crashing into her. Schnee's husband, David Schnee, also presented a derivative claim for his loss of consortium. If successful, plaintiffs sought both compensatory and punitive damages. Plaintiffs additionally presented an uninsured/underinsured motorist claim against their own insurer, Safeco.

The parties later stipulated to the dismissal of their claim for punitive damages and their UM/UIM claim against Safeco. The litigation proceeded thereafter solely against Early. The identified experts for plaintiffs included Sara Ford,

**Auto Negligence - Plaintiff was training a horse on the race track at the Indiana State Fairgrounds when she collided with a vehicle that was driving across the track to reach a parking area; the driver of the vehicle denied negligence and argued he was being directed by a flagman who worked for the Indiana State Fair Commission**

*Shetler v. Miller*, 49D04-1408-CT-28237

Plaintiff: Anthony W. Patterson and John M. McLaughlin, *Parr Richey Frandsen Patterson Kruse, LLP.*, Lebanon

Defense: Thomas R. Schultz and Jonathan L. Bucher, *Schultz & Pogue, LLP.*, Indianapolis

Verdict: Defense verdict on liability  
County: **Marion**, Superior

Judge: Cynthia Ayers, 1-27-23

In the morning of 5-17-14, Kristin Shetler, then age 37, was on the horse track at the Indiana State Fairgrounds in Indianapolis. Shetler had an agreement with the Indiana State Fair Commission to use the facility to train race horses.

On this day Shetler was one of several horse trainers using the track. At the same time, and in accordance with a decision the Commission had previously made, vehicles were allowed to park inside the track while horses were being trained.

In order to access the parking area inside the track, vehicles would be directed across the track by a flagman employed by the Commission. One such vehicle attempting to access the parking area that day was driven by Robert Miller.

In response to the direction of the flagman, Miller proceeded across the track toward the parking area. He did so just as Shetler was

approaching his position with her horse and sulky. An instant later, the two collided.

The record is not entirely clear about the nature of Shetler's claimed injuries. However, they seem to have included an injury to her foot. Although Shetler's incurred medical expenses are not known, it is expected that her condition will worsen with time and that she will ultimately need surgery. Her future medical expenses were estimated at \$66,690.

Shetler filed suit against Miller and blamed him for pulling into her path on the horse track and thereby causing the collision. She also named as co-defendants the State of Indiana and the Indiana State Fair Commission.

The claim against Miller was bifurcated for trial from those against the state defendants because the applicable laws that governed the two claims were different. The claim against Miller was to be tried first. The identified experts for Shetler included Sara Ford, Vocational Economics, Louisville, KY; Linda Jones, Vocational Economics, Louisville, KY; Mike Lechance, Horse Training, Millstone Township, NJ; Dr. Ronald Miller, Physical Medicine, Carmel; and Shirley Daugherty, Life Care Plan, Muncie.

Miller defended the case and disputed the extent of Shetler's claimed injuries. He also blamed the incident on the Commission for its decision to allow vehicles to park inside the track while horses were being trained, and he blamed the flagman for negligently directing traffic. Finally, Miller implicated Shetler's fault.

The case was tried for four days in

Indianapolis. The jury deliberated for two hours and fifty-seven minutes before returning a verdict for Miller. The court entered a defense judgment. That left Shetler's claims against the state defendants yet to be tried.

Before that second trial could be held, Shetler reached a tentative settlement with the state defendants pending approval of the Governor's Office. The terms of the settlement are not revealed in the record. In any event, the Governor did ultimately approve the settlement, and the case is now closed.

**Case Documents:**

[Jury Verdict](#)

[Trial Minutes](#)

[Final Judgment](#)

**Products Liability - A 13 year-old girl was rendered a paraplegic when the vehicle in which she was riding was hit head-on by an unlicensed drunk driver who had crossed the centerline in the dark of night without his lights on; the girl blamed her injury on the allegedly defective design of her vehicle's passenger restraint system**

*Mendez v. General Motors*, 71C01-2201-CT-27

Plaintiff: Christopher J. Stucky, Terrence E. McCartney, and Austin T. Osborn, *McCartney Stucky, LLC.*, Lenexa, KS; and Lee C. Christie, *Christie Farrell Lee & Bell, P.C.*, Indianapolis

Defense: Patrick G. Seyferth, William E. McDonald, III, and Derek Linkous, *Bush Seyferth, PLLC.*, Troy, MI; and Erin Linder Hanig, *Southbank Legal, LLC.*, South Bend

Verdict: Defense verdict on liability  
County: **St. Joseph**, Circuit

Judge: John E. Broden, 12-13-23

In the afternoon of 2-5-21, Stephen