

The Indiana Jury Verdict Reporter

The Most Current and Complete Summary of Indiana Jury Verdicts

March 2026

Statewide Jury Verdict Coverage

27 IJVR 3

Unbiased and Independently Researched Jury Verdict Results

In This Issue

Marion County

Hotel Negligence - Defense verdict p. 4

Lake County

Medical Malpractice - Defense verdict p. 1

Federal Court - South Bend

USERRA - Defense verdict p. 2

Hancock County

Auto Negligence - \$160,000 p. 4

Federal Court - Hammond

Breach of Contract - \$550,000 p. 7

Boone County

Truck Negligence - \$117,000 p. 8

St. Joseph County

Dog Attack - \$25,000 p. 9

Historical Verdict

Allen County (1980)

Medical Malpractice - Defense verdict p. 10

Notable Out of State Verdict

Louisville, Kentucky

Premises Liability - \$89,000 p. 11

Notable Out of State Verdict

Maryland - Greenbelt

(*Involving Indiana Counsel*)
Retail Negligence - \$10,509,594 p. 12

Civil Jury Verdicts

Timely coverage of civil jury verdicts in Indiana including court, division, presiding judge, parties, cause number, attorneys and results.

Medical Malpractice - A 57 year-old man who was suffering from plantar fasciitis of his right heel underwent a surgical procedure in an effort to treat his condition; the man later claimed his podiatrist who performed the procedure inadvertently severed his tendon and left him with permanent injuries

Joyner v. Khan, et al.,

45D05-2101-CT-41

Plaintiff: Douglas K. Walker, *Gladish Law Group*, Highland

Defense: Gregory A. Crisman and Ryan A. Cook, *Eichhorn & Eichhorn, LLP.*, Hammond

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

Judge: Daniel W. Burke, 12-15-25

In 2016, Dr. Arshad Khan was a podiatrist employed by Orthopaedic Specialists of Northwest Indiana, P.C. in Munster. For some months in 2016 Michael Joyner, then age 57, treated with Dr. Khan for pain in his right heel. The diagnosis was plantar fasciitis, i.e., pain caused by an inflammation of the tissue connecting the heel to the toes.

Joyner saw Dr. Khan some 17 times during the latter months of 2016, during which time Dr. Khan attempted to treat Joyner's condition conservatively. That treatment ultimately did not work, and so Dr. Khan recommended surgery.

On 12-20-16 Joyner agreed to undergo an endoscopic plantar fasciotomy. Dr. Khan performed the procedure on 12-29-16 at Community Hospital. Joyner would

later allege that during the surgery Dr. Khan inadvertently severed his flexor digitorum longus tendon. This alleged error left Joyner with permanent pain along with burning, numbness, and tingling sensations.

According to Joyner, Dr. Khan did not immediately recognize his mistake. Instead, he simply cleared Joyner to return to work and also prescribed a course of physical therapy. Joyner claims the physical therapy caused further injury to his medial plantar nerve.

Following the surgery Joyner saw Dr. Khan approximately 26 more times for post-surgical care. Eventually, Dr. Khan realized what had happened, and Joyner claims he apologized for his surgical error. Dr. Khan also suggested another surgery to correct the problem.

Instead of agreeing immediately to the proposed second surgery, Joyner sought out a second opinion from another doctor. It was then that he learned his injuries are permanent, and further surgery is not a viable option.

Joyner presented the matter to a medical review panel. The panel members were Dr. Nathan Graves, Podiatry, Kokomo; Dr. Lawrence Lloyd, Podiatry, Fishers; and Dr. Jan Szatkowski, Orthopedic Surgery, Indianapolis.

Joyner was critical of Dr. Khan for making the surgical incisions in the wrong place, severing his tendon, and failing to recognize his error in a timely fashion. The medical review

Auto Negligence - A dump truck driver was injured in a crash that happened when a pickup truck failed to yield the right-of-way at a rural intersection and pulled into his path; the pickup driver admitted having caused the crash but disputed the nature, extent, and causation of the dump truck driver's claimed injuries

White, et al. v. McDowell,
30D01-2403-CT-477

Plaintiff: Thomas S. Bowman, *Allen Wellman Harvey Keyes, Cooley, LLP.*,
Greenfield

Defense: Karl G. Popowics, *Goodin Abernathy & Stevenson*, Indianapolis

Verdict: \$160,000 for plaintiffs
(allocated \$110,000 to White and
\$50,000 to Haulex)

County: **Hancock**, Superior
Judge: R. Scott Sirk (Special
Judge), 2-4-26

In the late afternoon of 3-17-22, Calob White was driving a 1997 dump truck owned by a company called Haulex, LLC. White was traveling north on S.R. 9 in Greenfield. At the same time, William McDowell was driving west on East C.R. 330 South in a 2003 GMC Sierra pickup truck that was pulling a flatbed trailer.

White and McDowell reached the intersection of the two roads at the same time. McDowell was facing a stop sign but White was not and thus had the right-of-way. Despite this, McDowell failed to yield the right-of-way and entered the intersection in White's path. This resulted in a collision between White's dump truck and McDowell's flatbed trailer.

It is known that White went to the ER the same day following the crash. Thereafter he treated for a bilateral shoulder injury and most significantly, a recurring tear in his

left shoulder. His care included a course of physical therapy.

White filed suit against McDowell and blamed him for failing to yield the right-of-way, pulling into his path, and causing the crash. Haulex, LLC. also joined the litigation as a co-plaintiff and sought to recover for the damage to the dump truck.

McDowell initially denied having caused the crash. However, he later amended his answer and admitted fault and being the sole cause of the crash. Instead, McDowell shifted his defense to disputing the nature, extent, and causation of White's claimed injuries.

The case was tried in Greenfield solely on the issue of damages. The jury returned a verdict for plaintiffs and awarded \$110,000 to White and \$50,000 to Haulex, LLC. That brought the award to a combined total of \$160,000. The court entered a judgment that reflected the verdict, and it has been satisfied.

Case Documents:

[Defense Summary Judgment Order](#)

[Final Judgment](#)

[Jury Verdict \(One\)](#)

[Jury Verdict \(Two\)](#)

Hotel Negligence - A woman claimed that after paying for a hotel room she was wrongfully evicted from the room and denied access to her belongings; after a complex procedural history the case came to trial nearly ten years after the incident, and the jury found for the defense

McNeil v. Omni Severin Hotel,
49D02-1802-CT-7047

Plaintiff: Nathaniel Lee and Robert Feagley, *Lee Cossell Feagley, LLP.*,
Indianapolis

Defense: Jeremy W. Willett, Marian C. Drenth, and James A. Jezierny,
O'Neill McFadden & Willett, LLP.,
Schererville

Verdict: Defense verdict on liability
County: **Marion**, Superior
Judge: Timothy Oakes, 2-13-26

In 2016 Gina McNeil, a black woman then in her 50s and the operator of a childcare facility, was living in the Chicago area. In June of 2016 McNeil and her friend, Terrance Springer (he worked at the daycare), booked and paid for a "mini vacation" through a third-party vendor called "Hotwire."

The vacation package included a stay at the Omni Severin Hotel in Indianapolis that was scheduled to run from 6-30-16 to 7-2-16. McNeil and Springer drove together from Chicago to Indianapolis to enjoy their vacation.

Although the record is somewhat confused on the subject, it appears that McNeil and Springer were simply friends and not involved in a romantic relationship. Accordingly, the plan was for McNeil to stay in the hotel while Springer stayed with some friends in the Indianapolis area.

Having arrived in Indianapolis, McNeil checked into the hotel at approximately 11:00 p.m. on 6-30-16.

Historical Verdict

Medical Malpractice - After a defense verdict in favor of a neurosurgeon in 1980 regarding a purportedly botched surgery, the trial judge told the jury he was shocked by the verdict and later ordered a new trial – the Court of Appeals affirmed ordering a new trial, but it is unclear if the case was tried a second time

McCue v. Bossard,

Plaintiff: Ronald L. Sowers and M. Robert Benson, *Sowers & Benson*, Fort Wayne

Defense: William F. McNagny, *Barrett Barrett & McNagny*, Fort Wayne

Verdict: Defense verdict on liability
County: **Allen**

Judge: Robert E. Meyers

Date: May 30, 1980

James McCue treated in 1975 with a neurosurgeon, Dr. John Bossard, for pain in his left leg and hip. Bossard subsequently performed several spinal surgeries. The result was poor and left McCue disabled and still in pain. McCue sued Bossard and sought \$1,000,000 in damages. The heart of the case was that Bossard misrepresented McCue's condition and performed an unnecessary surgery that left him with a permanent injury. Bossard denied he'd violated the standard of care.

The case was tried in Fort Wayne for eight days in May of 1980. The jury rejected McCue's claim and found Bossard complied with the standard of care. Judge Meyers was shocked on the bench. He stated on the record to the jurors, "I'm not certain you heard the same evidence I did. I don't agree with the verdict." Meyers subsequently granted the

plaintiff's motion for a new trial. Bossard appealed. He argued that Judge Meyers should have recused based on his post-trial remarks. It also argued there was sufficient evidence to support the verdict.

The Indiana Court of Appeals fully affirmed the trial court on appeal. The court (Judge George B. Hoffman writing) did not believe that Judge Meyers should have recused because of his remarks. The court did caution that maybe judges should refrain from such remarks. The opinion also concluded there was no abuse of discretion in ordering a new trial. What happened next? The record goes cold. There is no evidence the case was settled or tried again after the appellate opinion.

See *Bossard v. McCue*, 425 N.E.2d 682 (Ind. Ct. App. 1981)

The Indiana Jury Verdict Reporter

9462 Brownsboro Road, No. 133

Louisville, Kentucky 40241

502-644-9017

Online at Juryverdicts.net

From Evansville to Fort Wayne, Lake County to Jeffersonville

Timely Indiana Jury Verdict Coverage Since 2000

The Indiana Jury Verdict Reporter

The Most Current and Complete Summary of Indiana Jury Verdicts

Ordering is easy online or use the form below

[Order in the Online Store](#)

Name

Return with your check to the
The Indiana Jury Verdict Reporter
at the above address

Firm Name

_____ \$399.00 for a one year subscription to the
Indiana Jury Verdict Reporter (*12 issues*)
(\$422.94 with tax)

Address

City, State, Zip

Your e-mail