

The Indiana Jury Verdict Reporter

The Most Current and Complete Summary of Indiana Jury Verdicts

April 2024

Statewide Jury Verdict Coverage

25 IJVR 4

Unbiased and Independently Researched Jury Verdict Results

In This Issue

Marion County

Auto Negligence - \$60,687,491 p. 1

Auto Negligence - Defense verdict p. 8

Lake County

Nurse Malpractice - Defense verdict p. 4

Wabash County

Auto Negligence - \$70,000 p. 5

Monroe County

Civil Rights - Defense verdict p. 6

Wayne County

Auto Negligence - \$44,767 p. 7

St. Joseph County

Premises Liability - \$31,000 p. 8

Notable Kentucky Verdict

Louisville, Kentucky

Premises Liability - \$1,275,000 p. 9

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 suffered catastrophic injuries when his motorcycle was broadsided by a Tesla employee who made an allegedly improper left turn while on the job and driving a company-owned service truck

Estate of Dugan v. Tesla, Inc.,
49D04-1705-CT-18411

Plaintiff: Lee C. Christie, *Christie Farrell Lee & Bell, P.C.*, Indianapolis; Nicholas Rowley, Karen Zahka, and Barrie Duchesneau, *Trial Lawyers for Justice, P.C.*, Decorah, IA
Defense: Daniel E. Pulliam, Brian J. Paul, and Andrea Roberts Pierson, *Faegre Drinker Biddle & Reath, LLP.*, Indianapolis; Nicholas G. Brunette and Anthony L. Holton, *Reminger Co., L.P.A.*, Indianapolis; Asher B. Griffin, Michael Lifrak, Alex Spiro, and Ellyde R. Thompson, *Quinn Emanuel Urquhart & Sullivan, LLP.*, Austin, TX and New York, NY (all for Tesla, Inc.); Lisa A. Baron, *Knight Hoppe Kurnik & Knight, Ltd.*, Merrillville, for Kaszuba
Verdict: \$60,687,491 for plaintiff less 30% comparative fault
County: **Marion**, Superior
Judge: Marianne L. Vorhees,
3-13-24

In April of 2017, Kyle Kaszuba, then age 37, was working as a service assistant for Tesla, Inc. at the company's location at 8280 Castleton Corner Drive in Indianapolis. In order to complete one of his assigned duties, Kaszuba had been allowed by his supervisor to take a company vehicle home with him on the evening of 4-24-17.

The next morning, on 4-25-17, Kaszuba was returning to work in the company-owned 2014 Ford F250 service truck. Tesla had an informal rule that company-owned vehicles should be returned with full gas tanks. In conformity with that rule, Kaszuba decided to stop along the way at a gas station to fill the tank.

Kaszuba's route took him east on Rockville Road in Indianapolis. Up ahead was a Speedway station at which Kaszuba had stopped many times in the past. He decided that was the station where he would buy his gas.

Kaszuba noticed there was a long line of vehicles in the center turn lane, so he made the decision to avoid the line by making a left turn across a double yellow line and two lanes of traffic and pulling into a parking lot adjacent to the Speedway station. He knew from experience that this was a maneuver that many people routinely made at this location.

At just that moment, Christopher Dugan approached from the opposite direction on a 2015 Harley-Davidson motorcycle. Dugan happened to be behind a white pickup truck. Due to that positioning, together with glare from the sun, Kaszuba was unable to see Dugan.

Kaszuba began his left turn just as Dugan became visible to him. By that time, however, it was too late for Kaszuba to apply his brakes to avoid a collision. In the next instant, he broadsided Dugan's motorcycle. Dugan suffered catastrophic injuries

expenses climbed to \$789,051.

Kline filed suit against Stein and blamed him for failing to yield the right-of-way and thereby causing the crash. Kline's wife, Cathy Kline, also presented a derivative claim for her loss of consortium. Plaintiffs additionally made an underinsured motorist claim against their own insurer, Erie Insurance. Finally, plaintiffs named Joel and Beth Stein as co-defendants for negligently entrusting their vehicle to Matthew.

Plaintiffs later stipulated to the dismissal of their claims against Joel and Beth Stein, as well as to their UIM claim against Erie Insurance. The litigation proceeded thereafter solely on the claim against Matthew Stein.

Stein admitted 100% of the fault for the crash but disputed the nature, extent, and causation of Kline's claimed injuries. In particular, Stein argued that most, if not all, of Kline's claimed injuries were pre-existing. Stein also accused Kline of failing to mitigate his damages.

The defense identified two IMEs, both of whom did records reviews. The defense experts were Dr. Marc Duerden, Physical Medicine, Indianapolis; and Dr. James Hardacker, Orthopedic Spinal Surgery, Carmel.

The case was tried solely on the issue of damages for four days in Wabash. The jury returned a mixed verdict for plaintiffs. Todd Kline was awarded damages of \$70,000, while Cathy Kline was awarded \$0 on her consortium claim. The court entered a judgment that reflected the verdict, and it has been satisfied.

Case Documents:

[Pretrial Order](#)

[Trial Minutes](#)

[Jury Verdict](#)

Civil Rights - An apartment tenant claimed his landlord discriminated against him in violation of the Indiana Fair Housing Act by not renewing the tenant's lease because he had too many children; the landlord claimed the lease was not renewed because the tenant had a history of being repeatedly late in paying the rent

Russell v. Drummond, et al.,

53C04-1908-PL-1908

Plaintiff: Frederick S. Bremer,
Indiana Civil Rights Commission,
Indianapolis

Defense: Ryan Joshua Guillory,
McNeely Law, LLP., Shelbyville

Verdict: Defense verdict on liability

County: **Monroe**, Circuit

Judge: Catherine Stafford
(Special Judge), 12-7-23

In June of 2016, Matthew Russell leased an apartment in a building located at 6529 South Fairfax Road in Bloomington. The property was owned by William Drummond through his company, Drummond Management, LLC. The company Drummond hired to manage the property was Hallmark Rentals and Management, LLC.

Russell lived in the apartment for two years until June of 2018 with five minor children. On 4-2-18, approximately two months prior to the end of his lease, Russell received an email informing him that his apartment was going to be shown to a new prospective tenant.

On that same day, Russell asked to renew his lease. However, he received no reply. When he went to the rental office to pay his rent, Russell again asked to renew his lease. He was informed that he had to speak with Drummond personally about the matter.

The next day, on 4-3-18, Russell received an email from Hallmark denying his request to renew his lease. Later that same day Russell spoke by telephone with Drummond, who initially claimed the decision not to renew the lease was due to problems collecting rent from Russell. Later in the call Drummond stated that he never wanted to rent to Russell in the first place because Russell had too many children.

Two weeks later, on 4-17-18, Drummond made an offer to renew the lease. By that time, however, it was too late because Russell had already made arrangements to purchase a house. Yet that would not be the end of the matter.

Russell filed a complaint with the Indiana Civil Rights Commission and alleged that Drummond had discriminated against him based on his familial status in violation of the Indiana Fair Housing Act. The Commission, in turn, filed suit against Drummond, his company, and Hallmark for engaging in discriminatory practices.

The Drummond entities and Hallmark defended the case and denied the decision not to renew the lease was motivated by discrimination. One initial line of defense they employed was to invoke the Indiana Comparative Fault Act.

In particular, defendants sought to place the blame on both Russell himself and on a non-party identified as Brawley Property Management. The record does not describe the role that Brawley Property Management allegedly played in the matter.

In any event, plaintiff retorted that the case was about discrimination, and discrimination claims are not fault-based. The court agreed and, in a case of first impression, ruled that