

The Indiana Jury Verdict Reporter

The Most Current and Complete Summary of Indiana Jury Verdicts

April 2026

Statewide Jury Verdict Coverage

27 IJVR 4

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.

Medical Malpractice - An orthopedic surgeon performed a multi-level spinal fusion surgery on an 80 year-old man who had a history of back pain; the patient later came to believe the surgery had been unnecessary and driven by the surgeon's financial relationship with the company that manufactured the hardware that had been used in the surgery

Kittleson v. Hyder,
45D11-2302-CT-131
Plaintiff: Theodore L. Stacy,
Valparaiso
Defense: Alyssa Stamatakos and
Allison P. Morgan, *Eichhorn & Eichhorn, LLP.*, Hammond
Verdict: Defense verdict on liability
County: **Lake**, Superior
Judge: Michael N. Pagano
(Senior Judge), 1-28-26

In the early weeks of 2018, Walter Kittleson, then age 80, was suffering from persistent low back pain. He consulted on the matter several times with an orthopedic surgeon, Dr. Zeshan Hyder in Dr. Hyder's office in Crown Point.

Ultimately, Dr. Hyder recommended a three-level spine fusion surgery. There would later be some disagreement about whether or not Dr. Hyder had gotten Kittleson's informed consent for the procedure. In any event, Dr. Hyder performed the surgery on 2-26-18 and utilized hardware manufactured by a company called Life Spine.

Although Dr. Hyder contends that Kittleson tolerated the surgery well and that it alleviated Kittleson's

pain, Kittleson himself came to believe the surgery had been unnecessary. In particular, Kittleson believed that Dr. Hyder was a paid consultant and representative of the Life Spine company and thus had a conflict of interest.

It is worth noting that the U.S. Department of Justice conducted an investigation into the Life Spine company's alleged practice of paying kickbacks to spine surgeons for using the company's products between 2012 and 2018. These alleged kickback arrangements accounted for approximately half the company's domestic sales during that period. In 2019 the Department of Justice settled the matter with Life Spine and fined the company \$6 million.

Kittleson presented his case to a medical review panel comprised of three orthopedic surgeons. They were Dr. John Chambers of Carmel, Dr. Philip Sailer of Indianapolis, and Dr. Kevin Rahn of Fort Wayne. Kittleson argued that Dr. Hyder had performed unnecessary surgery on him and had failed to get his informed consent for the surgery.

The medical review panel issued the unanimous opinion that there existed a material issue of fact bearing on liability and not requiring expert opinion regarding concerning "the indications for the surgery." In essence, the medical review panel punted.

Kittleson filed suit against Dr. Hyder and reiterated his claims as noted above. In addition to arguing

with a nurse on a regular basis. Finally Centurion Health noted that Appleton ultimately had a successful outcome with his ankle, the delay in his recovery being related not to deliberate indifference but instead his underlying diabetes and failure to manage his weight.

This case was tried for two days in Terre Haute. Appleton had received appointed counsel after surviving summary judgment which assisted him at trial. The jury's verdict on the deliberate count was "no" as to all five defendant nurses and there was no award of damages. A defense judgment was entered and there was no appeal.

Case Documents:

[Plaintiff Synopsis of Case](#)

[Defense Synopsis of Case](#)

[Summary Judgment Order](#)

[Jury Instructions](#)

[Jury Verdict](#)

Historical Verdict

Truck Negligence - The plaintiff, a Harvard Medical School graduate and surgeon-to-be, had his career derailed by a collision with a tractor-trailer that left him with a broken neck – a 1962 jury in Evansville awarded the plaintiff a then-record \$55,000 verdict which was affirmed on appeal

Powers v. Kampo Transit, 20,066

Plaintiff: John H. Jennings,

Evansville

Defense: Joe S. Hatfield, Evansville

Verdict: \$55,000 for plaintiff

County: **Vanderburgh**

Judge Benjamin Bunte

Date: October 25, 1962

James Powers, then age 25, was a promising young surgeon from Evansville on 6-28-60. He'd just graduated from Harvard Medical School. Powers was driving to St. Louis to begin a surgical residency. As he proceeded on U.S. 41 near Hazelton in Gibson County, an oncoming trucker, Lyle Thorson for Kampo Transit, crossed the centerline and struck the Powers vehicle.

Powers was left with a broken neck. Powers dropped out of the surgical residency and later attempted a different surgical residency at UNC-Chapel Hill. He lasted a year before his injuries forced him to withdraw. Powers shifted from being a surgeon to a research position.

Powers sued Kampo Transit in Vanderburgh County and sought damages. The jury found for him after a three-day trial in October of 1962. He was awarded damages of \$55,000. It was described as a then-record verdict for Vanderburgh

County.

Kampo Transit took a broad appeal that challenged the jury instructions and the excessiveness of the verdict. The Indiana Court of Appeals affirmed in November of 1965, *Kampo Transit v. Powers*, 211 N.E.2d 781.

A somewhat similar case was tried nearly 40 years later in Evansville. The plaintiff, Gregory Loomis, age 46 and a neurosurgeon earning a \$1,000,000 per year, fell in the pantry at St. Mary's Hospital. He suffered RSD symptoms that ended this medical career.

The case was tried in July of 2001 before Judge Trockman. The jury awarded the doctor a general award of \$16,950,000 in *Loomis v. St. Mary's Medical Center*. **See** Case No. 788. The plaintiff was represented by Gregory Bubalo, Louisville. The hospital's counsel was D. Timothy Born of Evansville.

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