

The Indiana Jury Verdict Reporter

The Most Current and Complete Summary of Indiana Jury Verdicts

May 2025

Statewide Jury Verdict Coverage

26 IJVR 5

Unbiased and Independently Researched Jury Verdict Results

In This Issue

Marion County

Truck Negligence - \$1,043,460 p. 1

Defamation - Defense verdict p. 9

Dearborn County

Med. Malpractice - Defense verdict p. 3

Lake County

Auto Negligence - \$100,000 p. 4

Federal Court - Indianapolis

Wrongful Termination - \$269,218 p. 5

Hamilton County

Auto Negligence - Defense verdict p. 7

Johnson County

Underinsured Motorist - \$200,000 p. 9

A Notable Kentucky Verdict

Louisville, Kentucky

Premises Liability - \$454,581 p. 11

Civil Jury Verdicts

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

Truck Negligence - A woman was injured in a right-of-way intersection crash with a truck pulling a flatbed trailer; the jury assigned 100% of the fault to the trucker and his employer and awarded plaintiff substantial damages

Tragesser v. Fuson, et al.,
49D11-2203-CT-7503

Plaintiff: Whitney K. Beck, *The Beck Law Office*, Kokomo

Defense: Karl G. Popowics, *Goodin Abernathy, LLP.*, Indianapolis

Verdict: \$1,043,460 for plaintiff

County: **Marion**, Superior

Judge: A. Richard Bliaklock,
2-13-25

On 10-2-20, Abbi Tragesser, then age 33, was driving south on Zionsville Road in Indianapolis. At the same time, a dump truck being driven by Mackenzie Fuson was approaching from the opposite direction. The dump truck was owned by Fuson's employer, Case Construction, Inc., and Fuson was on the job at the time.

At the intersection with 80th Street, Fuson attempted to make a left turn to go west. He did so in Tragesser's path, and the two collided. Fuson would explain he simply didn't see the bright yellow box truck. He admitted fault.

The collision was a hard hit and Tragesser's rental box truck suffered



An overhead picture depicting the scene of the Tragesser accident

*****Order the 2024 IJVR Year in Review*****

It's time to order - Shipping this month

The IJVR 2024 Year in Review

(The 25th Edition)

This remarkable volume summarizes 5,200-plus civil jury verdicts in Indiana dating to 2000. It is the essential tool for lawyers that try or settle cases, parsing all the results by case type, region, judge, injury and so on – products liability, premises liability, medical cases – all sorted and categorized on a twenty-four basis.

Order the IJVR 2024 Year in Review

This volume is just \$469.00 (\$419.00 special online)

Call us toll-free at 1-866-228-2447 to pay by credit card

Available in both a Print Edition and PDF Format

[Order Online](https://store.juryverdicts.net) at store.juryverdicts.net

public school system recognized his work at Edison and declared that it represented a model for turning around failed schools. There was also proof that Tuttle was in the midst of a three-year contract. At this time Edison had a mostly (88.3%) population of black students. This would be important to what happened next.

On the 3-2-23, Tuttle walked by a group of eighth-grade students. He heard one child refer to another by the n-word with a *soft a*. Tuttle (who is white) corrected the boy that the use of this word was inappropriate. He also explained that the n-word with a *hard r* was equally inappropriate. Tuttle directed the child to the school's "Learning Center" to be disciplined. When Tuttle provided this correction (in front of several students), he didn't use the modern euphemism for the n-word. He said the n-word itself (both *soft a* and *hard r*) in describing that using that word is inappropriate.

A firestorm erupted immediately. Edison parents quickly received alarming texts from their children that Tuttle had referred to them as the n-word. Tuttle apologized for using the word in this context. That wasn't the end of it.

The next day the outraged students held a protest. Several days later the school's governing board held a special meeting. Tuttle was raked over the coals at this hearing and at the protest. The criticisms of him were not limited to just his use of the n-word. Tuttle (who is openly gay and married) was also subjected to homophobic signs that indicated "No More Homo." The local media attention was intense, and a week later on 3-14-23, Tuttle was fired at a hearing. He alleged he received no

Wrongful Termination - A principal at a charter school was dismissed after she disciplined students who used the n-word (soft a) by instructing them that the use of the n-word (soft a or hard r) was inappropriate and in so doing, she didn't utilize the moniker "n-word" but instead said that word – a firestorm of outrage erupted (the mostly black students at the school were shocked), and within days the school held a hearing and fired the principal – the principal sued and alleged a breach of contract among other counts related to the firing, and the matter settled in advance of trial for \$269,218, which included the principal's attorney fees

Tuttle v. Edison School for the Arts,
1:23-1892

Plaintiff: Christopher E. Clark,
Goodin Abernathy, Indianapolis

Defense: Alex Emerson, *Coots Henke & Wheeler*, Carmel

Verdict: \$269,218 for plaintiff
(Settled)

Federal: **Indianapolis**

Judge: Matthew P. Brookman,
4-14-25

Nathan Tuttle was employed as the principal at the Edison School for the Arts. The K-8 school in Indianapolis is operated by the public school system via a charter to the Innovation Network School. The idea is that a charter school can be more effective because it is unconstrained by rules, regulations, due process, and collective bargaining. This leads, purportedly, to innovation and turning around badly failing schools. Before it was a charter school, Edison had performed poorly.

There was proof that Tuttle was effective in his job. In early 2023 the