

The Indiana Jury Verdict Reporter

The Most Current and Complete Summary of Indiana Jury Verdicts

August 2026

Statewide Jury Verdict Coverage

27 IJVR 8

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.

Workplace Negligence - A

truck driver picking up a load of steel plates from a warehouse alleged a warehouse supervisor negligently released a load binder, causing a metal bar to strike the driver's foot; the injury ultimately resulted in the partial amputation of the driver's left big toe and the development of career-ending complex regional pain syndrome

Mischka v. Steel Warehouse of Burns Harbor, LLC., 64D05-2401-CT-274

Plaintiff: Brian N. Custy and Andrew G. Brown, *Custy Law Firm*, Valparaiso; and Michael D. Carter, *Murphy Carter Gilbreth Enright*, Chicago, IL

Defense: George C. Lepeniotis and Hillary N. Buchler, *Krieg DeVault, LLP.*, Mishawaka/Crown Point; and John T. Sanker, III, *Amundsen Davis, LLC.*, Chicago, IL

Verdict: \$19,300,000 for plaintiffs (allocated \$18,500,000 to Brian Mischka and \$800,000 to Wendy Mischka on her consortium claim)

County: **Porter**, Superior

Judge: Jeffrey L. Thode, 7-10-26

In 2023 a company called Steel Warehouse of Burns Harbor, LLC. was operating as a supplier of steel sheets, coils, and plates to various

industrial customers. One of the company's locations was at 6780 Water Way Drive in Portage.

On 1-19-23, the company needed to deliver a load of steel plates to a customer in Lexington, KY. Steel Warehouse hired a trucking company called Larry Wheeler & Sons, Inc. to make the delivery. Larry Wheeler assigned one of its drivers, Brian Mischka, then just a week shy of his 51st birthday, to do the job.

Mischka pulled his tractor-trailer into the Steel Warehouse facility in Portage to pick up the load of steel plates. Given that each load of plates weighed approximately 42,000 pounds, a crane was used to transfer them onto Mischka's trailer. The crane was operated by a Steel Warehouse employee.

Allegedly, the crane had not been properly maintained, and so it now required the use of chains to hold the steel plates in position during the loading process. The chains, in turn, were tightened with "binders" that seem to have been operated with a lever.

The loading process itself proceeded without apparent difficulty. However, once the load was placed on Mischka's trailer, the lever could not be operated to release the binders because they were still under tension due to the weight of the steel plates.

The crane operator asked for assistance from his supervisor and fellow Steel Warehouse employee, William McNorton. McNorton chose to deal with the problem by using a

Featured in the August 2026 edition

Floyd County - Underinsured Motorist - \$825,000

π John L. Smith/ Δ Benjamin Stevenson

Monroe County - Auto Negligence - \$716,806

π Betsy Greene / Δ Deanna M. Marzian Tucker

Civil Rights - An inmate alleged he was roughed up as he was placed in a mechanical restraint after an "extraction team" was called to his cell after he refused to remove an object that was blocking a camera looking into his cell

Davis v. IN Department of Corrections, 2:24-310

Plaintiff: Rachel B. Dever and Liberty L. Roberts, *Church Church Hittle & Antrim*, Noblesville

Defense: E. Ryan Shouse and Elijah B. Mollet, *Lewis & Wilkins*, Indianapolis

Verdict: Defense verdict on liability

Federal: **Indianapolis**

Judge: James R. Sweeney, II, 7-20-26

Omar Davis was an inmate on 3-20-24 at Wabash Valley Correctional Facility. He is serving a 65 year sentence out of Marion County for two counts of attempted murder. On this date Davis was naked in his cell. He wanted a little privacy and placed an object over the camera that looked into his cell. Jail officials did not appreciate this. Mason was ordered to remove it. He did not comply.

An extraction team was called in to remove Davis from his cell. The plan was to enter the cell, control Davis and then place him in a mechanical restraint. Davis alleged that two of his jailers, Sergeant Jeremy Wolke and Officer Mark Murray, punched, kicked and stomped on Davis after he was restrained. It was also alleged the mechanical restraint was roughly applied.

Davis filed this pro se lawsuit against the Department of Corrections and alleged that Wolke and Murray had violated his 8th Amendment rights. He sought compensatory damages – the jury alternatively award him nominal damages. The jury could also impose

punitive damages. The jailers denied it all.

As the trial approached the court appointed counsel to represent Davis. While this was a Terre Haute filed case, it was tried in Indianapolis. The jury rejected the plaintiff's claim and there was no award of damages. A defense judgment was entered and Davis (now pro se again) has taken appeal.

Case Documents:

[Case Synopsis](#)

[Jury Verdict](#)

Historical Verdicts

Wrongful Death - A father, his teenage son and a nephew died on a hunting trip of asphyxiation because of a faulty gas heater in their trailer

Whitenack v. Comanche Mobile Homes

Verdict: \$112,000

County: **Marshall**

Date: January 12, 1970

Donald Whitenack a farmer aged 38 and his teenage son, Denny, went on a Thanksgiving hunting trip in 1964. Their nephew, Ronnie, a local school teacher, joined them. They were all from Portland, IN. The hunt was conducted in the Hoosier National Forest (Brown County) near Becks Grove.

The hunting party did not return at the end of the weekend. They were discovered dead in their hunting trailer. It was a Comanche Mobile Homes manufactured trailer. The cause of death was asphyxiation because of a faulty gas heater valve.

The Whitenack plaintiffs (representing the widow, Arlene) sued Comanche and presented a products liability theory. Comanche denied fault. The case advanced to

trial in January of 1970 and was venued from Elkhart County to Marshall County. The proof was introduced over 14 days. The jury then deliberated for 12 hours in a marathon session from 4:45 p.m. to 4:45 a.m. the next morning.

The verdict for the plaintiffs totaled \$112,000. It is not clear how the verdict was broken down between the plaintiffs. That \$112,000 would be close to \$1,000,000 in 2026 dollars. It is not known who the trial judge was, who represented the parties and what was the final resolution of the matter.

Wrongful Death - The plaintiff was killed in a right-of-way collision when an Evansville banker turned into his path – a Princeton jury in 1955 awarded the plaintiff \$14,000 which just under the then-prevailing statutory limit of \$15,000

Bethe v. Enlow

Plaintiff: John Jennings, Evansville

Defense: Lawyer from *McCrary Merrill & Clark*, Evansville

Verdict: \$14,000 for plaintiff

County: **Gibson**

Date: June 6, 1955

Charles Enlow, a civil leader, took his wife and friends to dinner on the evening of February 15, 1954. He was the Chairman of the National City Bank and also headed the Toll Road Commission. Enlow and his wife (and two friends) ate at the restaurant at the Dress Memorial Airport. Having finished dinner they were returning to town.

Enlow came to a stop sign at the superior U.S. 41. He thought it was clear. What Enlow didn't see was the approaching Billy Bryan Bethe. Bethe, age 31, worked for a coal company. Enlow pulled out in front of Bethe. A collision occurred and the Bethe car rolled over. Bethe suffered significant

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