

The Indiana Jury Verdict Reporter

The Most Current and Complete Summary of Indiana Jury Verdicts

September 2025

Statewide Jury Verdict Coverage

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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 - A 43 year-old man suffering chest pains presented to a cardiologist who diagnosed unstable angina and then discharged the man home; after the man suffered a heart attack five days later, he blamed the cardiologist for failing to diagnose and treat his coronary artery disease

Ferguson v. Banuru,

82C01-2011-CT-5089

Plaintiff: D. Tysen Smith, II and Kris Mullins, *Smith Mullins, PLLC.*, Louisville, KY

Defense: Clay A. Edwards and Morgan N. Blind, *O'Bryan Brown & Toner, PLLC.*, Louisville, KY

Verdict: Defense verdict on liability
County: **Vanderburgh**, Circuit
Judge: Celia Pauli, 8-21-25

On 2-17-18, John Ferguson, then age 43, was admitted to Deaconess Hospital in Evansville with complaints of chest pains. While there he came under the care of cardiologist Dr. Sridhar Banuru. Although Dr. Banuru could have ordered an exercise stress test, he instead opted to perform a "Lexiscan" test.

A Lexiscan test is a type of stress test that involves injection of a pharmacological agent followed by special imaging and is used on patients who cannot take an exercise stress test. Based on Ferguson's presentation and the results of the Lexiscan test, Dr. Banuru diagnosed him with unstable angina and elected to manage the condition medically.

Dr. Banuru discharged Ferguson home the following day on 2-18-18 without any further intervention. Five days later on 2-23-18, Ferguson presented to the Owensboro Hospital and was in the grip of a medical emergency. It was soon determined he was experiencing a myocardial infarction. That is, Ferguson was having a heart attack.

The medical team swung into action and performed a catheterization followed by the placement of stents. These measures saved Ferguson's life, but the ordeal has left him with disabling injuries. Among other things, Ferguson suffered an anoxic brain injury, a stroke, a pseudoaneurysm, neuropathy, and now has chronic pain and weakness as well as erectile dysfunction. His medical expenses totaled \$435,918.

Ferguson and his wife, Andrea Ferguson, presented their case to a medical review panel comprised of three cardiologists. They were Dr. Michael Robertson of Indianapolis, Dr. Andrew Fouts also of Indianapolis, and Dr. Peter Nechay of Kokomo.

According to the Fergusons, Dr. Banuru should have ordered an exercise stress test rather than the Lexiscan test, and he should have performed a catheterization during Ferguson's initial visit. Had Dr. Banuru taken these measures, the true nature of Ferguson's condition would have been discovered and appropriate interventions would have prevented his injuries.

the case and denied any violation of either statute or policy. According to the city, the pursuit was entirely reasonable and conducted in full accord with all relevant laws and established procedures.

The city denied breaching any duty owed to Johnson-Neher, and it blamed the crash and her death on the actions of Lottie in fleeing the police, running the stop sign, and crashing into her. The identified defense experts included John Ryan, Police Practices, Indianapolis.

The case was tried for three days in South Bend. The jury returned a verdict for the City of Mishawaka, and the court entered a defense judgment.

Case Documents:

[Complaint](#)

[Plaintiff Police Expert Report](#)

[Accident Report](#)

[Defense Summary Judgment Motion](#)

[Plaintiff Summary Judgment](#)

[Response](#)

[Summary Judgment Order](#)

[Pretrial Order](#)

[Jury Verdict](#)

Historic Indiana Verdict

Truck Negligence - The plaintiff, a trucker for a Kroger subsidiary, was standing next to his truck when he was nearly crushed to death by another Kroger trucker who was backing another trailer – the plaintiff sued Kroger and alleged negligence by the second trucker – at a 1999 trial the plaintiff took a raw award of \$68.75 million less 20% comparative fault for a net result of \$55,000,000, the result later being affirmed at the Court of Appeals, and after the Indiana Supreme Court denied a petition to transfer and the U.S. Supreme Court denied discretionary review in 2002, Kroger paid a total of \$67,000,000 which included the raw verdict plus interest

Stanton v. Kroger, 49D10-9506-CT-989

Plaintiff: Thomas Hamer, Anderson, David Dorris, Bloomington, IL; and Jon Krahulik, Indianapolis (Krahulik argued the case on appeal)

Defense: Karl Mulvaney and David Campbell, *Bingham Summers Welsh & Spillman*, Indianapolis; and Julia B. Galinas and Kevin C. Schiferl, *Locke Reynolds*, Indianapolis

Verdict: \$68,750,000 for plaintiff less 20% comparative fault

Court **Marion (Superior)**

Judge: Richard H. Huston

Date: September 16, 1999

Jerry Stanton, then age 48, worked on 5-6-95 for Gateway Freight Line as a trucker. The company is a wholly owned subsidiary of Kroger. That day Stanton drove to Indianapolis from a dairy in a truck with empty milk containers. He parked at Kroger's distribution center. A moment later he took a

break and was standing outside his big rig.

At the same time a trucker for Kroger, Ira Ritter, was backing up a truck tractor to connect to a parked trailer. Ritter didn't see that Stanton was standing in the way. Stanton didn't appreciate the danger either. Ritter backed into Stanton and crushed him between the truck and the trailer. The impact was so severe that Stanton was nearly cut in too.

Stanton's injuries were catastrophic. He had an open book pelvic fracture as well as broken ribs, a collapsed lung, and lost vision in one eye. He was hospitalized for 243 days and underwent 55 surgeries. His recovery, such as there was one, was grueling and made more complex by infections and other complications. His medical bills and lost wages were stipulated at \$1,281,741.

Stanton's injuries were unquestionably severe and permanently life-altering. It would be difficult to overstate their severity. The formerly active Stanton (hunting, fishing, and coaching Little League baseball) was thereafter mostly confined to a wheelchair.

Stanton and his wife (Alfie) filed this lawsuit against Kroger and alleged negligence by Ritter in backing into him. Kroger had two key defenses. The first was to cite worker's compensation exclusivity as Stanton was working for a Kroger subsidiary. The motion was denied. Kroger also implicated Stanton's own comparative fault.

The case came to trial four years after the accident in September of 1999 in Indianapolis before Judge Huston. The trial lasted eight days. The jury returned a raw verdict for Stanton in the sum of \$68,750,000 (a record personal injury result in

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