

# The Indiana Jury Verdict Reporter

The Most Current and Complete Summary of Indiana Jury Verdicts

November 2023

Statewide Jury Verdict Coverage

24 IJVR 11

*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 Negligence - A 62 year-old man visited a surgical facility to undergo a quadriceps tendon repair; after the man suffered a seizure and died while being prepped for the surgery, his estate blamed his death on an allergic reaction to an antibacterial medication he had been given**

*Estate of Wooldridge, et al. v. Kuo, et al.*, 10D06-2204-CT-45

Plaintiff: H. Philip Grossman, *Grossman Green, PLLC.*, Louisville, KY; and Michael R. Hance, *Hance & Srinivasan, PLLC.*, Louisville, KY  
Defense: Jeffrey L. Hansford, *Boehl Stopher & Graves, LLP.*, New Albany; and John A. Sheffer, *Sheffer Law Firm, PLLC.*, Louisville (both for Advanced Regional Surgery Center, LLC.);

David S. Strite and Nicholas J. Davis, *O'Bryan Brown & Toner, PLLC.*, Louisville, KY (for Dr. Daniel Kuo)  
Verdict: Defense verdict on liability  
County: **Clark**, Superior  
Court: J. Williams, 10-4-23

In the morning of 8-8-18, Brian Wooldridge, age 62, presented to the offices of Advanced Regional Surgery Center, LLC. (hereinafter, "ARSC") in Jeffersonville.

Wooldridge had been referred there by his personal physician to undergo a quadriceps tendon repair. Anesthesia for the procedure would be provided by Dr. Daniel Kuo.

As part of the preparation for the surgery, Wooldridge was given 200 mg of Celebrex (a non-steroidal anti-inflammatory) that he took by mouth. Approximately twenty minutes later he was given an

intravenous infusion of vancomycin, an antibacterial that is commonly prescribed to surgical patients.

About five minutes after the administration of the vancomycin had begun, and before it was even completed, Wooldridge began complaining of shortness of breath and nausea. He also began gagging, and he fell back in bed in an apparent seizure.

Dr. Kuo was summoned, and he ordered the vancomycin to be stopped immediately. Wooldridge was then intubated, given epinephrine, and transferred to EMS. Wooldridge was taken to Clark Memorial Hospital where further measures were taken to revive him. However, those measures proved ineffective, and Wooldridge was pronounced dead at 11:31 am.

Wooldridge was survived by a daughter, Sienna Wooldridge, and a son, Simon Wooldridge. As the administrator of her father's estate, Sienna presented the matter to a medical review panel and was critical of the care Wooldridge had received from Dr. Kuo and ARSC.

The panel members were Dr. John Farrell, Anesthesiology, Lafayette; Dr. Glen Flaningham, Anesthesiology, Greenfield; and Amy Stawick, RN, Indianapolis. The estate argued that Wooldridge had died from an allergic reaction to the vancomycin. This, in turn, was made possible by the negligence of Dr. Kuo and ARSC in administering the vancomycin in the first place and not

Herald filed suit against Overstreet and blamed her for crashing into him. He also presented an uninsured/underinsured motorist claim against his own insurer, State Farm. Overstreet admitted fault for the crash but disputed the nature and extent of Herald's claimed injuries.

In particular, Overstreet noted that Herald had a lengthy history of pre-existing medical conditions, car crashes, and work-related injuries. She attributed his claimed injuries to those conditions. The identified defense IME was Dr. Philip Sailer, Orthopedic Surgery, Indianapolis.

The case was tried in Indianapolis in a single day solely on the issue of damages. The jury returned a verdict for Herald and awarded him damages of \$10,000. The court entered an initial judgment for that amount.

Prior to trial Overstreet had made a qualified settlement offer of \$57,000. She filed a post-trial motion for \$1,000 in attorney fees based on Herald's rejection of the offer. The court granted the motion and entered an amended judgment for Herald in the amount of \$9,000, plus costs. The judgment has been satisfied.

**Case Documents:**

[Jury Verdict](#)

[Final Judgment](#)

**Safe Moving Negligence - Plaintiff had purchased a safe from a farm and home supply store and was loading it onto his truck with the help of two store employees; when plaintiff's index finger was severely injured during the loading process, he blamed the incident on the alleged negligence of the two employees**

*Fernandez v. Rural King Holdings, LLP.*, 41D01-2303-CT-37

Plaintiff: Troy K. Rivera, *Ken Nunn Law Office*, Bloomington

Defense: Heath E. Uppencamp, *Heller Holmes & Associates, P.C.*, Mattoon, IL

Verdict: Defense verdict on comparative fault

County: **Johnson**, Superior

Court: J. Barton, 9-20-23

On 2-21-21, Eduardo Fernandez was a customer at the Rural King store located at 860 U.S. 31 in Greenwood. Rural King is a chain of farm and home supply stores. On this day Fernandez had purchased a large safe at Rural King and was now faced with the task of transporting it.

Two of Rural King's employees, Aaron Woodard and Seth Hart, helped Fernandez load the safe into Fernandez's truck. Disaster struck during this process, and Fernandez's index finger was smashed. In fact, the injury was so serious that the finger was nearly severed.

Fernandez underwent a surgical repair of the injury and was subsequently off work for 10 weeks while he recuperated. The record does not reveal the amount of his medical expenses.

Fernandez filed suit against Woodard and Hart and blamed them for negligence in helping him load the safe onto the truck. According to Fernandez, it was that negligence

that was the cause of his injury. He also targeted Rural King on a theory of vicarious liability.

It is not clear from the record whether the claims against Woodard and Hart survived to trial. However, Rural King defended the case and blamed Fernandez's injury on his own comparative fault. Additionally, Rural King pled an incurred risk defense.

The case was tried for two days in Franklin. The jury deliberated for one hour and forty-two minutes before returning a verdict in which fault was allocated 51% to Fernandez and the remaining 49% to Rural King. Based on the allocation of fault, the court entered a defense judgment.

Fernandez's final settlement demand prior to trial had been for \$70,000. Rural King's final settlement offer had been for \$35,000.

**Case Documents:**

[Jury Verdict](#)

[Final Judgment](#)