



Jury Trial Robert B. Clemens Highlights

Rebecca Brandewyne, et al. v. Author Solutions d/b/a Authorhouse, Eighteenth Judicial District, District Court, Sedgwick County, Kansas, Case No. 04-CV-4363; Plaintiff claimed defamation, outrage and invasion of privacy for the publication of a book. Plaintiffs' lowest demand \$1M+; Defendant's highest offer \$100K. Plaintiffs asked the jury for \$2.5M. Verdict was for Plaintiffs in the amount of \$230K.

George Rich v. Emmis Indiana Broadcasting, L.P., et al., Marion Superior Court No. 12, Cause No. 49D10-0202-CT-000241; Defended Radio Station WENS for alleged negligence in selecting a site for a public fireworks display which caused a fire on the roof of Plaintiff's office building. Plaintiff's lowest demand was \$1.5M, and Plaintiff refused a \$140K offer. Plaintiff asked the jury for \$5M to rebuild the office building, and the jury returned a defense verdict in favor of Emmis and its Co-Defendant, the fireworks company.

Rodney L. Dorsey and Jailynn Dorsey v. Brandi S. Berry, Johnson Superior Court, Cause No. 41D01-0307-CT00025; On five days notice, Robert B. Clemens defended a driver whose liability had previously been determined by the Court as to an automobile/motorcycle collision (\$23K in meds and alleged permanent impairment); \$100K limits last demand; Plaintiff refused a \$45K offer, and asked the jury to award \$250K in damages; jury verdict was for \$38K, \$7K less than the insurer's prior offer.

David Ware v. Myrtle Brocks, Marion County Superior Court No. 10, Cause No. 49D10-0211-CT002047; defended landlord for allegedly providing defective ladder which caused Plaintiff to suffer severe spinal injuries following fall. (\$165K in meds and total disability); \$3M final demand, \$100K policy limits final offer, jury trial with verdict in favor of Defendant.

Greg F. Smith, et al., Royal Specialty Insurance Company, et al., Fulton County Circuit Court, Cause No. 25C01-0006-CT000189; defended underinsured motorists claim for allegedly disabling injuries (\$75K in meds and 18% PPI); \$725K final demand, \$250K final offer, \$215K jury verdict. (Interstate – now Fireman's Fund)

Jeremy Neely v. David Smith, Johnson County Circuit Court, Cause No. 41C01-9809-CT00309 (severe hand injuries); \$1.3M final pretrial demand; final offer \$150K; \$500K Plaintiff's verdict.

Estate of Wilford L. Orme, Deceased, by the Executrix, Belinda Orme v. Swifty Oil Co., Inc., United States District Court, Southern District of Indiana, Indianapolis Division, Cause No. IP98-1494-C H/G; defended suit claiming decedent was wrongfully terminated due health problems; jury trial with verdict in favor of Defendant.

Mickey Lanham v. Whitaker Trucking, et al., Wayne County Circuit Court, Cause No. 89C01-9608-CT000026 (alleged brain damage); \$3M final pretrial demand; final joint offer was \$450K; \$200 Plaintiff's verdict, with our client paying \$10K. (Northland – now Travelers)

L. James and Verna Williams v. Ellen Jenkins, Marion County Superior Court No. 7, Cause No. 49D07-9509-CT1389 (soft tissue injuries, aggravation of pre-existing arthritis, and detached retina with nearly complete loss of vision in one eye in admitted liability rear-end auto accident; \$22K in stipulated medical specials); (first chair for defendant); \$250K final pre-trial demand; \$80K final pre-trial offer. \$100K Plaintiffs' verdict. (St. Paul – now MetLife)

Hart v. MG Industries, Sullivan Circuit Court, Cause No. 77C01-9509-CP-0199 (closed head injury -- car/truck accident; \$32K stipulated medical specials for blowout fracture of right eye with scarring and disfigurement) First Chair for Defendants. \$750K final pre-trial demand. \$25K pre-trial offer. \$98K Plaintiff's verdict offset by \$100K prior payment from another tortfeasor, resulting in full satisfaction of judgment without payment from Defendant. (ESIS - TPA)

L. Adams v. DRK Trucking, Marion Superior Court 2; Cause No. 49D02-9310-CT1048 (Personal Injury -- Admitted liability; car/truck accident; \$35,000 stipulated medical specials for myofascial pain syndrome treatments.) First Chair for Defendants. \$155K final pre-trial demand. \$100K pre-trial offer. \$75K Plaintiff's verdict. (Northland – now Travelers)

Spivey v. Wright, Johnson Circuit Court; Cause No. 41C01-9110-CT236 (Personal Injury-Rear-end Collision, \$22K med specials for soft tissue injury) First Chair for Defendant. \$30K final pre-trial demand. \$15K Offer of Judgment. Defense verdict. (St. Paul – now MetLife)

Wooden v. Hannell, Boone Superior Court One; Cause No. 06D01 9201 CP25 (Personal Injury Amputation of Three Fingers) First Chair for Defendants. \$125,000 pre trial Demand. \$60,000 Offer in Mediation 6 weeks before trial. \$60,000 accepted on third day of trial. (Northland – now Travelers)

Kimball v. McCubbins, Johnson Circuit Court; Cause No. 41C01 8903 CT 100 (Personal Injury SC Joint Surgery) First Chair for Defendant. \$55,000 Demand. \$25,000 Offer of Judgment. \$22,950 Verdict. (St. Paul – now MetLife)

Hicks v. Hopkins, Johnson Superior Court; Cause No. 41D01 9102 CT 00064 (Personal Injury Fractured Pelvis and Back) First Chair for Co Defendant. \$70,000 Demand. \$15,000 Offer. \$12,000 Verdict against our Defendant. (St. Paul – now MetLife)

R. Jones v. Old Indiana, Boone Circuit Court; Cause No. 06C01 9002 CT 55 (Personal Injury) First Chair for Defendant. \$357,000 Demand. \$25,000 Offer. Defense Verdict. (Allied)

Berggren v. Strickland, Tippecanoe Circuit Court; Cause No. 79C01 8706 CP 363 (Personal Injury Brain Damage) First Chair for Co Defendant. \$100,000 Demand. \$75,000 offer. 3% allocation of fault resulting in \$2,400 verdict. (Colonial Penn)

Schaffer v. Stanton, et al., Tippecanoe Circuit Court; Cause No. 79C01 8809 CP 360 (Personal Injury) First Chair for Co Defendant. \$150,000 Demand. Settled for \$70,000 contribution to settlement package on third day of trial. (Farmers)

Nolan v. Kinsey, Shelby Circuit Court; Cause No. 73C01 8704 CP 121 (Personal Injury) First Chair for Defendants. \$120,000 Demand. Defense Verdict. (Economy)

Sparrow v. Henry, Scott Circuit Court; Cause No. 72C01 8709 CP141 (Wrongful Death) First Chair for Defendant. \$100,000 Demand. Settled for \$25,000 on second day of trial. (Economy)

Schilling v. American Community Mutual Insurance Company, Marion Superior Court; Cause No. S486 1180 (Bad Faith Insurance Claim Seeking Punitive Damages). First Chair for Defendant. \$30,000 Demand. \$10,000 Offer. Defense Verdict. (American Community)

Brummett v. Cox, Hancock Superior Court; Cause No. 30D01 8607 CP 211 (Personal Injury) First Chair for Defendant. \$45,000 Demand. \$15,000 Offer. \$3,600 Verdict for Plaintiff. (Farmers)

Arens v. Knot Here Lounge, Johnson Circuit Court; Cause No. 37,351 (Wrongful Death) First Chair for Plaintiff. \$2,875,000 Verdict for Plaintiff. (Plaintiff)

52 Jury Trials 7 involving deaths, 3 involving alleged brain damage, 3 involving quadriplegia, 1 involving amputation, 8 Car Truck collisions (4 with deaths). Significant settlements include several wrongful death and quadriplegia cases and the Hunt v. Old Indiana “train wreck case” (wrongful death and quadriplegia), settled in 1997.