

The Indiana Jury Verdict Reporter

The Most Current and Complete Summary of Indiana Jury Verdicts

March 2022

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.

Underinsured Motorist - Plaintiff was awarded damages that were nearly fifty-six times her incurred medical expenses for injuries she sustained in a sideswipe lane incursion crash with an underinsured motorist

Wormgoor v. State Farm,
49D05-1907-CT-28528

Plaintiff: Mark C. Ladendorf,

Ladendorf Law, Indianapolis

Defense: Bradley J. Schulz, *State*

Farm Litigation Counsel, Indianapolis

Verdict: \$1,050,000 for plaintiff

County: **Marion**, Superior

Court: J. Chavis, 9-15-21

Late in the evening of 11-9-17, Hannah Wormgoor, then age 22, was driving east on U.S. 35 in Gas City.

At the same time, a vehicle being driven by Christopher Vervaeet approached from the opposite direction. At a point near the intersection with Oaks Drive, Vervaeet drifted left of center and collided with Wormgoor.

It was a glancing blow, but the force was sufficient to spin Wormgoor's vehicle around. In the process, she hit her head on her vehicle's frame. Wormgoor did not go to the ER immediately after the crash. However, she later sought treatment that included physical therapy.

Wormgoor claimed the crash caused her to suffer injuries that included head trauma that resulted in post-concussive syndrome and ongoing migraine headaches, as well as widely-ranging soft-tissue symptoms. Although Wormgoor's

incurred medical expenses came to \$18,786, her medical providers ultimately accepted \$16,497 as payment in full for their services.

It turned out that Vervaeet was a Progressive insured with only \$25,000 in liability coverage. Progressive paid those policy limits, and Wormgoor pursued an underinsured motorist claim against her own insurer, State Farm. Wormgoor's policy with State Farm carried UIM coverage of \$100,000. Her identified IME was Dr. Ralph Buschbacher, Physical Medicine, Carmel.

State Farm admitted that Vervaeet was 100% at fault for the crash. Instead, the insurer disputed the nature, extent, and causation of Wormgoor's claimed injuries. Additionally, State Farm paid \$10,000 toward Wormgoor's medical expenses and also made an advance payment on liability in the amount of \$7,831.

The case was tried for three days in Indianapolis solely on the issue of damages. The parties stipulated that any verdict in excess of Wormgoor's policy limits would be reduced by the total amount of the payments she had already received from Vervaeet and from State Farm.

The jury returned a verdict for Wormgoor and awarded her damages of \$1,050,000. In accordance with the stipulation of the parties, the court entered a judgment for a reduced award of \$67,168. Wormgoor filed a motion