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Dear Colleague:

We hope you enjoy reading our 2017 Year in Review highlighting some of the cases we were able to resolve this year. One of our 2017 goals has been to increase our efforts to find a resolution for a client as quickly as possible. The old saying *Justice delayed is justice denied* has a ring of truth to it, and we recognize that for many clients it is critical to obtain money for them as soon as can be achieved in our civil justice system. Luckily in Indiana we have courts and judges who allow and encourage us to move a case very efficiently through the system, even when multiple depositions and expert witnesses are required. You can see the results of these efforts in some of our featured cases.

Most of these cases have been referred to us by other attorneys, and that attorney referral network has been the foundation of our firm from its beginning. We welcome your calls or emails to find out if we may be able to help on a particular injury or medical malpractice case. We always strive to find a “win-win” arrangement on fees and expenses, so please do not hesitate to contact us to get our thoughts on any case where a client has been badly injured. Best wishes for a prosperous 2018 and we look forward to hearing from you in the coming year.

Sincerely,

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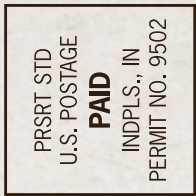
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YEAR *in* REVIEW



THE LAW FIRM OF
WILSON KEHOE WININGHAM

MEDICAL MALPRACTICE AND BIRTH INJURY



CASE 01

The plaintiff underwent an alcohol septal ablation procedure. We claimed the doctors failed to adequately perform and supervise the procedure. The client suffered a massive myocardial infarction resulting in the need for a heart transplant and a subsequent kidney transplant. As a result of his injuries, the plaintiff was unable to return to work. The case settled at the Department of Insurance level and is now pending before the Patient’s Compensation Fund.

CASE 02

Our client was induced for labor at 40 weeks and two days gestation. She presented somewhat tenuously and, despite red flags, she continued to receive Pitocin. As labor progressed, the baby began to show signs of stress and acidosis, and the Pitocin should have been discontinued. The baby was born in an apneic, depressed, flaccid condition and lab work showed evidence of metabolic acidosis and an acute hypoxic event. Medical experts determined that earlier intervention and delivery should have been undertaken.

The child will need continued assistance throughout his life. The Medical Review Panel found that the defendants breached the standard of care and, after a lengthy eight-year battle, the case settled for the maximum amount available under Indiana law.

ROAD DESIGN



CASE 03

Our client was driving on an interstate at night under construction and hit an unmarked and unlighted guardrail as the road split into two different directions. He suffered a broken hip requiring surgery, and lost his job. We claimed inadequate lighting and lack of warning of the guardrail on the part of several contractors, engineering companies, and the city. We discovered a defendant vehicle had hit the same guardrail earlier the same evening of the crash. With this information, we averted the need for numerous depositions of witnesses and experts. The case was settled at mediation with multiple defendants after an extremely detailed demand letter and mediation presentation setting forth the liability theories against each defendant.

SEMI / AUTO / BUS COLLISIONS

CASE 04

The plaintiff suffered severe leg injuries when he rear-ended a slow moving semi-truck at night on the interstate. The semi-driver denied fault claiming he was going the speed limit and the police agreed. Through depositions and our accident reconstruction we established that the semi was moving very slowly which made it very difficult for a driver to recognize the rapid closing speed in time to avoid a collision. *The case settled just 16 months after we were retained and filed suit in federal court.*

CASE 05

A center-line crossover collision involved a highly contested case of liability. We hired an accident reconstruction expert who was able to match up road markings with plaintiff’s vehicle to prove that the defendant crossed the center-line causing the collision. We provided defense counsel with our expert reconstruction report which led to prompt payment of policy limits to resolve the case for our severely injured client. *The case was settled within 10 months of the accident.*

CASE 06

Our client stopped suddenly at an intersection to yield to an approaching emergency vehicle. A city bus then rear ended his vehicle. The crash was captured on the bus’ on-board camera. The defense claimed that our client was contributorily negligent for making a sudden stop and thus the city had a complete defense to the claim. During a videotaped deposition, the bus driver got mad, cursed the questioning attorney, and abruptly left. *The case settled during mediation which was just 13 months post-accident.*

FORKLIFT ACCIDENT

CASE 07

A contractor and a factory forklift operator were moving a heavy pipe when the pipe fell off the forks and landed on the contractor, fracturing his pelvis and leaving him off work for six months. The injured contractor and the forklift operator had conflicting versions of what occurred.



Engineering experts reconstructed the accident, with our expert showing that the majority of the fault rested with the forklift operator. After mediation and then a court-ordered settlement conference, the case was successfully settled for the contractor two weeks prior to trial.

PRODUCT LIABILITY

CASE 08

A married couple and their teenage daughter were driving to a girls softball game early one morning. While stopped at a stoplight, they were rear ended by a pickup truck. The front passenger seat came loose from its anchoring bolts holding it to the floor and the seatback broke rearwards, ejecting the woman into the rear seating compartment, which resulted in a spinal cord injury and paraplegia. WKW engaged co-counsel with expertise in seatback failure cases. The case was settled in a second mediation prior to expert disclosures and depositions being taken due to informal full exchange of information between the parties.

DOG BITE IN COURT

CASE 09

We contended that a judge and city police created a needlessly dangerous situation for elementary school children by organizing a skit where real drugs were placed on children in a court room, with police drug dogs then brought in to perform a search and seizure of the drugs. As a result, an elementary student received a severe bite on the back of his leg leaving scarring and nerve damage.



After battling and defeating summary judgment motions filed by the judge claiming judicial immunity, and by the police claiming they did not know the police dog would bite, our clients settled this matter with the defendants.

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