



# Year in Review

Firm Highlights and Notable Cases



**Wilson  
Kehoe  
Winingham** LLC

Whether you're referring a case or seeking co-counsel, WKW will be happy to collaborate with you.



WKW HAS EARNED A DISTINGUISHED REPUTATION WITH EXPERIENCE IN PERSONAL INJURY CASES INVOLVING:

- Auto / Truck Collisions
- Medical Malpractice
- Birth Injury
- Spinal Cord Injury
- Brain Injury
- Aviation Accidents
- Premises Liability
- Products Liability
- Farming Accidents
- Nursing Home Negligence
- Construction Injuries

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## Dear Colleague:

Our 2024 *Year in Review* gives us the chance to highlight a selection of interesting cases, ranging from instances involving medical malpractice to trucking and motor vehicle collision—and a variety of areas in between. More importantly, it offers an opportunity for us to thank referring attorneys, like many of you. In fact, you may see a case or two summarized in the pages that follow which you referred to us! Referrals from attorneys across Indiana and the nation allow our firm to thrive. We cherish our relationships with our referring colleagues, and we hope that is reflected in the quality of work we offer our mutual clients.

2024 was quite an exciting and productive year for WKW, both personally and professionally. Our firm gained a new lawyer in Kayla Carmosino. We also had perhaps the most wide-ranging and varied mix of cases involving catastrophic injury or death than ever before. Our efficiency and thoroughness with which we approach each case is only achievable because of our amazing staff. We take none of it for granted, and continue to be grateful for the people that surround us and allow us to provide—as Bruce Kehoe likes to call it—“*concierge-level service*” to our clients and referring colleagues.

Thank you for taking the time to read our *Year in Review*, and we hope to hear from you in 2025!

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INJURY ATTORNEYS. RESTORING LIVES.

## MEDICAL MALPRACTICE

### Mixed Panel Opinion Leads to \$1.25 Million from PCF

A 15-month-old baby with a known history of asthma was having trouble breathing despite Albuterol treatments at home. His mother took him to a local emergency room where it was found that his temperature, heart rate, and respiration were all elevated. Ultimately, it was determined that the baby needed to be intubated. Unfortunately, the healthcare provider who performed the intubation was unable to perform it correctly, resulting in an anoxic brain injury. As a result, the child is now wheelchair bound with significant physical and mental disabilities.

**Bruce Kehoe** and **Emily Chimenti** were able to get this case resolved with the qualified healthcare provider despite a mixed panel opinion. The case was ultimately settled with the Patient's Compensation Fund for an additional \$1.25 million with the help of an effective day-in-the-life video of the child and their struggles.

### Additional \$925,000 Obtained from PCF in Breast Cancer Case

In addition to recovery against any qualified healthcare defendants, **Kent Winingham** and **Bruce Kehoe** obtained an additional \$925,000 against the Patient's Compensation Fund for a woman in her late 40s whose breast cancer was untimely diagnosed and treated. Kent and Bruce's client suffered at least an eight-month delay in diagnosis and treatment, which resulted in her missing an opportunity to be timely treated for a mass that would have been smaller than two centimeters had it been appropriately evaluated and diagnosed. As a result of the delay in diagnosis and treatment, WKW's client was forced to treat with specific chemotherapeutic agents that caused permanent neuropathy in her hands and feet. Had she been timely treated, she would not have had to treat with such chemotherapeutic agents. WKW was able to obtain a near-cap recovery for this deserving client, educator, and mother of multiple children.



#### Bruce Kehoe

##### 2024 HIGHLIGHT

Recognized by Top 10 Super Lawyers List for the 17th Consecutive Year

##### PRIMARY PRACTICE AREAS

Birth Injury  
Obstetrical Malpractice  
Spinal Cord Injury  
Auto/Truck Collision

##### CONNECT WITH BRUCE

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### In-House Day-In-The-Life Video Helps Net \$1.275 Million Recovery

A 54-year-old public school superintendent underwent an anterior cervical discectomy and fusion. During the procedure the client's right-side vocal cord was neuropathically injured, resulting in bilateral vocal cord paresis. **Bruce Kehoe** and **Kayla Carmosino's** client required repeat surgery and tracheostomy and was forced to retire early due to his inability to communicate effectively with students, colleagues, and the public.

After receiving a unanimous opinion from the Medical Review Panel, Bruce and Kayla obtained a near-cap recovery. WKW directed, filmed, and edited an in-house day-in-the-life video of the client demonstrating his continued and permanent struggles with speaking and breathing. WKW's creative work enabled an additional \$1.275 million recovery from the Patient's Compensation Fund.

### Unanimous Panel Opinion Leads to \$1.3 Million Recovery from PCF

A 49-year-old man presented to an outpatient clinic with complaints of racing heart, chest pain, and shortness of breath. The complaints were unusual given the man was an active bodybuilder and took care of his health. While at the clinic, an ECG was performed. Unfortunately, the ECG was misread, and less than 12 hours later the man died of a heart attack. He was survived by his wife of 20 years, and his two dependent children.

**Bruce Kehoe** and **Emily Chimenti** presented this case to a Medical Review Panel where the panel found unanimously against the healthcare provider. The case was swiftly resolved after the panel decision, and ultimately Bruce and Emily were able to obtain an additional \$1.3 million from the Patient's Compensation Fund.



#### Emily Chimenti

##### 2024 HIGHLIGHT

Selected to serve as the 2025 Chair of IndyBar's Women and the Law Division

##### PRIMARY PRACTICE AREAS

Birth Injury  
Medical Malpractice  
Auto/Truck Collision  
Products Liability

##### CONNECT WITH EMILY

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left to right, opposite page:  
Kent Winingham, Emily Chimenti, Bill Winingham, Bruce Kehoe, Jon Noyes, and Kayla Carmosino



## A Glance Back at 2024

**A** Kent Winingham with Travis Jensen and his wife, Susan, at the WKW Summer Party. Travis was the Indianapolis Bar Foundation's president in 2024—a post Kent will hold in 2026.

**B** WKW lawyers, law clerks, and staff celebrating their participation in the Brain Injury Association of Indiana's (BIAI) annual wiffle ball tournament. Kent Winingham serves on the board of BIAI.

**C** Bruce Kehoe with longtime friends and colleagues, Mike Hebenstreit and Hon. Robyn Moberly at the WKW Summer Party.

**D** Emily Chimenti with colleagues in New Mexico for the Indiana State Bar Association Women's Bench and Bar Conference, where she gave a CLE presentation and of which WKW was a sponsor.

**E** Kayla Carmosino pauses to capture the moment before boarding a short flight to depose a defendant physician.

**F** Just two of many who enjoyed WKW's season tickets, Emily Chimenti attends an Indiana Fever game with colleague Lynsey David.

**G** Bill Winingham, colleague Tony Holton, and Jon Noyes and his wife, Jen, at the WKW Summer Party.

### WRONGFUL DEATH

**Bruce Kehoe and Emily Chimenti** were able to resolve numerous wrongful death cases stemming from medical malpractice in 2024, two of which are briefed below. We pride ourselves on handling such unfortunate cases with care and experience, so as to garner *the best possible outcome for our clients*.

A 46-year-old woman presented for a routine colonoscopy. During the procedure, her vitals were negligently monitored, and she suffered a brain injury. The woman never recovered and passed away from her injuries. The case was resolved with the qualified healthcare provider following a unanimous panel opinion. Excess damages were then garnered from the Patient's Compensation Fund.

A 53-year-old man presented to a local hospital with complaints of shortness of breath and persistent cough. He ultimately went into cardiac arrest and coded. An intubation was performed incorrectly and resulted in the gentleman sustaining a brain injury and dying. The case was resolved before a medical review panel convened.

## AUTO / TRUCK COLLISION

### Social Media and Good Detective Work Results in Case Against Realtors and Realty Company

A realtor decided to show a couple an unlisted home the realtor personally owned while touring other houses with the couple on a snowy day. While trying to leave the property, the couple's car became stuck in the snow behind the realtor's truck. As the husband pushed the couple's car out of the snow, the realtor suddenly backed out and pinned the husband between the realtor's truck and his own car. **Jon Noyes** obtained the policy limits of the realtor's automobile coverage and then made claims against the realty company under an apparent agency theory. Jon used the realtor's information on Facebook and professional networking websites, the realty company's website, and even the realtor's vanity license plate to prove the realtor acted as the realty company's agent even while showing the couple the unlisted home he owned. The case was settled at mediation.

### Police Chase Results in Injuries to Teenager and \$400,000 Recovery

Two law enforcement departments pursued a non-violent, fleeing suspect for multiple minutes at speeds above 100mph directly into the heart of a town square, resulting in an innocent teenage bystander being struck and seriously injured. **Kent Winingham** alleged that the law enforcement departments were reckless in their pursuit of this suspect, and that the pursuit should have stopped at some point prior to approaching the town square given the speeds involved in the pursuit and likelihood of serious harm to others if the pursuit ensued through the town. Despite facing difficult immunity issues, Kent was able to develop testimony in the case that proved critical to substantiating his theory of the case. This resulted in a nice recovery for a deserving young woman.

### WKW Advocates for Spanish-Speaking Farm Worker with Brain Injury

A young Spanish-speaking farm worker was working late one evening with a coworker in a melon field. After leaving the field, they proceeded to drive down a local highway back to the farm. At the same time, a semi-truck was not paying attention and smashed into the rear of the van. The farm worker sustained a brain injury and other serious injuries. To complicate matters, the trucking company filed for bankruptcy after the complaint was filed. Ultimately, **Bruce Kehoe** and **Emily Chimenti** were able to secure a recovery for the young man by utilizing bankruptcy procedures to their advantage.

### Strategic Coverage Analysis Leads to Contribution from Multiple UIM Carriers

**Jon Noyes** resolved claims against several uninsured motorist coverage insurers for a catastrophe involving an uninsured drunk driver. A great-grandfather hosted his entire family to celebrate the end of his six-year-old great-grandson's tee ball season. During the party, an uninsured drunk driver crashed through the back of the great-grandfather's house and into the partygoers. The great-grandfather and great-grandson were killed, and other family members suffered a myriad of traumatic physical or emotional injuries from the crash. Jon represented 10 family members and asserted claims against five insurance companies for uninsured motorist coverage. Jon had to file suit against two of the insurance companies because they denied coverage and alleged two of Jon's clients who suffered emotional injuries only did not suffer a "bodily injury" under their policies. Jon established the insurers' policies did not require insureds to suffer physical harm to qualify as "bodily injuries" and fought off one interlocutory appeal after prevailing against one insurer's Rule 12(B)(6) motion to dismiss. All the cases were resolved pre-suit or at various stages of litigation.



#### Bill Winingham

##### 2024 HIGHLIGHT

Recognized by Top 10 Super Lawyers List for the 10th Consecutive Year

##### PRIMARY PRACTICE AREAS

Auto/Truck Collision  
Catastrophic Injury  
Products Liability

##### CONNECT WITH BILL

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#### Kayla Carmosino

##### 2024 HIGHLIGHT

Selected to serve on the Board of IndyBar's Women and the Law Division

##### PRIMARY PRACTICE AREAS

Medical Malpractice  
Auto/Truck Collision  
Premises Liability

##### CONNECT WITH KAYLA

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### Settlement Obtained for TBI Survivor

An elderly man was driving home on I-69 when a dump truck entered his lane and crashed into his vehicle, sending him careening across the highway and into a concrete barrier, causing him to suffer a traumatic brain injury. The man and his wife hired **Bill Winingham** and **Jon Noyes** to represent them in their claim against the dump truck company. Jon and Bill tracked down an eyewitness to the crash, who testified the dump truck entered the client's lane and caused the crash, and hired a neuropsychologist to explain the extent of the client's brain injury. Bill and Jon then took very successful depositions of the dump truck company's expert accident reconstructionist and neuropsychologist, and the case was settled shortly before trial.

### Unusual Settlement Contribution Obtained from Individual Defendant

An intersectional collision in southern Indiana caused life-altering injuries to a nurse practitioner, eventually causing her to leave her well-paying job. With both liability and damages disputed, **Bill Winingham** and **Emily Chimenti** used multiple experts including an accident reconstructionist, an independent medical examiner, and a vocational economist, to work up the case. The defendant was woefully underinsured, but owned dozens of tracts of valuable land. Bill and Emily investigated the value of those properties, also consulting with a collections law firm to assess the collectability of a judgment. After a second mediation and within weeks of trial, the case was settled for \$875,000 with \$725,000 of that amount coming from the individual defendant.

### \$750,000 Recovery for Family of Woman Killed by Dump Truck with Inaudible Alarm

**Kent Winingham** and **Kayla Carmosino** obtained a \$750,000 recovery for the family of a milling company worker who was reversed into and over on a milling site, and killed. Kent and Kayla were first able to prove through the client's testimony that while she was an adult, she was a dependent of the decedent. Thus, the recovery was not limited by the Adult Wrongful Death Statute. Kent and Kayla were also able to prove through video recordings and witness statements that the dump truck's backup alarm was virtually inaudible—especially on a loud milling site. This helped WKW minimize any comparative fault defenses. While the case initially presented itself as one with a variety of difficulties, thoughtful discovery and strategic depositions allowed WKW to prove its case up and get it resolved prior to trial.

## RAPID RECOVERIES

Mindful of the phrase "*justice delayed is justice denied*," our team of trial lawyers, paralegals, legal nurse consultants, and legal research clerks strives to **restore the lives of our clients**. Throughout 2024, WKW's quick and aggressive legal work lead to multiple **seven-figure recoveries**.

A policy limits settlement of \$1 million was obtained within five months of an accident in which an Indianapolis businessman riding a motorcycle was struck in a roundabout by a driver working for a ridesharing company. The client suffered a significant femur fracture, was off work for an extended period of time, and went through in-home rehab. In the meantime, **Bill Winingham** got to work gathering dashcam footage of the collision and communicating with the insurance company immediately to let them know the severity of the injuries. The **seven-figure settlement** in **five months** benefitted all concerned by minimizing expense and maximizing the outcome for the client.

In early spring, a businesswoman was traveling to her workplace in Plainfield when suddenly a van crossed the center line and struck the woman head on. As a result of the crash, she sustained a right ankle fracture and right tibial fracture. Through discovery, it was determined that the other driver was likely intoxicated at the time of the crash and further that he was working. **Bill Winingham** and **Emily Chimenti** hired a vocational economist that was able to offer opinions about how the women had less career options and further that her work-life expectancy was reduced. They were also able to obtain a helpful report from the women's treating surgeon about the effects this injury had on women's life. Ultimately, the case was resolved approximately **a year** after the crash for **\$1.38 million**.

One evening, a senior and volleyball player at Noblesville High School was traveling as a back seat passenger in a friend's truck when another vehicle negligently turned in front of the truck, causing a collision. As a result of the crash, the young girl suffered a L2 transverse process fracture, T12-L1 epidural hemorrhage, and spinal cord injury. She then underwent surgery to have screws and rods placed into her back to repair it. The young girl was recruited to play Division 1 volleyball at a nearby university, but because of her injuries, she was unfortunately not able to play her freshman year. **Bill Winingham** and **Emily Chimenti** hired a physician to perform an IME to opine on the girl's injuries and the effects it would have on the rest of her 70+ years of living. The case was resolved **less than a year** after the crash for **\$1.225 million** with contributions from both the driver of the vehicle she was in, as well as the driver of the vehicle that turned in front.

A 92-year-old woman was traveling from her home to visit her niece on pleasant summer afternoon. While driving, an uninsured driver suddenly turned in front of her causing her to strike another vehicle and flip her car. As a result of the crash, she had a sternal fracture, compression fracture at T1, collapsed lung, and ended up needing a pacemaker put into her heart because of the trauma to the chest. Following suit being filed, **Bill Winingham** and **Emily Chimenti** were able to acquire a report from the woman's treating cardiologist who explained how the crash necessitated her need for a pacemaker. The case was settled at mediation **less than a year** after the crash, for **\$775,000**.



**Jon Noyes**

### 2024 HIGHLIGHT

Joined the Amicus Committee, a well-respected arm of the Indiana Trial Lawyers Association

### PRIMARY PRACTICE AREAS

Auto/Truck Collision  
Construction Injury/Death  
Tree Failure

### CONNECT WITH JON

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**Kent Winingham**

### 2024 HIGHLIGHT

Selected to be the 2026 President of the Indianapolis Bar Foundation

### PRIMARY PRACTICE AREAS

Auto/Truck Collision  
Medical Malpractice  
Nursing Home Neglect

### CONNECT WITH KENT

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## OTHER INTERESTING CASES

### Negligent Supervision Argument Leads to Recovery in Child Drowning Case

After a young boy tragically drowned at his tee ball team's end-of-season party, his parents hired **Bill Winingham** and **Jon Noyes** to find justice for their son. Bill and Jon interviewed several witnesses and learned that the pool's owners set up games for the children's parents to play away from the pool, but they did not assign a lifeguard or "water watcher" to protect the children in the pool. Bill and Jon also hired an expert witness in pool safety, who highlighted the various regulations, ordinances, and standards the pool owners violated, and which contributed to the boy's drowning. The case was settled at mediation.

### Insurance Bad Faith Lawsuit Leads to Increased Settlement

A contractor was injured by an uninsured motorist in a head-on collision. He turned to WKW for help after months of supplying his insurance company with medical and financial information, only to receive a disappointing settlement offer. **Bill Winingham** and **Emily Chimenti** filed a lawsuit claiming the insurer acted in bad faith. Discovery revealed that the insurance adjuster ignored the medical opinions of a cardiologist and neurologist as to the causation of a stroke suffered within days of the crash. The case was settled at mediation for 10 times the original offer.

### Firefighter's TBI Results in Claim Against Separate Fire Department

After extensive briefing on issues surrounding immunity, and through the assistance of digital animations recreating the scene, **Kent Winingham** and **Bill Winingham** were able to successfully resolve a case for a firefighter who suffered a traumatic brain injury while responding to a fire. WKW alleged that a separate city fire department was negligent in driving its engine at an excessive speed over a firehose on an active fire scene, which resulted in the hose being caught in that engine's axle. Once caught in the axle, the firehose tightened and swept WKW's client off of his feet and into the air as he was attempting to put his own gear on. He suffered multiple injuries, including maxillofacial injuries and a traumatic brain injury. Because WKW's client worked for a different fire department, WKW was able to file suit against the at-fault fire department for their negligent driving. After many depositions and motion practice, WKW was able to resolve the case ahead of trial.



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