



FOR COMPLEX MATTERS.
WHEN IT MATTERS.
2011 Newsletter



September 2011

RECENT VERDICTS & SETTLEMENTS

LIKE A BAD NEIGHBOR ~ STATE FARM ORDERED TO PAY \$14.5 MILLION FOR DEFAMATION

June 30th, 2011

A six-week trial in Hamilton County Court ended on June 29, 2011, with the award of a \$14.5 million jury verdict for Joseph Radcliff and his restoration company, CPM Construction of Indiana, against State Farm Insurance.

State Farm had filed suit for insurance fraud and RICO (Racketeer Influenced and Corrupt Organizations) claims against Radcliff and CPM. The case arose out of work done by Radcliff and CPM following the April 2006 hailstorm. Radcliff and CPM's allegations were that after State Farm received negative publicity in the Indianapolis media for denying hail damage claims, State Farm made unfounded claims of fraud against Radcliff and instigated the filing of felony charges against him. Those charges were dismissed by the Marion County Prosecutor, but the negative publicity resulted in Radcliff's personal reputation and business being destroyed. [READ MORE...](#)

Read local and national press coverage about this verdict:

[Hail Creates Firestorm for State Farm](#), Indiana Lawyer

[Contractor Wins \\$14.5M judgment against State Farm](#), IBJ

[14.5 Million Dollar Jury Verdict Awarded Against State Farm Insurance](#), PRWeb

Watch [local news coverage](#) on the verdict against State Farm Insurance.



Please [CLICK HERE](#) to view the video.

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ATTORNEY SPOTLIGHT: CAROL NEMETH JOVEN



Carol is an attorney at Price Waicukauski & Riley where her practice focuses primarily on plaintiffs' complex litigation including matters involving [business disputes](#), [property rights](#), [professional malpractice](#), and [personal injury](#).

Carol graduated cum laude from Indiana University School of Law where she was the recipient of several honors including the American Jurisprudence Award for Civil Procedure. Carol formerly served as a Deputy Attorney General where she represented the state, its agencies and employees in trial and appellate litigation. In addition, she practiced in the area of civil litigation as an associate with the law firm White & Raub from 1998-2003.

Carol is a member of the Indianapolis Law Club, Indiana State Bar Association, Indiana Trial Lawyers Association, St. Simon the Apostle Catholic Church and the International Society of Primmerus Law Firms. She also serves on the Executive Committee for both the Women and the Law Division and the Appellate Practice Section of the Indianapolis Bar Association. [Read Carol's Full Bio](#) or Connect with Carol on [LinkedIn](#).

[Meet Our Attorneys](#)

CASE SPOTLIGHT: PERSONAL INJURY CLAIM SETTLED AGAINST STATE FARM INSURANCE FOR \$250,000

On September 30, 2010, a Price Waicukauski & Riley client was struck by a car while crossing a street on the Indiana University Campus. [James Piatt](#), an associate of the firm, handled the case for our client. Among other injuries, our client suffered fractures of her skull, humerus, tibia and fibia. These injuries necessitated multiple surgeries, her withdrawal from IU for the remainder of the fall semester, and extensive rehabilitation.

Liability was in question because our client was crossing at an unmarked intersection (without a crosswalk and without a stop sign for the driver). After a thorough investigation, including interviews with witnesses, photographs of the scene, and a review of all the medical records, James sent a demand letter to State Farm requesting that it pay the driver's policy limit of \$250,000 to settle the claim.

James was successful in settling the claim with State Farm for the policy limit of \$250,000, while also saving our client the costs of filing a lawsuit. James was also able to negotiate down the medical lien placed on any recovery by our client's ERISA Plan by over 30%, resulting in an increased monetary disbursement directly to the client.

Because our client contacted us within a few weeks of the accident, we were able to achieve this settlement within seven months of our client's injury.

Contact Us for a Complimentary Consultation

Do you have a client that is facing a Personal Injury case? **Contact** us to discuss the matter. Our personal injury attorneys are devoted to litigating or negotiating complex personal injury matters. We represent people who have been injured or who have a loved one who has died due to the fault of another person or company. Personal injury matters we often handle include:

- **Serious Motor Vehicle Accidents**
- **Traumatic Brain Injury**
- **Wrongful Death**
- **Medical Malpractice**
- **Products Liability**

There is no cost unless we achieve a recovery for your case.

FIRM NEWS

Price Waicukauski & Riley's historic law office building, the Hammond Block Building, was featured in the August issue of Litigation Commentary & Review. The building's renovation led to the renaissance of Massachusetts Avenue as a business and restaurant district and demonstrated the possibilities of historic preservation. **[Read more about the building's rich 130-year history....](#)**



Then.....



Now....

Principal Members Henry Price, Ron Waicukauski and Will Riley All Selected For Inclusion in Best Lawyers 2012

Henry Price, Ron Waicukauski and Will Riley of the Indianapolis law firm Price Waicukauski & Riley, LLC were recently selected by their peers for inclusion in The Best Lawyers in America® 2012 (Copyright 2011 by Woodward/White, Inc., of Aiken, S.C.).



Henry Price



Ron Waicukauski



Will Riley

For nearly three decades, Best Lawyers has been regarded - by both the profession and the public - as the definitive guide to legal excellence in the

United States. Corporate Counsel magazine has called Best Lawyers "the most respected referral list of attorneys in practice." [Learn more](#)

Teri Tegeler Receives Indiana Paralegal Association's Outstanding New Member Paralegal of the Year Award



The Indiana Paralegal Association, Inc. (IPA) held its annual swearing in and awards ceremony at the Columbia Club on July 20, 2011. Each year, the IPA presents awards to honor its members who have displayed exceptional abilities and who put their many virtues to work to better the organization. Four awards were presented at the ceremony, and among the recipients was Price Waicukauski & Riley paralegal [Teri Tegeler](#) who received the Outstanding New Member Paralegal of the Year Award. Congratulations Teri!

INDIANA LAW UPDATE - THE BLOG

IndianaLawUpdate.com is an online resource for Indiana Lawyers to stay updated on developments in Indiana law. [Read the latest blog posts](#) and subscribe to our RSS feed:

- [Always Double Check the Validity of Your Legal Authority](#)
- [A Court Cannot Exclude Evidence Because It Is Self-Serving](#)
- [When Should an Insurance Policy be Construed in a Neutral-Manner?](#)

NATIONAL LEGAL NEWS

Note: All national legal news stories are reported by the American Association for Justice

Sebelius: Rules to Protect Consumers from Rate Hikes Become Effective

September 2, 2011

HHS Secretary Kathleen Sebelius writes in a [Huffington Post](#) (9/1) piece that a provision in the Affordable Care Act which will protect consumers against insurance industry abuses goes into effect today. She says that because of the provision, "insurers must submit a written justification every time they try to raise your premium by ten percent or more. As rate increases are proposed, that information will be posted in a clear, easy-to-understand format on the new consumer website Healthcare.gov." In addition, "rates will...be evaluated by experts to see whether they're justified, and that information will be made available to consumers too." Sebelius argues that because of the ACA, "the deck is no longer stacked in insurers' favor," and henceforth, insurers who attempt to increase premiums "by double digits" must "explain themselves."

Nevada Insurance Division taking comments on rate increases.

The [Las Vegas Sun](#) (9/1, Ryan) reports, "The state Insurance Division will begun accepting consumer complaints about increases to company health insurance costs this week." The division must approve rate increases "for individuals and small employer groups," and now, under the Affordable Care Act states must "give consumers a chance to express their feelings about these proposed premium hikes." To do that, "the state Insurance Division has installed a new section on its website" starting today, where people may register comments.

FDA Recommends Surgical Mesh be Reclassified as "High Risk"

September 2, 2011

Bloomberg News (9/1, Edney) reports, "A Food and Drug Administration staff recommendation" says that transvaginally implanted surgical mesh "products fail to lead to better outcomes than non-mesh repair and should be reclassified as posing a high risk to patients," and the mesh makers "may have to submit added safety data to regulators to keep their products on the market." Bloomberg News adds that a "change in risk classification may take several years to complete and the agency said it could consider a grace period for makers of products on the market to submit data to comply with a more stringent review."

Cardiac Implants, Related Infections on the Rise

August 30, 2011

The New York Times (8/30, Bakalar, Subscription Publication) reports in "Vital Signs" that "the number of implantable cardiac devices in use has doubled since 1993, and the number of infections associated with them has more than tripled," according to a study published in The Journal of the American College of Cardiology. Investigators found that "the incidence of infection in 2008 increased to 2.4 percent from less than 1.5 percent in 2004." While "the reasons for the increase are not clear...the recipients' age and poorer health may be factors."

[Read more national legal news...](#)

ATTORNEY REFERRALS WELCOME

A significant amount of our practice consists of representing clients referred by other lawyers in Indiana and throughout the country. Most attorneys choose to refer a case to us because:

- They feel confident that their client will be well taken care of - both in the quality of work and the customer service we provide,
- Their firm does not focus on the same practice areas that we do,
- They understand that we respect their client relationship and will not attempt to replace the firm in any fashion.

Our practice focuses on representing plaintiffs in complex cases including class actions, business disputes, pharmaceutical litigation, professional malpractice, and property rights litigation.

We look forward to discussing your specific needs and helping you with your case. For attorney referrals, please contact **[Ronald Waicukauski](#)** or **[William Riley](#)** at (800) 905-2856 or please **[CLICK HERE](#)** to complete an online form.

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