



# Eldridge v. Johnson (Marion County, Ind. Super. Ct.)

Topics Covered: Professional Liability, Tort Reform

## **Outcome: Favorable**

### **Issue**

Through this lawsuit, the Indiana State Medical Association (ISMA) successfully defended against an attack on the Indiana tort reform law.

### **AMA Interest**

The AMA supports tort reform laws.

### **Case Summary**

James and Paula Eldridge sued their physician, Leighton Johnson, M.D., for medical malpractice in the Marion County, Indiana Superior Court. Following a two week jury trial, each plaintiff secured a judgment against Dr. Johnson. The judgments, together, came to just under \$3.9 million.

Dr. Johnson moved to reduce the jury's verdict to a total of \$750,000, based on the Indiana tort reform statute, which states: "The total amount recoverable for an injury or death of a patient may not exceed ... \$750,000 for an act of malpractice." The Eldridges opposed the motion, arguing that (i) Dr. Johnson had committed multiple acts of malpractice and (ii) the damages cap in the Indiana statute was unconstitutional. In support of the second argument, they contended that the damages cap failed to meet its legislative objectives. With the assistance of the Association of Trial Lawyers of America, they tendered expert witnesses, who were prepared, based on statistical evidence, to testify that the Indiana law failed to meet those objectives.

When it learned of the case, ISMA determined that the Eldridges were posing a serious threat to the statute. Because of its importance, ISMA persuaded the Indiana Attorney General to intervene in the suit. The Attorney General retained a private defense attorney, specializing in medical malpractice cases, to represent the State of Indiana. This attorney, with ISMA assistance, obtained expert witnesses to counter the plaintiffs' experts. However, ISMA had to pay for the private defense attorney and the defense experts out of its own pocket. Before the motion for reduction of verdict was decided, the case settled.

### **Litigation Center Involvement**

The Litigation Center helped ISMA defray its defense costs.