

SUPREME COURT OF INDIANA

LaPorte Community School Corporation v. Rosales

963 N.E.2d 520 (Ind. 2012) · No. No. 46S04-1105-CT-284 · Decided March 20, 2012

SUMMARY

The Supreme Court of Indiana held that a jury instruction in a child wrongful-death negligence action could have misled the jury by treating alleged omissions by a school corporation as negligence without clearly requiring a finding that the omissions breached the ordinary-care standard. The court reversed the judgment and remanded for a new trial limited to liability, while summarily affirming the Court of Appeals on the remaining issues and preserving the prior damages determination if liability were again established.

CASE DETAILS

COURT	Supreme Court of Indiana
WRITING FOR THE COURT	Justice Dickson; Chief Justice Shepard; Justice Rucker; Justice David; Justice Sullivan
JURISDICTION	Indiana
DECIDED	March 20, 2012
DOCKET	No. 46S04-1105-CT-284
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The School Corporation appealed a wrongful-death judgment after a jury returned a \$5 million verdict and judgment was entered for \$500,000 under the Indiana Tort Claims Act. The Indiana Court of Appeals reversed and remanded for a new trial based on erroneous Final Instruction 22. The Indiana Supreme Court granted transfer, affirmed the Court of Appeals' disposition as to Instruction 22, and summarily affirmed the remaining issues.
STANDARD OF REVIEW	A challenged jury instruction is reviewed to determine whether it correctly states the law, is supported by the evidence, and is covered in substance by other instructions. Review is de novo when the challenge concerns whether the instruction correctly states the law. The effect of an erroneous instruction is assessed in light of the instructions as a whole, and reversal is required unless the verdict would have been the same under a proper instruction.

PRECEDENTIAL VALUE	Published Indiana Supreme Court opinion; binding precedent in Indiana.
PARTIES	LaPorte Community School Corporation v. Maria Rosales

TOPICS

wrongful death negligence jury instructions instructions objections appellate procedure

PRACTICE AREAS

torts wrongful death negligence civil appellate procedure

QUESTIONS PRESENTED

1. Whether Final Instruction 22 incorrectly and ambiguously instructed the jury regarding the negligence elements and the School Corporation's standard of care.
2. Whether the instructional error was harmless in light of the instructions as a whole and the evidence.
3. Whether any new trial should be limited to liability rather than include damages.

HOLDINGS

1. Final Instruction 22 was erroneous because its language could reasonably be understood to make the listed omissions automatically constitute negligence, rather than requiring the jury to determine whether the omissions breached the duty of ordinary and reasonable care. The instruction was therefore ambiguous, confusing, and materially misstated the plaintiff's burden of proving negligence.
2. The instructional error required reversal because the court could not conclude that the jury's verdict would have been the same under an unambiguous and legally correct instruction.
3. The new trial was properly limited to the issue of liability; if liability is found against the School Corporation, the prior damages judgment is to be given effect.

KEY QUOTATIONS

"Yet, with respect to negligence, a public elementary school has only one duty at common law—the duty to exercise ordinary and reasonable care." (at 524)

"We conclude that the language of Final Instruction No. 22 could have reasonably been interpreted and applied by the jury in a way that substantially misstated the plaintiff's burden of proof with respect to establishing negligence on the part of the School Corporation." (at 525)

"An instruction that leaves the jury in doubt as to the law on a material issue of the case is reversible error." (at 526)

FACTUAL BACKGROUND

A child choked to death on food while eating lunch at Hailmann Elementary School, operated by LaPorte Community School Corporation. The child's mother, Maria Rosales, brought a wrongful-death action against the School Corporation. The jury returned a \$5 million verdict, but judgment was entered for \$500,000, the maximum amount then permitted under the Indiana Tort Claims Act.

PROCEDURAL HISTORY

Maria Rosales sued LaPorte Community School Corporation after her son died from choking on food while eating lunch at an elementary school. The jury found for Rosales, and the trial court entered judgment capped at \$500,000. The Court of Appeals rejected the School Corporation's challenges concerning other jury instructions, expert testimony, and judgment on the evidence, but found Instruction 22 erroneous and ordered a new trial. The Indiana Supreme Court granted transfer and ordered a new trial limited to liability while summarily affirming the Court of Appeals on all other issues.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for a new trial on liability only. If liability is determined against LaPorte Community School Corporation, the prior judgment relating to damages shall be given effect. The Court of Appeals' disposition on all other appellate issues was summarily affirmed.

CASES CITED

- LaPorte Cmty. Sch. Corp. v. Rosales, 936 N.E.2d 281 (Ind. Ct. App. 2010)
- Wal-Mart Stores, Inc. v. Wright, 774 N.E.2d 891 (Ind. 2002)
- State v. Ingram, 427 N.E.2d 444 (Ind. 1981)
- Davison v. Williams, 251 Ind. 448, 242 N.E.2d 101 (1968)
- Taylor v. Fitzpatrick, 235 Ind. 238, 132 N.E.2d 919 (1956)
- Miller v. Griesel, 261 Ind. 604, 308 N.E.2d 701 (1974)
- Mangold ex rel. Mangold v. Indiana Department of Natural Resources, 756 N.E.2d 970 (Ind. 2001)
- Beckett v. Clinton Prairie School Corporation, 504 N.E.2d 552 (Ind. 1987)
- Norman v. Turkey Run Community School Corporation, 274 Ind. 310, 411 N.E.2d 614 (1980)
- Vergara v. Doan, 593 N.E.2d 185 (Ind. 1992)
- Canfield v. Sandock, 563 N.E.2d 1279 (Ind. 1990)
- Metropolitan Life Insurance Co. v. Alterovitz, 214 Ind. 186, 14 N.E.2d 570 (1938)
- Clay City Consolidated School Corporation v. Timberman, 918 N.E.2d 292 (Ind. 2009)
- Huey v. Milligan, 242 Ind. 93, 175 N.E.2d 698 (1961)
- Edgecomb v. State, 673 N.E.2d 1185 (Ind. 1996)
- Daniel v. State, 582 N.E.2d 364 (Ind. 1991)

- **Carter v. State**, 766 N.E.2d 377 (Ind. 2002)

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