

## Supreme Court reverses ruling on malpractice suit.

By ROBIN BIESEN | Monday, December 18, 1995

INDIANAPOLIS – The Indiana Supreme Court has reversed a 1988 ruling by Lake Superior Judge Gerald Svetanoff, and reinstated a medical malpractice award of more than \$226,000 to the estate of Roosevelt Ward Sr.

The case was the result of a 1988 incident at the former St. Mary Medical Center in Gary. According to court documents, Ward's bladder ruptured after a nurse at the hospital forced excess water into the bladder while she was attempting to clean a catheter that already was in place.

A subsequent malpractice case resulted, in which the jury found for Ward and awarded him \$226,795 in 1993. Ward has since died.

As part of the jury deliberations, the jury foreman reported that the group had found no negligence on the part of the hospital but agreed the health care facility had failed to aggressively treat the 81-year-old Gary resident. As a result of the foreman's statements, Svetanoff set aside the jury verdict, declared a mistrial and ordered a new trial.

That was when Ward's attorney, John M. Kopack, began climbing the judicial ladder to appeal Svetanoff's ruling.

As a rationale, Kopack said a verdict cannot be impeached by a juror's testimony unless some evidence of tampering exists.

In a decision of 3 for and 1 against, the Indiana Supreme Court last week agreed with Kopack and reinstated the judgment for Ward.

In a prepared statement, Kopack said, "Although I am happy with the Supreme Court's ruling, I regret that Roosevelt Ward Sr. will never get to enjoy the victory. He passed away before the Supreme Court rendered its opinion and reinstated the jury verdict."

When contacted at his home Sunday evening, Randall J. Nye, the lawyer for St. Mary Medical Center had little to say. "I really have no comment," Nye said. "The case is over."