

2024 Trial Lawyer of the Year

Angela Jones and Steve Sersic

Nominated by Bryan Bradley, Kate Franke, Emily Guenin-Hodson, Dan Ladendorf, Mark Ladendorf, Alex Limontes, Bob Montgomery, Barry Rooth, Dan Vinovich, David Wilson, and Holly Wojcik

Lake County members Angela Jones & Steven Sersic refused to take “No!” for an answer, thus starting a multi-year journey from the trial court to the Indiana Supreme Court, where they changed the law, found justice for their client, and left a trail of jurisprudence favorable for Hoosiers across the State who may one day find themselves in a similar position.

Claims in the case of *Cosme v. Warfield, Churilla, and Erie Insurance*¹ involved negligence, breach of contract, and “bad faith” against Erie Insurance for failing to provide Plaintiffs with UM benefits when they were hit by an uninsured driver not more than three days after Erie canceled their insurance. In June 2022, Angie and Steve presented the case with complicated damages and multiple experts to a Lake County jury. Upon resting the Plaintiff’s case-in-chief, the trial judge granted Defendants’ Motions for Judgment on the Evidence, thereby foreclosing all claims against all Defendants.

On appeal, Angie and Steve asserted that the trial court ruling violated a Plaintiff’s constitutional right to a trial by jury. They also argued that the case law on Motions for Judgment on the Evidence (namely, the *Purcell*² case) was at odds with itself and -- given the constitutional right at issue -- that the standard of appellate review should be ‘*de novo*’ rather than ‘*abuse of discretion*.’ The Court of Appeals was not persuaded.

The journey continued to the Indiana Supreme Court with support from ITLA Amicus Counsel Nick Deets and Tyler Zipes. In its May 6, 2024 opinion, the Supreme Court found that:

Purcell “is inconsistent in both promoting and simultaneously disavowing courts that would assess witness credibility and weigh evidence at the **directed-verdict** stage.”

“(G)iven *Purcell*’s contradictory commands, we clarify that courts may not weigh evidence or assess witness credibility-fact-finding functions reserved for the jury.”

“(T)he court cannot substitute its own view of the evidence for that of the jury since this prerogative is solely the jury’s.”

Comparing this case to that of *Hughley*³ and the Summary Judgment standard, the Supreme Court stated that “it makes little sense to let a case go to trial on some quantum of evidence but not to a jury,” a position argued by Angie and Steve.

Importantly, the Supreme Court concluded that a *de novo* standard of review must apply.

Finally, this case opened the door for Plaintiffs to bring bad faith actions outside the strict parameters of prior case law.

¹ *Cosme v. Warfield, Churilla, and Erie Insurance*, 49D01-1803-CT-000039

² *Purcell v. Old National Bank*, 972 N.E.2d 835 (Ind. 2012)

³ *Hughley v. State*, 15 N.E.3d 1000, 1004 (Ind. 2014)

The Supreme Court's opinion will aid Plaintiffs fighting a Motion for Judgment on the Evidence and will also be cited in future bad faith litigation. Through their tireless advocacy at all levels of the State court system resulting in a significant change in the law, Angie and Steve have honored the core mission of the Indiana Trial Lawyers Association to protect the Seventh Amendment Constitutional right to trial by jury, open access to the courts, and equal protection under the law for all persons.

We, the undersigned, invite your consideration and your vote in support of recognizing Angela Jones and Steve Sersic as the 2024 Indiana Trial Lawyers Association's Trial Lawyers of the Year:

Signed (with permission):

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[Click here to read Cosme v Warfield, Churilla, & Erie Insurance – Indiana Supreme Court Opinion](#)