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NEGLIGENCE - INDIANA

Indianapolis Public Transportation Corporation v. Bush

Supreme Court of Indiana - September 15, 2025 - N.E.3d - 2025 WL 2640911

Pedestrian's mother, on behalf of his estate, brought wrongful death action against city public transportation corporation, alleging that when pedestrian was trying to board bus, he fell into the road as the bus left a curbside stop, and was run over and died of his injuries.

Following jury trial, the Superior Court entered judgment for estate, and denied corporation's motion to correct error. Corporation appealed. The Court of Appeals reversed and remanded. Estate petitioned for transfer, which was granted.

The Supreme Court held that:

- As matter of first impression, appropriate standard of review on denial of motion to correct error, when the motion asserts a verdict is clearly erroneous as contrary to the evidence, is de novo;
- Video footage created issue for jury of whether pedestrian was contributorily negligent;
- Evidence of pedestrian's blood alcohol content (BAC) created issue for jury as to whether pedestrian's intoxication was a proximate cause of his injuries;
- Issue of whether pedestrian violated statute prohibiting pedestrians from suddenly leaving a curb and walking into path of vehicle that is so close as to constitute an immediate hazard was for the jury; and
- Issue of whether pedestrian violated statute prohibiting a person from being intoxicated when using public transportation and endangering their own life was for the jury.