



Districts of Kansas & Western Missouri

Civil Jury Verdict Report

D. Kan. & W.D. Mo.

Issue 2 – December 2021

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UPCOMING FBA CHAPTER EVENTS:

Early 2022: Brown Bag Lunch with District Court Judges
Courthouse(s): TBD (currently being scheduled)
Contact: Robert Calbi, r.calbi@gmail.com

Fri., Feb. 11, 2022: CLE – Additional Information Forthcoming
Contact: Blake Stuart, blake.stuart@huttonlaw.com

DECEMBER 2021 CIVIL VERDICT SUMMARY

Parties: *K.C. Hopps, Ltd. v. The Cincinnati Insurance Company, Inc.*
Case No.: 4:20-cv-00437-SRB Judge: Hon. Stephen R. Bough
Location: KC, MO
Attorneys: (P) – Patrick Stueve, Bradley Wilders, Matthew Lytle & John Schirger
(D) – Daniel Litchfield, Michael Brown & Erica Hammett

This was a breach of contract/insurance case in which an operator of bars, restaurants, catering services and event spaces in the Kansas City metropolitan area alleged the insurer breached its property policy in denying coverage for loss of income caused by the COVID-19 pandemic. This case was reported to be the nation's first jury trial on coverage for COVID-19 business interruption losses. The District Court advanced the case to trial by finding at the summary judgment stage that whether the virus was present on the premises, whether it actually caused a physical loss or damage to the premises, whether the plaintiff

had suffered an “actual loss” of income required to trigger coverage and the extent of damages were all questions of fact for the jury to decide.

Verdict: For defendant.

Parties: *Ad Astra Recovery Services, Inc. v. John Clifford Heath; John C. Health, Attorney at Law, PC d/b/a Lexington Law Firm; PGX Holdings, Inc.; Progrexion Holdings, Inc.; Progrexion Teleservices, Inc.; Progrexion ASG, Inc.; Progrexion Marketing, Inc.; Progrexion IP, Inc., d/b/a “Progrexion”; Kevin Jones; Adam C. Fullman & Jeffrey R. Johnson*

Case No.: 6:18-cv-01145-JWB **Judge:** Hon. John W. Broomes

Location: Wichita

Attorneys: (P) – Lee Thompson, Chrissy Dutton, Hilary Korman, Scott Wortman, John Kessler, William Purtell, Inbal Garrity, Rither Alabre, Taylor Lake & Nicholas Harbist
(D) – Danne Webb, Emma Nino, Suzanne Salgado, Daniel Whiteley, Carrie Wesnousky, Ross Boden & Andrea McMurtry

Plaintiff is a debt collector and data furnisher and brought claims under the RICO statutes (premised largely on mail & wire fraud) in addition to state law fraud claims against numerous defendants associated with the Lexington Law Firm, which provides credit repair services to consumers.

Verdict: For the defendants on all counts.

Parties: *Travis D. Ross v. Huhtamaki, Inc.*

Case No.: 2:20-cv-02208-HLT **Judge:** Hon. Holly L. Teeter

Location: KC, KS

Attorneys: (P) – Dione Greene & Henry Tanner
(D) – Ashley Dillon & Sara Welch

Plaintiff filed this employment disability discrimination lawsuit against the defendant employer, a global food packaging and labeling company.

Verdict: For the plaintiff. The jury found Huhtamaki liable to Mr. Ross for discrimination on the basis of disability and failing to provide a reasonable accommodation for his disability, and found in both instances that Huhtamaki’s conduct was malicious or in reckless disregard of Mr. Ross’s right not to be discriminated against on the basis of disability. The jury found Huhtamaki was not liable for retaliating against Mr. Ross for filing or sustaining a workers’ compensation injury. The jury awarded lost wages in the amount of \$83,400; pain, suffering or emotional distress in the amount of \$100,000; and awarded punitive damages in the amount of \$366,800 for a total verdict of \$550,200.

DID YOU KNOW?

The District of Kansas was created in 1861, replacing the territorial court that preceded it. President Abraham Lincoln appointed Archibald Williams, the former United States Attorney for Illinois, as the Court's first Judge. Judge Williams moved to Topeka from Illinois and served more than two years as Judge before moving back to Quincy, Illinois shortly before his death on September 21, 1863. Judge Williams, who was in poor health, traveled from Kansas to Washington D.C. on May 29, 1862, to pay a last visit to his old friend, President Lincoln, in the White House.

NOTE: The Federal Bar Association Chapter for the Districts of Kansas and Western Missouri retains sole and complete responsibility for the content of this publication. For questions or comments about this publication, contact Blake Shuart via e-mail at Blake.Shuart@huttonlaw.com.