



Districts of Kansas & Western Missouri

Civil Jury Verdict Report

D. Kan. & W.D. Mo.

Issue 4 – April 2022

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UPCOMING FBA CHAPTER EVENTS:

August 10, 2022: CLE (available both live and via Webinar) from Noon – 1:00 p.m. CST: *Implicit Bias & Diversity*
Presenters: Hon. Lajuana Counts, Dana Cutler & Keith Cutler – registration info. available soon

APRIL 2022 CIVIL VERDICT SUMMARY

Parties: *Susan Isberner v. Walmart, Inc.*
Case No.: 2:20-cv-02001-JAR Judge: Hon. Julie A. Robinson
Location: D. Kan. (KC, KS)
Attorneys: (P) – Jack Mcinnes, Benjamin Ashworth & Austin Jaspers
(D) – Christopher Hedican & Mark Goldsmith

Plaintiff brought this employment suit against Walmart based on constructive discharge (hostile work environment) and retaliation. Plaintiff asserted claims for back pay, lost future earnings, compensatory & punitive damages. The jury was asked as part of its verdict to determine whether an individual, Mr. Rohr, was plaintiff's supervisor (thus invoking claims for hostile work environment by a supervisor as additional claims).

Verdict: For defendant on all issues. Mr. Rohr was not found to be a supervisor.

Parties: *Micah B. Riggs v. Robert Gibbs, et al.*
Case No.: 14-676-cv-W-FJG Judge: Hon. Fernando J. Gaitan, Jr.
Location: W.D. Mo. (KC, MO)
Attorneys: (P) – Henry Bell & Will Wohlford
(D) – Diane Peters & Nicolas Taulbee

This Civil Rights Act suit was brought against several law enforcement officials based on alleged violations of plaintiff's Fourth Amendment right to be free from an unreasonable search and seizure. The jury's verdicts were spread across two Verdict Forms with two defendants on each form.

Verdict: For both defendants, Taylor & Toigo, on Verdict Form No. 1. For defendant Onik and against defendant Gibbs on Verdict Form No. 2. For damages against defendant Gibbs the jury awarded plaintiff \$1.00.

Parties: *Hiscox Insurance Co., et al. v. Warden Grier, LLP*
Case No.: 4:20-00237-NKL Judge: Hon. Nanette K. Laughrey
Location: W.D. Mo. (KC, MO)
Attorneys: (P) – Daniel Blegen & Michael Seitz
(D) – Robert Horn & Andrea McMurtry

This plaintiff-insurer, which insures risks throughout the United States, brought a breach of contract and breach of fiduciary duty suit against Warden Grier, who Hiscox had retained to represent it in various coverage and subrogation matters and to monitor active litigation in the U.S. affecting Hiscox and its clients. The suit arose out of a Data Breach – Warden Grier's server was hacked by an international organization known as "The Dark Overlord." Hiscox made various claims tied to the breach, including failure to protect Hiscox's data, failing to appropriately respond to the Data Breach and failure to notify Hiscox and its insureds of the breach. Hiscox claimed various categories of economic damages.

Verdict: For the defendant.

Parties: *Sunshine Pyrotechnics Co., Ltd. v. Hale Fireworks, LLC, et al.*
Case No.: 17-3033-cv-S-BCW Judge: Hon. Brian C. Wimes
Location: W.D. Mo. (Springfield, MO)
Attorneys: (P) – David Potter & Lauren Perkins Allen
(D) – J. Michael Bridges & Laura Robinson

This was a breach of contract suit with a counterclaim related to a fireworks purchase.

Verdict: For the defendant on plaintiff's claims. Defendant was also awarded \$718,319.56 in damages.

Parties: *Robert Taylor v. Ronald Stephan*
Case No.: 19-3125-cv-S-BP Judge: Hon. Beth Phillips
Location: W.D. Mo. (Springfield, MO)
Attorneys: (P) – Britta Todd, Michael Hayes & Stefon David
(D) – Courtney R. Chapin, Kelli Reichert & Michael Pritchett

This was a § 1983 case brought by a prisoner in the Missouri DOC who was incarcerated at South Central Correctional Center in Licking, Missouri. Plaintiff made a § 1983 claim of retaliation against Mr. Stephan, a Corrections Officer.

Verdict: For the defendant.

DID YOU KNOW?

The United States District Court for the Western District of Missouri is divided into five divisions: Western (Kansas City), Central (Jefferson City), Southern (Springfield), Southwestern (Joplin) & St. Joseph (St. Joseph). The St. Joseph Division covers the highest number of Missouri counties (18). There are divisional Clerk's Offices in Jefferson City and Springfield in addition to the primary office in Kansas City. The Kansas City District Courthouse is named in honor of Charles Evans Whittaker (1901-1973), who was the first individual to serve on a Federal District Court, Federal Court of Appeals & the United States Supreme Court.

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.