



## **Districts of Kansas & Western Missouri**

### **Civil Jury Verdict Report**

**D. Kan. & W.D. Mo.**

**Issue 9 – March 2023**

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The Federal Bar Association provides practitioners in all practice areas a unique opportunity to socialize with colleagues and Judges in a professional setting while learning more about the federal courts. The FBA offers many opportunities to obtain CLE credits in both live and remote settings, free of charge for all registered members. To register, contact the Chapter's Membership Director: Hammons Hepner at [hhepner@midwest-law.com](mailto:hhepner@midwest-law.com) or visit the FBA website at [www.fedbar.org/membership](http://www.fedbar.org/membership).

#### **MARCH 2023 CIVIL VERDICT SUMMARY**

Parties: *Tumey L.L.P., et al. v. Mycroft AI Inc., et al.*  
Case No.: 21-cv-00113-BP Judge: Hon. Beth Phillips  
Location: WDMO (KC, MO)  
Attorneys: (P) – Jared Woodfill, Adam Hellack & Cameron Leisz  
(D) – David Marcus & Robert A. Horn

An attorney and his law firm brought federal and state law claims (10 total counts) against a company that had been sued by one of the firm's clients and two of the company's principals, alleging that the defendants had initiated a campaign of cyber-attacks against the firm's computer systems.

**Verdict:** Four of the 10 counts were dismissed on summary judgment prior to trial. Three additional counts were withdrawn during trial. The jury entered a verdict on behalf of the defendants on the final three counts (Counts I, VI & VII).

Parties: *Shaw v. Schulte*  
Case No.: 6:19-cv-01343-KHV Judge: Hon. Kathryn H. Vratil  
Location: D. Kan. (KC, KS)  
Attorneys: (P) – Olawale O. Akinmoladun, Leslie A. Greathouse, Patrick A. McInerney & Madison A. Perry (Spencer Fane) and Sharon Brett, Kunyu L. Ching & Brian M. Hauss (ACLU)  
(D) – Arthur S. Chalmers

Plaintiff brought this suit under 42 U.S.C. § 1983 against Master Trooper Doug Schulte of the Kansas Highway Patrol based on roadside traffic stops of the plaintiff along I-70 in western Kansas that were prolonged to allow for inspection by dogs trained to detect controlled substances (K-9 sweeps).

**Verdict:** The jury answered “Yes” to Question One: “Do you find under Instruction 12, by a preponderance of the evidence, that defendant lacked a reasonable suspicion to extend plaintiff’s detention?” The jury then answered “No” to Question Two: “Do you find that plaintiff sustained compensatory damages on account of defendant extending his detention?” and awarded \$0 in compensatory damages. The jury then awarded \$1.00 in nominal damages and found that plaintiff was not entitled to punitive damages.

Parties: *Stan Laber v. Lloyd J. Austin, III, Secretary, U.S. Department of Defense*  
Case No.: 6:18-cv-01351-JWB Judge: Hon. John W. Broomes  
Location: D. Kan.  
Attorneys: (P) – Stan Laber, *pro se*  
(D) – Christopher Allman, Steven W. Brookreson, II, Sarah Burch Macke & K. Tyson Shaw

Plaintiff proceeded *pro se* in this employment action against Lloyd J. Austin, III, Secretary, United States Department of Defense based on a number of discrete failure to hire claims. For each discrete act of failure to hire, plaintiff asserted claims alleging religious and age discrimination and retaliation in violation of 42 U.S.C. § 2000e (“Title VII Retaliation”).

**Verdict:** The jury found in favor of defendant on the Religious Discrimination and Age Discrimination Claims and in favor of plaintiff on the Title VII Retaliation claim. The jury awarded \$0 in compensatory damages.

Parties: *Brian Miller v. CNH Industrial America LLC*  
Case No.: 6:20-cv-01293-TC Judge: Hon. Toby Crouse  
Location: D. Kan. (Wichita, KS)  
Attorneys: (P) – Gaye B. Tibbets, Don D. Gribble, II & Bradley J. LaForge  
(D) – Daniel A. Haws, Krista Joan Pezewski & Patrick A. Edwards

Plaintiff Miller brought this products liability suit for injuries sustained while operating a tractor manufactured by the defendant. Plaintiff claimed that the defendant’s warnings and instructions regarding the tractor’s electronic park brake were inadequate because they led him to believe the tractor would stop as he dismounted the moving tractor.

**Verdict:** The jury found in favor of the plaintiff, finding the defendant to be 60% at fault and the plaintiff to be 40% at fault. The jury awarded \$3,500,000 in noneconomic loss to date; \$1,000,000 in future noneconomic loss; \$1,477,084 in medical expenses to date and \$500,000 for loss or impairment of services as a spouse, for a total verdict of \$6,477,084. The net verdict after 40% comparative fault is \$3,886,250.40.

## **DID YOU KNOW?**

Federal jurisdiction and district courts were established in Kansas when it became a territory in 1854. The territory was divided into three judicial districts. The district courts were given jurisdiction in all cases in the amount of \$100.00 or more, all divorce actions, and cases where land title was in dispute.

## **FEDERAL BAR ASSOCIATION CHAPTER FOR THE DISTRICTS OF KANSAS & WESTERN MISSOURI – OFFICERS FOR 2022-2023**

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## **UPCOMING CLE OPPORTUNITY!**

**On April 14th, your FBA Chapter will be hosting a CLE on Hearsay and Courtroom Technology, with a reception to follow.**

**What:** Two hours of CLE credit on Hearsay Issues and Courtroom Technology

**When:** April 14th, 2023

- 12:45PM Registration Opens
- 1:00PM Welcome by Judge Crouse
- 1:10PM Hearsay CLE with Rich Federico, Skip Jacobs, and Sara Walton
- 2:10PM Effective Evidence Presentation using courtroom technology with Shazzie Naseem
- 3:00PM-4:00PM Reception

**Where:** Frank Carlson Federal Building, Topeka, KS

**Cost:** Admission is free for local FBA Chapter Members, and \$100 for non-members.

### **Register Here:**

**<https://fedbarkanmo.org/ajde-events/hearsay-and-courtroom-technology-cle/>**

*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](mailto:Blake.Shuart@huttonlaw.com).