



Districts of Kansas & Western Missouri

Civil Jury Verdict Report

D. Kan. & W.D. Mo.

Issue 7 – October 2022

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OCTOBER 2022 CIVIL VERDICT SUMMARY

Parties: *Anthony O'Neal v. L. Michele Buckner & Conrad Sutton*
Case No.: 19-03441-cv-BP Judge: Hon. Beth Phillips
Location: WDMO (Springfield)
Attorneys: (P) – Matthew A. Radefield
(D) – Anthony A. McLaughlin & Nicolas Taulbee

Plaintiff O'Neal was an inmate at South Central Correctional Center ("SCCC") from April 14, 2019, to August 31, 2019, where defendant Buckner was Warden and defendant Sutton was Deputy Warden. Plaintiff alleged he was placed in a "dry cell" (a cell without running water principally used for prisoners suspected of having ingested illegal items) in full leg and arm restraints for a period of 17 days straight with no break for meals, sleep and/or restroom usage. Plaintiff brought various 1983 claims against the defendants tied to the claimed violation of his Eighth and Fourteenth Amendment rights to be free from cruel and unusual punishment.

Verdict: At the conclusion of the three-day trial, the jury found in favor of plaintiff and against defendant Buckner on four separate counts, awarding \$22,500 in actual damages and \$37,500 in punitive damages on each count for a total of \$240,000. The jury also found in favor of plaintiff and against defendant Sutton on four separate counts, awarding \$22,500 in actual damages and \$62,500 in punitive damages on each count for a total of \$340,000. Total verdict: \$580,000.

Parties: *Hardwood Lumber, Inc. v. Brewco Inc.*
Case No.: 3:18-cv-05088-RK Judge: Hon. Roseann A. Ketchmark
Location: WDMO (KC, MO)
Attorneys: (P) – Donald L. Cupps & Monique Hannam
(D) – Chadler Michael Hardin & Scott E. Bellm

Note: This was a bench trial. Plaintiff brought claims for breach of the implied warranty of merchantability and breach of the implied warranty of fitness for a particular purpose, seeking damages against defendant Brewco in the total sum of \$2,857,178. Defendant Brewco asserted that its express warranty precluded plaintiff Hardwood Lumber's implied warranty claims. Defendant Brewco also counterclaimed for breach of contract, claiming \$194,850 plus interest.

Verdict: The Court found for defendant Brewco for \$194,850 plus interest at the rate of 9 percent per annum from the date of January 30, 2018 – 30 days after the installation of the system, which set the date payment was due under the contract.

Parties: *Samantha Howard v. City of Sedalia, d/b/a Bothwell Regional Health Ctr.*
Case No.: 2:21-cv-04034-MDH Judge: Hon. Douglas Harpool
Location: WDMO (Springfield)
Attorneys: (P) – Matthew Frederick & Jennifer Johnson
(D) – Casey Murray & Amanda Lewandowski

Plaintiff, a hospital pharmacist, brought suit against the employer-hospital under the ADA to allow her use of a service animal to assist with management of her diabetes and hypoglycemic unawareness.

Verdict: The jury found for the plaintiff after a four-day trial.

Parties: *Cedar Hills Investment Co. v. Simon Property Group & Battlefield Mall*
Case No.: 18-3426-cv-BCW Judge: Hon. Brian C. Wimes
Location: WDMO (KC, MO)
Attorneys: (P) – Robert W. Tormohlen & Christopher Helt
(D) – Justin Nichols & Michael Brown

Note: This was a bench trial. Plaintiff claimed damages against the defendants arising from a commercial real estate lease relating to an enclosed shopping center in Springfield, alleging the defendants systematically miscalculated and underpaid their rent. Prior to trial, the parties stipulated to the dismissal of plaintiff's Count I and the defendants' counterclaim.

Verdict: After a four-day bench trial, the Court found for defendant Simon Property Group on all counts. The Court found in favor of plaintiff and against defendant Battlefield Mall on Count II, Count III in part and Count IV, for a total damages award of \$3,474,188. The Court found for defendant Battlefield Mall on Count III in part and Count V.

Parties: *Tucker Kaufman v. Central RV, Inc.*
Case No.: 2:21-cv-02007-EFM Judge: Hon. Eric F. Melgren
Location: D. Kan. (Wichita, KS)
Attorneys: (P) – Bryce Bell & Mark Schmitz
(D) – Derek Mackay & Allison Greenfield

Plaintiff purchased a travel trailer from defendant Central RV in 2018. He alleged the trailer had previously sustained storm damage and was declared a total loss by an insurance company, and that defendant Central RV did not disclose this information or make any repairs to the trailer, leading to damages.

Verdict: The jury found for the defendant on all claims asserted – four KCPA claims, a fraud claim and a fraud by silence claim.

DID YOU KNOW?

In the early 1890s, the City of Joplin, Missouri began petitioning for a federal government building in the city. Construction began on the new Federal Building at Third & Joplin Streets in 1903 and it opened for business in December 1904. *The Joplin Globe* boasted in its December 18, 1904, newspaper: “It’s a long story, the history of the government building in Joplin, a story of hope deferred and patience tried, but as the public files into the post office tomorrow morning it may be confidently predicted that it was worth waiting for.” Named the Durward G. Hall Federal Building and United States Courthouse since 1972, the historic building was utilized as a courthouse for the U.S. District Court for the Western District of Missouri from 1904 to 2000.

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