

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

M.B. And S.E. Through Their Next Friend Katharyn McIntyre, R.M. Through His Next Friend Allan Hazlett, C.A. Through His Next Friend Allan Hazlett, E.B. Through His Next Friend Allan Hazlett, J.P. Through Her Next Friend Allan Hazlett, Z.Z. Through Her Next Friend Ashley Thorne, And M.A. Through His Next Friend Ashley Thorne, For Themselves And Those Similarly Situated,

Plaintiffs,

v.

Case No. 2:18-CV-02617-DDC-GEB

Laura Howard In Her Official Capacity As Kansas Department For Children And Families Secretary, Dr. Lee A. Norman In His Official Capacity As Kansas Department Of Health And Environment Secretary, And Laura Howard In Her Official Capacity As Kansas Department For Aging And Disability Services Secretary,

Defendants.

**DECLARATION OF J. NICK BADGEROW**

**I, J. Nick Badgerow, declare as follows:**

**I. BACKGROUND AND QUALIFICATIONS.**

1. I am, and have been since April, 1976, licensed to practice law by the Supreme Court of the State of Kansas. I am, and have been at all times since that date, an attorney in good standing authorized to practice before the courts of this State and this Court.

2. I received a Bachelor of Arts degree (with honors) from The Principia College in Elsah, Illinois, in 1972. I received a juris doctor degree from the University of Missouri - Kansas City in December, 1975.

3. I am licensed to practice before the following courts: Supreme Court of the State of Kansas; Supreme Court of the State of Missouri; United States District Courts for the District of Kansas; the Western District of Missouri; and the Northern District of Oklahoma; United States Courts of Appeals for the Tenth Circuit, Eighth Circuit, Fourth Circuit, and Federal Circuit; the United States Court of Federal Claims; and the United States Supreme Court.

4. I am a member of the following legal associations:

- Association of Professional Responsibility Lawyers;
- Kansas Bar Association; I received the Outstanding Service Award from this Association in 1995 and in 2009; I received the Distinguished Service Award from this Association in 2020.
- Missouri Bar Association;
- Johnson County Bar Association; I received the President's Award from this Association in 2004;
- Wyandotte County Bar Association;
- Former Member: Earl E. O'Connor American Inn of Court (Secretary, 1993-1995; Counselor, 1995-1996; President, 1996-1997; Past-President, 1997-1998).

5. I have received the following appointments:

- Member, Kansas Judicial Council (1994 to 2018);
- Member, Kansas State Board of Discipline for Attorneys (2000 to 2016);
- Member, Supreme Court/KBA Joint Commission on Professionalism (2010 to 2013);
- Chairman, Kansas Judicial Council Civil Code Advisory Committee (1995 to 2018);
- Chairman, Kansas Bar Association Ethics Advisory Opinion Committee (member, 1995 to 2018; Chairman, 2005 to 2018);
- Chairman, Kansas Bar Association Ethics 2000 Commission (2002 to 2004);
- Chairman, Kansas Bar Association Ethics 20/20 Commission (2013);
- Co-Chair, Civil Justice Reform Act Committee, District of Kansas (1995 to 1998);
- Chairman, Ethics and Grievance Committee, Johnson County Bar Association (member 1987 to 2019, Chairman 1995 to 2019);
- Member, Rules and Forms Committee, United States District Court, District of Kansas (2004);
- Member, Mediation Panel, United States District Court, District of Kansas (1992-1998, 2003 to date).

6. I was Board Certified in Civil Litigation by examination, by the National Board of Trial Advocates (1994), and am listed in *Who's Who in American Law* and in *Who's Who in America*. I am a co-author of the *Kansas Employment Law Handbook*, first published by the Kansas Bar Association in 1994, and its Second Edition published in 2001.

7. I am also co-author and co-editor of the *Kansas Ethics Handbook*, published by the Kansas Bar Association in 1996, a co-author of the 2001 Supplement, co-author and co-editor of the Second Edition published in 2009; and co-author and sole editor of the Third Edition published in 2016. I have published more than 70 bar review and bar journal articles about legal professional ethics and civil procedure. Those articles are listed in the *curriculum vitae* which is attached hereto as Exhibit A and incorporated herein by reference. Finally, I have presented about 200 seminars, mainly on topics related to professional responsibility for attorneys.

8. I have been called upon to serve as an expert witness in more than twenty-five cases. These cases have involved the ethical conduct of one or more attorneys, interpretations and applications of the Model Rules of Professional Conduct and/or the amount and reasonableness of attorneys' fees. A listing of the occasions on which I have provided testimony as an expert witness is set forth in Exhibit B, attached hereto.

9. For 25 years, I served as Professional Responsibility Counsel for my law firm until January 2019, and in that position, I oversaw the drafting, adoption and application of rules, policies, practices and procedures for compliance with the Rules of Professional Conduct applicable to attorneys, and consulted regularly with attorneys in the firm on these subjects. I also served as a member of the Fee Committee for this firm during that time. The Fee Committee establishes the hourly rates charged by the lawyers and employees of this firm, and in

so doing, must research and be familiar with the fees and rates being charged by other law firms in the community.

10. In addition, I have served as lead trial counsel in numerous civil cases tried before juries and courts in the State of Kansas, including in the United States District Court for the District of Kansas. Included among those are cases involving claims under 42 U.S.C. §1983 and §1988 and constitutional claims, as well as class actions.

11. I have been engaged in this case to express opinions regarding the reasonableness of the attorneys' fees requested herein by counsel for the plaintiffs, the prevailing parties in this action, considering applicable standards, including those established by the Kansas Rules of Professional Conduct ("KRPC").

12. In reaching the opinions expressed in this Affidavit, I have reviewed the docket sheet and key pleadings in the case, as well as plaintiffs' request for fees and expenses, and supporting documentation.

13. The hourly rate regularly charged by my law firm for my services as an attorney is \$650.00. In this case, I expended 14.0 hours in reviewing documents, reaching my opinions, and preparing this Report.

## **II. SUMMARY OF OPINIONS.**

14. The hourly rates charged by Kansas Appleseed Center for Law and Justice, Inc., Law Office of Lori Burns-Bucklew, DLA Piper, National Center for Youth Law and Children's Rights during the applicable time periods when those rates were applied in the present case were reasonable in the community where the services were provided.

15. The hours expended by Kansas Appleseed Center for Law and Justice, Inc., Law Office of Lori Burns-Bucklew, DLA Piper, National Center for Youth Law and Children's Rights in the present case were reasonable.

16. The costs and expenses sought by plaintiffs' counsel in the present case are reasonable.

17. The total fees and costs requested by Kansas Appleseed Center for Law and Justice, Inc., Law Office of Lori Burns-Bucklew, DLA Piper, National Center for Youth Law and Children's Rights in this matter are fair, just and reasonable in the present case.

### **III. FACTUAL BACKGROUND AND CLAIMS.**

18. Based on my review of the documents and on discussions with counsel, I have based my opinions on the following factual premises:

19. This case was filed on November 16, 2018. Counsel, on behalf of representatives, sought the certification of two proposed classes:

a. A statewide General Class defined as all children who are now, or in the future will be, in the protective custody of the Kansas Department for Children and Families (DCF) pursuant to K.S.A. 38-2242(c)(1); and

b. A Mental Health Treatment Subclass of all children in the General Class who have or will have an identified mental health or behavioral health treatment need pursuant to the EPSDT provisions of the Medicaid Act, U.S.C. §§1396a(a)(10)(A)(i)(I), 1396a(a)(43)(C), 1396d(a)(4)(B), and 1396d(r).

20. Plaintiffs claimed that children in DCF custody were needlessly moved from placement to placement more than fifteen or twenty times, and some children even move more than fifty or one hundred times. Plaintiffs also claimed that defendants failed to provide children in DCF custody with mental health and behavioral health screening, diagnostic services, and treatment, including trauma-related screening and diagnostic services. Thus, the suit alleged not only that the defendants allowed and perpetuated a significant housing crisis for children under state care, but that this housing instability crisis, coupled with a denial of mental health and

behavioral services, imposed and imposes emotional and psychological harms and risks of harm on children who were already traumatized upon entry into system, and also that the extreme instability actually causes physical harm to children's normal brain development. Plaintiffs claimed that the chaos imposed by housing instability can negatively affect normal physical brain development, altering children's ability to form trusting attachments with adults and causing other mental health conditions. Thus, the Complaint alleged, class members have been and continue to be significantly and irreparably damaged.

21. The suit sought declaratory and injunctive relief, in the form of a judgment compelling defendants to remedy known dangerous practices and specific structural deficiencies in the Kansas foster care system, thus to end violations of plaintiffs' federal rights under the Fourteenth Amendment to the U.S. Constitution, and under the Early and Periodic Screening, Diagnostic, and Treatment ("EPSDT") provisions of the federal Medicaid Act, and the resulting harms, and risks of harm, to foster children in DCF custody.

22. Litigation ensued. Defendants vigorously defended the suit, through multiple and very able counsel, discovery and investigation were undertaken, depositions were taken, experts were located, identified, and consulted, motions were filed, and mediation was pursued on several occasions.

23. In the final mediation, as a result of the significant efforts of plaintiffs' counsel, a major and ground-breaking settlement was achieved. The settlement (once finally approved by the Court), mandates:

a. Practice Improvements. The settlement practice changes that state agencies must meet for a 12-month period and then maintain for another 12-month period in order to exit Court oversight, as validated by a neutral expert, include:

- (1) Ending the practice of housing children in unsuitable places like offices and hotels;
- (2) Ending the practice of night-to-night and short term placements;
- (3) Ensuring that placements are not overcrowded and do not exceed licensed capacity;
- (4) Ending housing-related delays in the provision of mental health services; and
- (5) Providing crisis intervention services for children throughout the state.

b. Outcomes. The settlement also mandates measurable outcome improvements for children, phased in over three or four one-year periods. When state agencies meet the final target outcome after phasing it in, they must maintain it for another 12 months in order to exit Court oversight. These include:

- (1) Achieving a low average rate of placement (housing) moves, ultimately 4.4 moves or less per 1,000 days in care;
- (2) Addressing mental health and behavioral health treatment needs for at least 90% of cases;
- (3) Ensuring the current placement is stable for at least 90% of cases;
- (4) Limiting placement changes to 1 move over 12 months for at least 90% of cases; and
- (5) Providing an initial mental health and trauma screen within 30 days of entering state care for at least 90% of cases.

c. New Community Accountability Structure. The settlement also compels the creation of a new independent advisory group, comprised mostly of stakeholders outside of state agencies, such as providers, parents and youth. The group can make public recommendations for change and the state agencies must respond in writing to all such recommendations.

24. The settlement resulted in a written agreement, which was then presented to the Court for approval on July 27, 2020. (Doc. 139). In the Joint Stipulation, the parties provided for a schedule for plaintiffs to seek attorneys' fees under 42 U.S.C. §1988.

25. The Court entered its order of preliminary approval of the settlement on September 9, 2020. (Doc. 140).

26. In the Order, the Court certified a class defined as: "All children who are now, or in the future will be, in the protective custody of the Department for Children and Families pursuant to Kan. Stat. Ann. § 38-2242(c)(1)." In addition, the Court ordered that the Motion for Final Approval of the Settlement and plaintiffs' Motion for Attorneys' Fees and Costs to be filed on or by November 30, 2020.

27. The present inquiry, then, is to determine the reasonable attorneys' fees and costs incurred by plaintiffs in successfully prosecuting this action.

#### **IV. THE FEES AND COSTS REQUESTED BY PLAINTIFFS ARE REASONABLE.**

##### **A. PRINCIPLES.**

28. A consideration of the reasonableness of attorneys' fees begins with the Model Rules of Professional Conduct, Rule 1.5 in Kansas.<sup>1</sup>

29. Kansas Rule 1.5(a), provides that a "lawyer's fee shall be reasonable."

30. Thus, the test in the usual case is whether the fee charged is "reasonable." *See Baugh v. Baugh ex rel. Smith*, 25 Kan. App. 2d 871, 973 P.2d 202 (1999) (lawyer entitled to reasonable value of services rendered to client). A lawyer is not entitled to an excessive fee. *In*

---

<sup>1</sup>Kansas Rules of Professional Conduct ("KRPC"), Rule 226, Rules of the Kansas Supreme Court, adopted as the rules of professional conduct applied to lawyers practicing in this Court. Rule 83.6.1, Local Rules of Practice, United States District Court for the District of Kansas. <http://ksd.uscourts.gov/index.php/local-rule/rule-83-6-1-professional-responsibility/>.

*re. Tuley*, 258 Kan. 762, 907 P.2d 844 (1995); *In re. Arabia*, 270 Kan. 742, 19 P.3d 113 (2001); *In re. Kellogg*, 274 Kan. 281, 50 P.3d 57 (2002).

31. Under Rule 1.5(a), KRPC, the factors to be considered in determining the reasonableness of a fee include the following:

- (1) The time and labor involved;
- (2) the novelty and difficulty of the questions presented;
- (3) the skill requisite to perform the legal services properly;
- (4) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
- (5) the fee customarily charged in the locality for similar legal services;
- (6) the amount involved and the results obtained;
- (7) the time limitations imposed by the client or by the circumstances;
- (8) the nature and length of the professional relationship with the client;
- (9) the experience, reputation, and ability of the lawyer or lawyers performing the services; and
- (10) whether the fee is fixed or contingent.

*See Bergeson v. Dilworth*, 875 F. Supp. 733, 739 (D. Kan. 1995); *Hall v. Hamilton*, 233 Kan. 880, 667 P.2d 350 (1983); *City of Wichita v. BG Products, Inc.*, 252 Kan. 367, 374, 845 P.2d 649 (1993); *Miller v. Botwin*, 258 Kan. 108, 899 P.2d 1044 (1995); *DeSpiegelaere v. Killion*, 24 Kan. App. 2d 542, 947 P.2d 1039 (1997); *Link v. City of Hays*, 268 Kan. 372, 997 P.2d 697 (2000); *Johnson v. Westhoff Sand Co., Inc.*, 31 Kan.App.2d 259, 62 P.3d 685 (2003), *rev. den.* 275 Kan. 964 (2003).

32. The first step in the analysis of a reasonable fee is to evaluate the number of hours expended by the law firm and the hourly rate charged. *Gigot v. Cities Service Oil Co.*, 241 Kan. 304, 316-317, 737 P.2d 18 (1987), quoting *Brewer v. Southern Union Company*, 607 F. Supp. 1511, 1519-1520 (D. Colo. 1984). As this Court held in *Reazin v. Blue Cross and Blue Shield of Kansas, Inc.*, 663 F.Supp. 1360, 1450 (D. Kan. 1987):

The basic standard for finding reasonable fees is the determination of reasonable hours and rates. *Blum [v. Stenson]*, 465 U.S. [886] at 898, 104 S.Ct. [1541] at 1548, [79 L.Ed.2d 891 (1984)]. The factors for evaluating legal representation – such as the time and labor required, the novelty and difficulty of the questions, the results obtained, etc. – “usually are subsumed within the initial calculation of hours reasonably expended at a reasonable hourly rate.” *Hensley [v. Eckerhart]*, 461 U.S. [424] at 434 n. 9, 103 S.Ct. [1933] at 1940 n. 9, [76 L.Ed.2d 40 (1983)].

This is called the “lodestar” method,<sup>2</sup> which involves the multiplying of the reasonable number of hours times the reasonable hourly rate. *Lippoldt v. Cole*, 468 F.3d 1204, 1222 (10th Cir. 2006) (citing *Blum v. Stenson*, 465 U.S. 886, 897 (1984); *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983)). In determining a reasonable attorney’s fee, the district court first calculates the “lodestar” figure, that is, the product of multiplying reasonable hours by a reasonable hourly rate. *Hensley v. Eckerhart*, 461 U.S. 424, 434 (1983). This “lodestar amount” is “the centerpiece of attorney’s fee awards.” *Blanchard v. Bergeron*, 489 U.S. 87, 94 (1989). The lodestar figure “is the presumptively reasonable fee.” *Metz v. Merrill Lynch, Pierce, Fenner Smith, Inc.*, 39 F.3d 1482, 1493 (10th Cir. 1994).

---

<sup>2</sup>“ . . . [T]his method starts with a determination of the number of hours reasonably expended on the case as well as a reasonable hourly rate associated with the hours spent. The two multiplied together establish the 'lodestar'.” *Gigot v. Cities Service Oil Co.*, *supra*, 241 Kan. at 316.

33. Having established the lodestar, the Court then considers and applies the other factors listed in Rule 1.5 (KRPC). *Allison v. Board of County Com'rs of Johnson County*, 241 Kan. 266, 278, 737 P.2d 6 (1987); *Gigot, supra*, 241 Kan. at 317.

**B. APPLICATION OF PRINCIPLES TO THE PRESENT CASE.**

Rates

34. First, the rates charged by Kansas Appleseed Center for Law and Justice, Inc., Law Office of Lori Burns-Bucklew, DLA Piper, National Center for Youth Law and Children's Rights are reasonable. The rates charged by the various timekeepers involved in the case are set out in the chart below.

35. The non-Kansas lawyers' rates would be much higher in their respective communities, but they have reduced the rates charged in this case to those within what is reasonable in this jurisdiction. The maximum rate charged by even the most senior lawyers in this case was capped at \$500 per hour, which is well below the rates charged by experienced senior lawyers in this community, and even further below the rates which senior and experienced non-Kansas lawyers could and would charge in their own communities.

36. Applying the community standard, the rates charged by Kansas Appleseed Center for Law and Justice, Inc., Law Office of Lori Burns-Bucklew, DLA Piper, National Center for Youth Law and Children's Rights in this matter were well within the range of reasonable rates for the lawyers and other professionals who provided services to plaintiffs in the successful prosecution of this case.

37. Therefore, the rates charged by Kansas Appleseed Center for Law and Justice, Inc., Law Office of Lori Burns-Bucklew, DLA Piper, National Center for Youth Law and Children's Rights in this litigation were reasonable. Moreover, National Center for Youth Law and Children's Rights are national organizations which are uniquely qualified and situated, by

their broad experience, to address and handle issues such as those presented in the instant case. And DLA Piper is a well-renowned international law firm.

### Hours

38. Further, after a review of the many activities which were undertaken or to which responsive activity was required in the present litigation, the number of hours expended in those matters by the law firms representing plaintiffs were fair, reasonable and justified.

39. Applying the standards found in Rule 1.5(a) to the present case, in order to arrive at a determination that plaintiffs' fees were reasonable, the following factors appear:

(1) *The time and labor involved;*

This was a major constitutional matter, requiring significant effort by the lawyers representing the plaintiffs to research and apply constitutional principles; to consider issues of statutory and regulatory interpretation; to consider and apply rules and standards for preliminary injunctive relief; to participate in extensive pleading and discovery practice; to investigate the relevant facts and factors involved (including communications with their own clients); to pursue and justify multiple claims on behalf of two large classes; to locate and consult relevant experts in the case, for example, on social work and on mental health; and to participate in multiple mediation efforts. The time records reflect, and the pleadings and docket sheet justify, a significant amount of effort by counsel for the plaintiffs. Moreover, plaintiffs have significantly reduced the number of hours charged by a large number:

- a. Counsel have reduced their hours by more than 25% in order to avoid any appearance of duplication, thus reducing their claim by more than \$1 million;
- b. Counsel have not made any charge for any timekeeper who expended less than 50 hours on the case;

- c. Counsel have applied a 50% reduction for their travel time;
- d. Counsel have not included in their Motion any time expended after the preliminary approval of the settlement on July 27, 2020, including contacts with class members; the motion for final approval of the settlement; or the preparation and filing of their Motion for Attorneys' Fees,<sup>3</sup> amounting to more than 1,300 hours as of November 15, 2020.

(2) *The novelty and difficulty of the questions presented;*

This case involved very novel, unique and unusual questions involving class claims, the interpretation and application of law, and enforcement of statutory obligations imposed upon a major state agency, the impacts of state agency actions, as well as the application of constitutional protections. The case was extremely difficult, and one which would not be attractive to most law firms, representing, as it did, taking on a state agency with significant claims, likely requiring the advance of thousands of hours of effort, with the prospect of little to no financial remuneration. This suit was undertaken in the public interest, asserted on behalf of thousands of children with no voice and few advocates.

(3) *The skill requisite to perform the legal services properly;*

Skills in litigation and knowledge of constitutional and regulatory law, as well as class actions, were all required in the highest order to prosecute this case successfully, which was being defended by multiple very able and experienced counsel on behalf of the defendants. The required litigation skills included the analysis of significant legal issues, the investigation and determination of historical facts; filing and briefing of various motions; participation in

---

<sup>3</sup> One might argue that these last efforts could and should have been included in plaintiffs' application for fees, since in "statutory fee cases, federal courts . . . have uniformly held that time spent in establishing the entitlement to and amount of the fee is compensable." *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 981 (9th Cir. 2008).

discovery; and mediation; and finally achieving a successful result. In addition, detailed knowledge of the workings of the foster care system was required. The use of law firms with experience in similar litigation on a national basis benefited plaintiffs by avoiding duplication of effort and the time and expense associated with making new counsel familiar with the law, the facts and the history of prior cases.

(4) *The preclusion of other employment by the attorneys due to acceptance of the case;*

The number of hours expended by the various timekeepers in this litigation leads to the conclusion that other employment was foregone over a long period of time. It had to have been apparent to plaintiffs that the extensive efforts undertaken by Kansas Applesed Center for Law and Justice, Inc., Law Office of Lori Burns-Bucklew, DLA Piper, National Center for Youth Law and Children's Rights in this case would have precluded their lawyers from working on other matters during the time they were working on this case.

(5) *The customary fee for such work;*

Claims under 42 U.S.C. §1988 are customarily submitted on an hourly basis (plus sometimes as multiplier). The "customary" fee gets back to an analysis of the number of hours expended – which differs for every case – and the hourly rates charged, which (as stated above) were reasonable, and therefore customary, in this case.

(6) *The amount involved and the results obtained;*

Counsel achieved a complete and unequivocal victory for their client. Within the confines of what is practical and reasonable, their success is complete.

(7) *Time limitations imposed by the client or the circumstances;*

The circumstances of this case compelled prompt action, to prevent the continuation of a deplorable situation, and further irreparable harm to as many as 7,000 class members.

(8) *The nature and length of the professional relationship with the client;*

This does not appear to be a factor, as the plaintiff class representatives apparently had no prior relationship with their counsel.

(9) *The experience, reputation, and ability of the attorneys;*

a. Teresa Woody and Larry Rute are very experienced and senior litigators with a wide background in handling and trying cases of significance. They both enjoy a very favorable reputation in this legal community. Kansas Appleseed Center for Law and Justice, Inc., is a well-known and highly respected local organization. Its goal is to aid all Kansans to have the resources they need to support themselves and raise healthy families, so that all Kansans can participate fully in the community under equal protection of the law; and so that all Kansans benefit from a fair and effective judicial system. <https://www.kansasappleseed.org/>.

b. National Center for Youth Law (NCYL) is a national organization, with lawyers and staff experienced in handling cases of this nature. The lead counsel at NCYL, Leecia Welch, has over 15 years of experience in federal impact litigation for children. NCYL has worked for more than four decades to improve the lives of disadvantaged children and youth. NCYL leads campaigns, weaving together research, public awareness, policy development, technical assistance and litigation to ensure governmental systems provide the support these children and youth need to thrive. <https://youthlaw.org/>.

c. Children's Rights is also a national organization that brings federal impact litigations for children. It investigates, exposes and combats violations of the rights of children across the country. It uses every tool available under the law to hold governments accountable

for keeping kids safe and healthy. <https://www.childrensrights.org/>. Ira Lustbader, the Lead Counsel on this case, has over twenty years of experience in federal impact litigation on behalf of children in foster care. The work done and the results achieved demonstrate that Children's Rights' legal ability is excellent.

d. Lori Burns-Bucklew is an experienced litigator of some 36 years, with particular experience with the Kansas foster care system, and she is an accredited child welfare law specialist.

e. DLA Piper is global law firm with nearly 4,000 attorney experts in 40 countries. One of its many efforts is in working with National Center for Youth Law and Children's Rights in pursuing their goals of improving the lives of disadvantaged youth.

*(10) Whether the fee is fixed or contingent.*

The fee in this matter is based on an hourly rate applied to the hours expended. It was not contingent.

#### Multiplier

40. Beyond the discount of more than \$1 million applied by plaintiffs' counsel in this case, they also do not seek any multiplier beyond the lodestar, though multipliers are often applied in the case of unusual success on the part of counsel for the prevailing party. *See, e.g., In re Sprint Corp. ERISA Litig.*, 443 F. Supp. 2d 1249, 1271 (D. Kan. 2006) (multiplier of 1.18 applied); *In re Bank of Am. Wage & Hour Emp't Litig.*, No. 10-MD-2138-JWL, 2013 WL 6670602, at \*3 (D. Kan. Dec. 18, 2013) (1.10 multiplier applied); *Sakiko Fujiwara v. Sushi Yasuda Ltd.*, 58 F. Supp. 3d 424, 439 (S.D.N.Y. 2014) (2.28 multiplier applied).

#### Costs

41. Counsel for the plaintiffs also incurred costs and expenses in their representation of the plaintiffs. These include charges for travel expenses, including necessary airfare, accommodation, meals, and automobile; and court costs, including the filing fee, deposition costs, and mediator charges. These are all charges which are regularly and customarily charged by attorneys in this community, and which are routinely paid by clients to their counsel. *See, e.g., York v. InTrust Bank, N.A.*, 265 Kan. 271, 315, 962 P.2d 405 (1998). Plaintiffs' counsel did not charge for a number of necessary expenses they incurred in the case, and Kansas Applesed Center for Law and Justice, Inc. and Law Office of Lori Burns-Bucklew do not seek reimbursement for the expenses which they incurred.

## V. CONCLUSION.

42. Based on all of the foregoing factors, established by the Kansas Rules of Professional Conduct and decisions of the Kansas appellate courts, as well as my 44 years of practice before the courts of this State, including this Court, the reasonable fee (including costs) for this matter would be as follows:

<u>Timekeeper</u>	<u>Firm</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Ira Lustbader	Children's Rights	968.62	\$ 500.00	\$ 484,308.33
Stephen Dixon	Children's Rights	354.30	\$ 410.00	\$ 145,263.00
Marissa Nardi	Children's Rights	1,211.02	\$ 380.00	\$ 460,186.33
Erin McGuinness	Children's Rights	408.87	\$ 240.00	\$ 98,128.00
Jonathan King	Children's Rights	702.83	\$ 345.00	\$ 242,477.50
Claire Glasspiegel	Children's Rights	238.65	\$ 310.00	\$ 73,981.50
Nicole Taykhman	Children's Rights	196.43	\$ 290.00	\$ 56,965.67
Clare Connaughton	Children's Rights	239.37	\$ 200.00	\$ 47,873.33
Daniel Adamek	Children's Rights	634.92	\$ 200.00	\$ 126,983.33
David Sager	DLA Piper	32.9 <sup>4</sup>	\$ 500.00	\$ 16,450.00
Kristin Pacio	DLA Piper	74.90	\$ 410.00	\$ 30,709.00
William Diggs	DLA Piper	73.10	\$ 410.00	\$ 29,971.00
Joshua Kane	DLA Piper	108.80	\$ 410.00	\$ 44,608.00
Meg Fowler	DLA Piper	100.50	\$ 240.00	\$ 24,120.00

<sup>4</sup> Adjusted to account for 50% travel rate reduction.

Olivia Tourgee	DLA Piper	97.00	\$	240.00	\$ 23,280.00
Megan Kinney	DLA Piper	133.30	\$	240.00	\$ 31,992.00
Judy Calderon	DLA Piper	8.70	\$	200.00	\$ 1,740.00
Larry Rute	Kansas Appleseed	184.50	\$	500.00	\$ 92,250.50
Teresa Woody	Kansas Appleseed	629.40	\$	500.00	\$ 314,700.00
Martha Hodgesmith	Kansas Appleseed	129.70	\$	345.00	\$ 44,746.50
Benet Magnuson	Kansas Appleseed	42.00	\$	300.00	\$ 12,600.00
Christina Ostmeyer	Kansas Appleseed	46.60	\$	200.00	\$ 9,320.00
Lori Johns	Kansas Appleseed	70.90	\$	200.00	\$ 14,180.00
Lori Burns-Bucklew	Law Office of LBB	231.10	\$	500.00	\$ 115,550.00
Leecia Welch	NCYL	951.10	\$	500.00	\$ 475,550.00
Poonam Juneja	NCYL	729.50	\$	395.00	\$ 288,152.50
Freya Pitts	NCYL	750.50	\$	365.00	\$ 273,932.50
Jean Strout	NCYL	88.90	\$	325.00	\$ 28,892.50
Amanda Grill	NCYL	123.00	\$	270.00	\$ 33,210.00
Jackie Stolzenberg	NCYL	264.70	\$	250.00	\$ 66,175.00
Kira Setren	NCYL	95.80	\$	200.00	\$ 19,160.00
Josh Nomkin	NCYL	132.20	\$	200.00	\$ 26,440.00

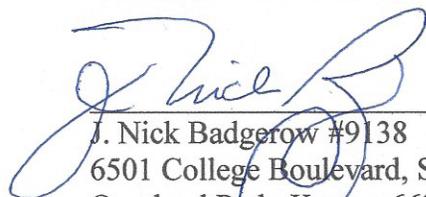
<b>TOTAL FEES:</b>	<b>\$ 3,753,896.50</b>
<b>TOTAL COSTS:</b>	<b>\$ 128,476.01</b>
<b>TOTAL FEES &amp; COSTS:</b>	<b>\$ 3,882,372.51</b>

43. On that basis, then, the amount of \$3,882,372.51 to compensate plaintiffs' counsel for their fees and expenses in this case is fair, just and reasonable.

I declare under penalty of perjury under the laws of the United States and pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed this 20<sup>th</sup> day of November, 2020 at Overland Park, Kansas.

SPENCER FANE LLP



J. Nick Badgerow #9138  
6501 College Boulevard, Suite 500  
Overland Park, Kansas 66210  
(913) 345-8100  
(913) 345-0736 (Facsimile)



**EXHIBIT A**  
**Curriculum Vitae**



**J. NICK BADGEROW**

**SPENCER FANE LLP**

**BIOGRAPHICAL SUMMARY**

**Birthdate:** April 7, 1951

**Bar Admissions:**

Kansas, 1976  
Missouri, 1986  
United States District Court, District of Kansas  
United States District Court, Western District of Missouri  
United States District Court, Northern District of Oklahoma  
United States Courts of Appeals, Tenth Circuit, Eighth Circuit, Fourth Circuit, and  
Federal Circuit  
United States Claims Court  
United States Supreme Court

**Legal Education:**

University of Missouri (Kansas City, Missouri)  
Juris Doctor, 1975 - Law Review Staff

American Arbitration Association, Arbitrator I Training, (2003); Arbitrator II Training (2004).

**Undergraduate Education:**

The Principia College (Elsah, Illinois) - B.A. (honors), 1972

Business Administration and English Literature (including one semester at University of London, England)  
Phi Alpha Eta Scholastic Honor Fraternity

**Post Graduate Employment:**

**1986 - present:** Spencer Fane Britt & Browne, Overland Park, Kansas  
Partner  
**1976 – 1985 :** McAnany, Van Cleave & Phillips, Kansas City, Kansas  
Associate, 1976 - 1979  
Partner, 1979 – 1985

**Professional Activities:**

Member, American Bar Association (Association of Professional Responsibility Lawyers)

Member, Kansas Judicial Council, appointed by Kansas Supreme Court (1994 - 2018)

Chairman, Kansas Judicial Council Civil Code Advisory Committee (1995 - 2018)

Member, Kansas State Board of Discipline for Attorneys, appointed by Kansas Supreme Court (2000 - 2016)

Member, Kansas Supreme Court Commission on Professionalism (2010 - 2013)

Chairman, Kansas Bar Association, Ethics 2000 Commission (2001 – 2002)

Chairman, Kansas Ethics 20/20 Commission (2013)

Chairman, Kansas Bar Association, Ethics Advisory Opinion Committee (Chairman, 2005 - 2019); (Member, 1997-2005)

Chairman, Johnson County (Kansas) Bar Association Ethics and Grievance Committee (Chairman, 1989 - 2018) (Member, 1987 – 1989)

Co-Chair, Civil Justice Reform Act Committee, United States District Court – District of Kansas (1995 - 1998)

Member, Forms and Procedures Committee, U.S. District Court, District of Kansas (2003 - 2004)

Missouri Bar Association

Kansas Association of Defense Counsel

Wyandotte County (Kansas) Bar Association

Kansas City Metropolitan Bar Association (past Chair, Civil Rights Committee)

Earl E. O'Connor Inn of Court (Secretary, 1993 - 1995);  
(Counselor, 1995 - 1996); (President, 1996 - 1997)

**Publications:**

Casenote, 43 U.M.K.C. L. Rev. 211 (1974).

“Dealing With Change: The New Federal Rules of Civil Procedure,” 63 Kansas Bar Journal 26 (April, 1994).

“The Fork in the Road: A Practitioner’s Guide to the 1997 Changes in the Code of Civil Procedure,” 66 Kansas Bar Journal 32 (June-July, 1997).

“Improper Advances: The Rule Against Sex with Clients,” 67 Kansas Bar Journal 40 (June-July, 1998).

“Not with My Client You Don’t: The Propriety of Contacting Represented Parties,” 2 Johnson County Bar Association Barletter 6 (January 1998).

“Can We Talk?: The Lawyer’s Ethical, Professional and Proper Duty to Communicate with Clients,” 7 Kansas Journal of Law and Public Policy 105 (Spring, 1998).

“Resuscitating the Principle of Perjury,” Kansas Association of Defense Counsel Legal Letter, p.1 (March 1999).

“Lawyers Beware: Increasing Efforts to Invade the Attorney-Client Privilege Through Examination of Attorneys’ Fee Statements,” Kansas Association of Defense Counsel Legal Letter, p. 1 (December 1999).

“The Lawyers’ Creed of Professionalism: Some Observations from the Field,” 69 Kansas Bar Journal 24 (February, 2000).

“A Profession on the Threshold: The Bar Considers Multiple Discipline Practice,” 69 Kansas Bar Journal 12 (March, 2000).

“Can’t We All Just Get Along?”: A Review of Successful Partnering Between Inside and Outside Counsel, 70 Kansas Bar Journal 12 (March, 2001).

“Honor in Battle: The Conflict Between Candor and Zealous Advocacy,” 70 Kansas Bar Journal 16 (October, 2001).

“Nip it in the Bud: Kansas Adopts Diversion for Lawyer Discipline,” Johnson County Bar Association Barletter, (December 2001).

“May It Please the Court: A Tribute to Charles S. Schnider,” 71 Kansas Bar Journal 16 (September, 2002).

“Walking the Line: Government Lawyer Ethics,” 12 Kansas Journal of Law and Public Policy 437 (Spring, 2003).

“Have Gun – Will Travel: Where Should Depositions Be Taken?” Kansas Association of Defense Counsel Legal Letter, p. 1 (Summer 2003).

“Ethics and E-Mail: Sender Beware,” 73 Kansas Bar Journal 9 (January, 2004).

“Notarize This: The Notary’s and the Lawyer’s Liability for Forged Signatures,” 73 Kansas Bar Journal 18 (September, 2004).

“Avoiding and Defending Against Mold Suits,” (with Kelly A. Campbell), 1 Mold & Moisture Management Magazine 30 (October, 2004).

“Fitting the Mold: It’s All About the Construction,” (with Kelly A. Campbell), Toxic Torts and Environmental Law 20 (DRI) (January 2005).

“Rattling the Saber: The Ethics of Threatening Criminal and Disciplinary Prosecution,” 61 Journal of the Missouri Bar 13 (January 2005), available online at <http://www.mobar.org/journal/2005/janfeb/index.htm>

“Don’t Threaten Me: A Lawyer’s Duties Under Rule 8.3,” 74 Kansas Bar Journal 14 (April 2005).

“Mold and the ‘Expert’: All is Not as it Seems,” (with Kelly A. Campbell), 2 Mold & Moisture Management Magazine No. 2, p. 6 (April, 2005).

“Law School Faculty, LLP: Law Professors as a Law Firm,” (with Prof. Michael H. Hoeflich), 53 University of Kansas Law Review 853 (May, 2005).

“Renewing Your Vows: A New Look at the Lawyer’s Oath of Admission – Part I,” 2 Kansas Prosecutor, No. 1, p. 17 (Spring, 2005); and “Part II,” 2 Kansas Prosecutor, No. 2, p. 17 (Summer, 2005).

“New Law Impacts Contractors: Kansas Enacts Fairness in Private Construction Act,” (with Dave Seitter and Danielle Curtiss), 105 Midwest Contractor 12 (June 2005).

“Disease of the Mold Experts: How Some Experts Fuel the Mold Frenzy,” (with Kelly A. Campbell), 2 Mold and Moisture Magazine No. 3, p. 8 (July 2005).

“From Solo to Megafirm: You Need a General Counsel,” 75 Kansas Bar Journal 22 (January, 2006).

“Please Leave the Room: Who May Attend Depositions?,” (with Lindsay Noelle Todd), Kansas Defense Journal, Winter 2006, p. 1.

“Lawyers for Lawyers: Why Your Firm Should Consider Naming Its Own General Counsel,” 20 Missouri Lawyers Weekly No. 31, p.17, July 28, 2006.

“The Horse and the Barn Door: Ethics of Inadvertent Disclosure,” 75 Kansas Bar Journal 15 (September, 2006).

“Kansas Ethics Complaints: Rules, Procedures, and Recommendations,” 30 Kansas Trial Lawyers Journal 6 (November, 2006).

“Acceptable Interference: The Ethics of Giving a Second Opinion,” 76 Kansas Bar Journal 20 (January, 2007).

“Lawyers in the Middle: The Three Way Tension Among Lawyers, Clients, and Fee-Payers,” Kansas Defense Journal, Spring 2007, p. 3.

“New Horizons: Kansas Adopts Ethics 2000 Changes,” 76 Kansas Bar Journal 20 (June, 2007).

“Apocalypse at Law: The Four Horsemen of the Modern Bar – Drugs, Alcohol, Gambling and Depression,” 18 The Professional Lawyer No. 3, p. 2 (Fall 2007). Reprinted with permission at 77 Kansas Bar Journal 19 (February, 2008).

“Rules vs. Rules: A Conflict on Inadvertent Production,” 77 Kansas Bar Journal 19 (January, 2008).

“ESI Comes to the K.S.A.: Kansas Adopts Federal Civil Procedure Rules on Electronic Discovery,” 77 Kansas Bar Journal 30 (August, 2008).

“Law Firm In-House Counsel: Interface with E-Discovery,” 78 Kansas Bar Journal 17 (March, 2009).

“Conflicts and Confidentiality: Duties When A Lawyer Changes Firms,” 79 Kansas Bar Journal 21 (January 2010).

“Tweet This: The Ethics of Social Networking,” 79 Kansas Bar Journal 17 (May 2010).

“www.lawfirm.com: A Web of Risks,” 79 Kansas Bar Journal 9 (November/December 2010), reprinted with permission at 7 ABA Section of Environment, Energy & Resources Ethics Committee Newsletter 6 (March 2011).

“Found Email Treasure: But Can You Use It?,” 81 Kansas Bar Journal 10 (January 2012).

“The Regulation of Courtesy: Does Kansas Need a Code of Professionalism?” (with Prof. Michael H. Hoeflich), 60 University of Kansas Law Review 413 (2012), available on-line at [http://www.law.ku.edu/publications/lawreview/pdf/04\\_Hoeflich\\_Final.pdf](http://www.law.ku.edu/publications/lawreview/pdf/04_Hoeflich_Final.pdf).

“Brave Lawyers’ Work: The Pillars of Professionalism,” 81 Kansas Bar Journal 22 (October 2012).

“King vs. Parliament: City Council Immunity from Civil and Criminal Liability Under the Speech or Debate Clause,” 99 Kansas Government Journal 9 (January 2013).

“The Beam and the Mote: A Review of the Lawyer’s Duty to Report,” 82 Kansas Bar Journal 20 (February 2013).

“‘You Have Been Endorsed on LinkedIn:’ What Now?,” 83 Kansas Bar Journal 16 (January 2014).

“20/20 Vision: The Kansas Supreme Court Adopts Changes to the Rules of Professional Conduct,” 83 Kansas Bar Journal 22 (March 2014).

“The Move to Cloud City: The Benefits and Risks of Cloud Computing,” 84 Kansas Bar Journal 22 (January 2015).

“Artificial People: Why Corporations Cannot Appear in Court Without a Lawyer,” 84 Kansas Bar Journal 20 (September 2015).

“Privilege for Hire: Does the Attorney-Client Privilege Extend to Independent Contractors?” 85 Kansas Bar Journal 10 (May 2016).

“Don’t Tread on Me: The Separation of Powers Doctrine and the Need for a Strong Judiciary,” 85 Kansas Bar Journal 30 (May 2016).

“Outside Counsel Guidelines: ‘Legis Devita’ = Lawyers Be Warned,” Kansas Defense Journal 9 (Summer-Fall 2016).

“Civil Discovery 2017: The Kansas Legislature Adopts Federal Rules on Proportionality,” 86 Kansas Bar Journal 22 (September 2017).

“‘The Right to Petition for a Redress of Grievances’: Lawyers Contacting Government Employees Represented by Counsel,” 41 Journal of the Kansas Trial Lawyers Association 16 (November 2017).

“Lawyers’ Electronic Advertising: Websites, Blogs, LinkedIn, Etc.,” 87 Kansas Bar Journal 40 (March 2018).

“Guidance is Available: The KBA Ethics Advisory Committee,” 87 Kansas Bar Journal 9 (June 2018).

“‘Blessed are the Peacemakers:’ The Case for Civility in the Practice of Law,” 88 Kansas Bar Journal 40 (January 2019).

“In House Counsel Beware: Corporate Attorneys and the Practice of Law in Kansas and Missouri,” 88 Kansas Bar Journal 44 (May 2019).

“My Court, My Ball: May a Contractual Forum Selection Clause Prohibit Removal to Federal Court?,” 42 Journal of the Kansas Trial Lawyers Association No. 4, 8 (May 2019).

“Divided Loyalties: Referral Fees and Conflicts of Interest,” 42 Journal of the Kansas Trial Lawyers Association No. 6, 12 (Nov. 2019).

“‘So Help Me God:’ The Lawyer’s Oath of Admission and the Rules of Ethics,” 88 Kansas Bar Journal 56 (Nov./Dec. 2019).

“Assistance Please: What May a Paralegal Do and Not Do?,” Heartland Paralegal Association Headnotes (Jan./Feb. 2020).

“‘Authorized by Law:’ Ex Parte Contacts with Government Officials Represented by Counsel,” 89 Kansas Bar Journal 47 (Jul./Aug. 2020).

Co-Author, Kansas Employment Law Handbook (K.B.A. 1991; 1995 Supp.).

Co-Author and Co-Editor, Kansas Lawyers Ethics Handbook, Second Edition (K.B.A. 2009); Co-Author and Editor, Third Edition (K.B.A. 2015).

### **Seminars:**

Presented over 200 seminars, meetings, and programs on litigation, construction and engineering, civil rights and employment, and professional ethics.

### **Honors:**

“Best Lawyers in America” (2007 - ).

“Kansas Super Lawyers,” (2005 - ).

“Best Lawyers in America – Lawyer of the Year,” Employment Litigation, Kansas City, Kansas (2012 and 2016); “Best Lawyers in America - Lawyer of the Year,” Arbitration (2020).

Chambers, “Litigation Star,” and “Labor and Employment Star” (2018).

Robert L. Gernon Award for Outstanding Service to Continuing Legal Education in Kansas, presented by the Kansas Continuing Legal Education Commission (2011).

Outstanding Service Award, Kansas Bar Association (1995 and 2009).

Distinguished Service Award, Kansas Bar Association (2020).

Johnson County Bar Association President's Award (2004).

Board Certified in Civil Litigation by the American Board of Trial Advocates (1994).

Mission Valley Hunt Club, President's Award (1986); Conniver Award for Service (1995); Chairman's Award (2000); Thomas C. Reck Memorial Award (2005); Sosland Cup Steeplechase (2004, 2012, 2015, 2018); Hunter Pace Award (2009, 2010, 2014, 2015, 2018, 2019).

Boy Scouts of America, District Outstanding Service Award (1999); Wood Badge Training Award (2000); District Award of Merit (2001); National Scoutmaster's Award of Merit (2004); Scoutmaster's Key (2005); Adult God & Service Award (2006); Heart of America Council Certified Trainer (2006). District Chairman, Trailhead District, Heart of America Council (2007 – 2010); Chairman, Strategic Planning Committee, Heart of America Council (2010 - 2012); Assistant District Commissioner, Trailhead District (2012 - ); Assistant Council Commissioner – Continuing Education (2014 - ). Heart of America Council Executive Board (2007 - ); Silver Beaver Award (2008); National Speakers' Bureau (2010 - 2015); Distinguished Commissioner Award (2014); Commissioner Award for Excellence in Unit Service (2014); Doctor of Commissioner Service Award and Doctorate Knot (2014); Order of the Arrow, Brotherhood member (2020).

Who's Who in American Law (1990 - ); Who's Who in America (1998 - ); Who's Who in the World (2003 - ).

**EXHIBIT B**  
**Expert Cases**

**LIST OF CASES**  
**Expert Reports and Testimony Provided**  
**J. Nick Badgerow**

*Doctor's Associates v. Kessler and Banks*, Case No. 90C12370, District Court of Johnson County, Kansas (1996). Deposition and hearing testimony.

*Community Bank v. Sloan, Listrom*, Case No. 97C3908, District Court of Johnson County, Kansas (1997). Deposition and trial testimony.

*Curtis Barvick v. Henry Cisneros*, Case No. 95-2326-GLR, United States District Court for the District of Kansas (1997). Affidavit.

*State of Kansas v. James Overby*, District Court of Johnson County, Kansas (1997). Hearing testimony.

*In Re: Caldwell Estate*, District Court for the District of Geary County, Kansas (1997). Report.

*Dean, Witter, Reynolds v. Boller*, Case No. 96-05836, NASD Arbitration, No. 96-05836 (1997). Report.

*Associated Wholesale Grocers, et al. vs. Americold, Inc., et al.*, 92C4015, District Court of Wyandotte County, Kansas (1997). Report.

*Stevana Case, et al. vs. Unified School District No. 233, et al.*, Case No. 94-2100-GTV, United States District Court for the District of Kansas (1997). Affidavit.

*Jackie Holtz and David Gardner, Heirs at Law vs. Kevin J. Lockhart, et al.*, Case No. 98C14, District Court of Pratt County, Kansas (1998). Report.

*United States of America vs. Dan Anderson, Mark Thompson, et al.*, Case No. 98-20030-JWL, United States District Court for the District of Kansas (1998). Report.

*In the Matter of the Estate of Jess Gray*, Case No. P-26218, District Court of Johnson County, Kansas (1999). Hearing testimony.

*United Phosphorus Ltd. v. Midland Fumigant, Inc.*, Case Nos. 91-2133-O and 95-2267-GTV, United States District Court for the District of Kansas (1999). Affidavit.

*Diversified Mechanical, Inc. v. James Vore*, Case Numbers 98C13391 and 98C11409, District Court of Johnson County, Kansas (1999). Affidavit.

*Kenneth Heard, et al. v. Tyree, Eskew, Roberts & Mitchell, L.C., et al.*, Case No. 98C4965, District Court of Johnson County, Kansas (1999). Report and deposition.

*Kay-Cee Enterprises, Inc. v. Morton Amster, et al.*, Case No. 00-2025-JWL, United States District Court for the District of Kansas (2000). Report

*In the Matter of the Marriage of Karey J. Slyter and Paul W. Slyter*, Case No. 01D382, District Court of Miami County, Kansas (2001). Report.

*In re. Turner & Boisseau, Chartered*, Case No. 00-21915, United States Bankruptcy Court for the District of Kansas (2001). Affidavit.

*Mark Dugan v. American National Bancshares of Wichita, Inc.*, Case No. 01 C 0206, District Court of Sedgwick County, Kansas (2001). Affidavit.

*Kenneth L. Saatoff v. Data Systems International*, Case No. 00-CV-7216, District Court of Johnson County, Kansas (2002). Report.

*Game Face Sports International, Inc. v. Reuben O. Charles, Charles E. Polk, and Stinson Morrison Hecker, LLP*, Case No. 022-11518, Circuit Court of the City of St. Louis, Missouri (2004). Deposition.

*Marvin Chance, et al. v. US Tobacco Company*, Case No. 05-CV-112, District Court of Seward County, Kansas (2006). Report and trial testimony.

*Barton J. Cohen, et al. v. Marion Battaglia*, Case No. 07CV2230, District Court of Johnson County, Kansas (2007). Report.

*Hjersted Family Partnership v. Deborah Hallauer, Hallauer Law Office, and Denver Vold*, Case No. 06-2229-CM, United States District Court, District of Kansas (2008). Report.

*Nancy Phillips v. David Whipple*, Case No. 0616-CV27977, Circuit Court of Jackson County, Missouri (2009). Report.

*Board of County Commissioners, Shawnee County, Kansas v. Robert D. Hecht, et al.*, Case No. 09C104, District Court of Shawnee County, Kansas (2010). Report and deposition.

*East Hills Condominiums, LP v. P.M.*, Case No. 09CV7319, District Court of Johnson County, Kansas (2010). Report, deposition and jury trial testimony.

*William Gibson, et al. v. Southwestern Bell Telephone Co.*, Case No. 08-CV-2017 EFM/DJW, United States District Court for the District of Kansas. (2010). Affidavit.

*Mitchell Sigg, et al. v. Steven Doering*, Case No. 09CV44, District Court of Allen County, Kansas. (2010). Report.

*Parks, Trustee v. Consumer Law Associates*, Case No. 08-CV-2017 EFM/DJW, United States District Court for the District of Kansas, and *In re. Steven Carl Lewis*, Case No. 10-10117, United States Bankruptcy Court for the District of Kansas. (2011). Report.

*Consumer Law Associates v. Hon. Judi Stork*, Case No. 10C1257, District Court of Shawnee County, Kansas. (2011). Report and deposition.

*Parks, Trustee v. Persels & Associates*, Case No. Case No. 09-13443, United States District Court for the District of Kansas, and *In re. Levi A. Kinderknecht*, Case No. 10-05209, United States Bankruptcy Court for the District of Kansas. (2011). Report.

*Wiles v. American Family Life Assurance Company*, Case No. 10CV539, District Court of Wyandotte County, Kansas. (2011). Report.

*Martin K. Eby Construction Company, Inc. v. One Beacon Insurance Company*, Case No. 08-1250-WEB-KGG, United States District Court for the District of Kansas, and *Continental Casualty Company v. One Beacon Insurance Company*, Case No. 08-CV-2392-WEB-KGG, United States District Court for the District of Kansas. (2011). Report.

*Parks, Trustee v. Persels & Associates*, Case No. 10-13945, United States District Court for the District of Kansas, and *In re. Megan Diane Ballway*, Case No. 11-5016, United States Bankruptcy Court for the District of Kansas. (2011). Report.

*City of Mission, Kansas v. Cody Christ*, Case Nos. C01801, 183179, 183180, City of Mission (Kansas) Municipal Court. (2011). Report.

*Hays v. Consumer Law Associates*, Case No. 11-CV-1163-JWL-DJW, United States District Court for the District of Kansas. (2012). Report.

*Hodes & Nauser, M.D.'s, P.A. v. Robert Moser, M.D.*, Case No. 11-CV-02365-CM-KMH, United States District Court for the District of Kansas. (2012). Report.

*Morris, Trustee v. Persels & Associates*, Case No. 10-12553, United States District Court for the District of Kansas, and *In re. Nicole C. Reints*, Case No. No. 10-05054, United States Bankruptcy Court for the District of Kansas. (2012). Report.

*Morris, Trustee v. Persels & Associates*, Case No. 12-CV-01268-JTM-DJW, United States District Court for the District of Kansas, and *In re. Kenny E. Pedigo*, Case No. No. 11-12916, United States Bankruptcy Court for the District of Kansas. (2012). Report.

*Morris, Trustee v. Persels & Associates*, Case No. 12-CV-012270-JTM-DJW, United States District Court for the District of Kansas, and *In re. Eric E. Kaufman*, Case No. No. 10-11038, United States Bankruptcy Case for the District of Kansas. (2012). Report.

*Morris, Trustee v. Persels & Associates*, Case No. 12-CV-01269-JTM-DJW, United States District Court for the District of Kansas and *In re. Mark Allen Good*, Case No. No. 10-13160, United States Bankruptcy Court for the District of Kansas. (2012). Report.

*Rachel Kannaday v. Charles Ball, Special Administrator*, Case No. 12-CV-2742-RDR-KGS, United States District Court for the District of Kansas. (2013). Report and Trial testimony.

*Jennifer Kerr v. Vatterott Educational Centers, et al.*, Case No. 1216-CV12385, Circuit Court of Jackson County, Missouri. (2013).

*Sheryl Tucker, et al. v. Theresa Otto, et al.*, Case No. 13-CV-2539, United States District Court for the District of Kansas. (2014). Report and deposition.

*Paul T. White v. Vito Barbieri and Barbieri & Associates, LLC*, Case No. 09CV4761, District Court of Johnson County, Kansas. (2014). Opinion and deposition.

*Midwest Crane and Rigging, LLC v. Kevin Kelly and Tai Vokins*, Case No. 14CV0771, District Court of Johnson County, Kansas. (2015). Opinion and deposition.

*Diane Hooks v. Lee Tieman, John Spencer and Tieman, Spencer, Holaday & Hicks, LLC*, in arbitration before Judge Charles Atwell. (2015). Affidavit.

*John A. Moore, et al. v. Jebediah Moore, et al.*, Case No. 2015-CV-33, District Court of Brown County, Kansas. (2016). Opinion and deposition.

*George Hewitt, et al. v. Mark D. Murphy*, Case No. 15CV4294, District Court of Johnson County, Kansas. (2017). Opinion.

*Goliath Motor Sports, LLC, et al. v. David Novak, et al.*, Case No. 2013-CV-000446, District Court of Johnson County, Kansas. (2017 - 2018). Written Report.

*Southwest National Bank v. Martin, Pringle, Oliver, Wallace & Bauer, LLP*, (Lawsuit not filed) (2017). Written opinion.