

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

COLLEEN STUART, JANA HARDEN,)
AND JENNIFER CROSS,)

Plaintiffs,)

v.)

Case No. 23-CV-2021-TC

CITY OF TOPEKA, KANSAS, AND.)
BRYAN WHEELLES, in his individual)
capacity,)

Defendants.)

STATEMENT OF CONSULTATION PURSUANT TO
D.KAN. LOCAL COURT RULE 54.2(d)

1. Plaintiffs' counsel, Christie Jess, initiated contact with Defendant's counsel, J. Phillip Gragson and Kara Eisenhut on October 1, 2024, to discuss the issue of attorneys' fees in this matter. Emails were exchanged to find a date to have a telephone conversation regarding attorney's fees and costs.
2. Counsel for both parties had a telephone conference regarding fees and costs on October 8, 2024.
3. Plaintiffs' counsel provided to Defendant's counsel a copy of Plaintiffs' attorneys' billing statements and a breakdown of the costs associated with this matter on October 22, 2024.
4. Defense counsel requested timesheets/billing statements in a searchable format on October 28, 2024.
5. Plaintiffs' counsel provided searchable timesheets/billing statements on October 30, 2024.

6. Defense counsel sent a Discussion Outline for further discussions in an attempt to further negotiations regarding attorneys' fees on November 7, 2024.
7. Counsel for both parties had a telephone conference on November 7, 2024, to discuss details of how billing records were kept, types of billing entries (administrative, block billing), billable rates, reduction of award due to unsuccessful claims, and certain costs. Defense counsel provided case law to support their position on several aspects of the attorneys' request for fees and Plaintiffs' counsel provided case law to support their request for fees, including on the issue of enhanced fees due to the quality of representation, hours spend on successful and unsuccessful claims, that reasonable fees may not be determined by mathematical formula based on monetary relief obtained, that multiple attorneys are not necessary duplicative and reasonable hourly rates are based on the prevailing market rates and compared with attorneys who have similar experience. Lastly, if there are multiple attorneys, each attorney's fee rate should be determined separately.
8. Counsel for both parties will continue to communicate to see if an agreement can be reached.
9. To date, the issue of attorneys' fees has not been resolved.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on November 7, 2024 via

filing with ECF to:

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And Chief Bryan Wheelles*

/s/ Christie Jess

ATTORNEY FOR THE PLAINTIFF