

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

COLLEEN STUART et al, )  
)  
)  
*Plaintiff,* )  
v. )  
)  
CITY OF TOPEKA, KANSAS, et al. )  
)  
)  
*Defendants.* )

Case No.: 23-cv-02021

**AFFIDAVIT OF CHRIS R. PLAYTER IN SUPPORT OF PLAINTIFF’S MOTION  
FOR ATTORNEYS’ FEES, COSTS, AND POST-JUDGMENT INTEREST**

STATE OF MISSOURI )  
) ss  
COUNTY OF JACKSON )

I, Chris R. Playter, declare and state under oath as follows:

1. I have personal knowledge of the facts contained in this affidavit.
2. I was first admitted to practice before the Supreme Court of Missouri in October 2012. I am also admitted to practice before the State of Kansas, the United States District Court for the Western District of Missouri, and the United States District Court for the District of Kansas.
3. I graduated from UMKC School of Law in May 2012 with honors. I have been engaged in the private practice of law since my admission to the bar.
4. While in law school, I accepted employment as a part-time law clerk at the Lunceford Law Firm in Lee’s Summit, MO. The Lunceford Law Firm is a small firm that works on employment discrimination litigation. During my time as a clerk, I worked exclusively on employment discrimination files. My primary duties included drafting legal pleadings, discovery, and summary judgment pleadings.

5. Following my graduation, I accepted a full-time position with the Lunceford Law Firm. During the entirety of my employment with Lunceford Law Firm, I worked exclusively on employment discrimination litigation. I managed my own caseload and handled my caseload as the primary attorney through all aspect of the litigation process.

6. On September 3, 2013, my law partner and brother, Eric S. Playter, and I started our current firm, Playter & Playter, LLC d/b/a Playter Trial Lawyers.

7. I am currently one of the members and equity partners of Playter & Playter, LLC d/b/a Playter Trial Lawyers.

8. Since the formation of Playter & Playter, LLC, more than ninety percent of my practice has been devoted to preparing for and trying civil litigation matters in state and federal courts.

9. Since September 2013, I have been primary counsel or co-counsel in at least 13 civil jury trials, including the following:

- a. *Ashley v. Park Homes*; Case No. 1516-CV19190 in the Circuit Court of Jackson County, MO (1/2018);
- b. *Puryear v. Bacon*; Case No. 15CA-CC00017 in the Circuit Court of Cass County, MO (5/2017);
- c. *Girard v. Nance*; Case No. 14CY-CV01218 in the Circuit Court of Clay County, MO (4/2016);
- d. *Kader v. Harris Stowe State University*; Case No. 1222-CC02913 in the Circuit Court of St. Louis City (12/2015);
- e. *Girard v. Nance*; Case No. 14CY-CV01218 in the Circuit Court of Clay County, MO (mistrial, 11/2015; re-tried 4/2016);
- f. *Thomas v. Pratt, et al.*; Case No. 1416-CV11180 in the Circuit Court of Jackson County, MO (7/2015);
- g. *Hicks v. Whitaker Holdings, Inc.*; Case No. 1316-CV27356 in the Circuit Court of Jackson County, MO (9/2014); and

- h. *Riggs v. State of Missouri*, Case No. 1116-CV02405 in the Circuit Court of Jackson County, MO (11/2013).
- i. *Wiseman v. Missouri Department of Corrections*, Case No. 1816-CV27602 in the Circuit Court of Jackson County, MO (07/2022)
- j. *Holmes v. Missouri Department of Corrections*, Case No. 1816-CV01571 in the Circuit Court of Jackson County, MO (02/2023)
- k. *Hart v. Truman Medical Center*, Case No. 1916-CV29939 in the Circuit Court of Jackson County, MO (06/2023)
- l. *Johnson v. City of Kansas City, Missouri*, Case No. 2016-CV17376 in the Circuit Court of Jackson County, MO (08/2023)
- m. *Stuart, et al. v. City of Topeka, Kansas*, Case No. 23-cv-02021 in the United States District Court for the District of Kansas (09/2024)

10. I was selected by *Super Lawyers* of Thomson Reuters as a Rising Star in the area of Plaintiff's Employment Litigation in 2016 and have been selected every year following 2016 to present. In 2023, I was elevated from Rising Star to Super Lawyer in the area of Plaintiff's Employment Litigation.

11. All work performed by my firm, has been done on a contingent fee basis. Neither my law partner, Eric Playter, nor I have been compensated for our work in this matter. The expenses I have advanced in this case have not been reimbursed and no expenses would be reimbursed had we not prevailed on behalf of the Plaintiffs in this case.

12. Attached hereto as **Exhibit [insert exhibit #]** is a copy of my billing records. I attest to their accuracy, reasonableness, and the necessity of the time spent litigating this case on behalf of the Plaintiffs.

13. My hourly rate is \$550 per hour for work done on employment litigation files.

14. I was previously approved at a rate of \$500 per hour by the honorable Judge Jennifer Phillips for a case tried in July 2022. I was approved at a rate of \$450 per hour by the Honorable Judge Marty Seaton in October 2023 who applied a 1.25 multiplier to the base rate of \$450, increasing

the hourly award to \$562.50 per hour. I was approved again by the Honorable Judge Marty Seaton in December 2023 at \$475 with a multiplier of 1.25, increasing the hourly award to \$593.75 per hour for my time spent. The increase in my billing rate reflects my additional experience in another employment jury trial that led to Plaintiffs' verdicts and the increased cost of living and in particular the ever increasing costs associated with trial litigation.

15. According to the 2019 Billing Rates published in the August 03, 2019 Missouri Lawyers' Weekly 2019 (Vol. 33, No. 31), rates for attorneys practicing employment litigation or civil rights or public interest cases ranges from a low end of \$250 per hour (for attorneys with little or no experience) to \$770 per hour (for more experienced trial lawyers).

16. After familiarizing myself with the rates charged by other employment/civil rights/public interest attorneys, familiarizing myself with the rates charged by other employment attorneys, and receiving feedback about my trial experience and results, and considering my willingness to take on difficult cases and the success I have had on behalf of my clients justifies my hourly rate of \$550 per hour. My standard hourly rate is in line with rates charged by similarly experienced trial attorneys for the same type of work in the Kansas City metropolitan area.

17. The hourly rate of my law partner, Eric Playter, is \$760 per hour.

18. After familiarizing myself with the rates charged by other employment/civil rights/public interest attorneys, familiarizing myself with the rates charged by other employment attorneys, and considering Eric Playter's willingness to take on difficult cases and the success he has had on behalf of our clients justifies his hourly rate of \$760 per hour.

19. **Exhibit** \_\_\_\_ attached hereto contains litigation expenses I advanced in this case. All litigation expenses identified in **Exhibit** \_\_\_\_ are reasonable and are of the type that would normally be charged to my firm's hourly fee-paying clients.

20. My hourly rate, the time expended, and the expenses I incurred are all reasonable and

within the range of prevailing rates for such services in employment cases. The rates are reasonable and appropriate for the reasons set forth herein.

21. My law firm consists of only two attorneys. The substantial time and effort involved in representing the Plaintiffs prevented me from working on and advancing other cases on my docket. In addition, during the weeks leading up to trial, I had to refer all calls from prospective clients who were seeking immediate assistance or requesting consultations regarding legal representation for potential claims to other attorneys outside our firm.


22. For the reasons set forth herein and in *Plaintiff's Motion for an Award of Attorneys' Fees*, undersigned counsel respectfully asks this Court to approve the attorneys' fees and costs as set forth in therein.

**I declare under penalty of perjury that the foregoing is true and correct. Executed on October 31, 2024. FURTHER, AFFIANT SAYETH NAUGHT.**

  
Chris R. Playter

SUBSCRIBED AND SWORN TO before me this 31 day of October 2024.



  
Notary Public

My Commission Expires:  
09-13-2027

**Playter & Playter, LLC**  
 7608 Raytown Road  
 Kansas City, MO 64138  
 (816) 666-8902

**Playter & Playter, LLC**

**Colleen Stuart**

**Balance** \$140,599.43  
**Invoice #** 00336  
**Invoice Date** October 2, 2024  
**Payment Terms** Due on Receipt  
**Due Date** October 02, 2024

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**Stuart, et al. v. City of Topeka**

**Time Entries**

Date	EE	Description	Rate	Hours	Line Total
01/11/2023	CP	Email from Mark with attached proposed Complaint; review complaint and redline edits	\$550.00	0.5	\$275.00
01/19/2023	CP	Email from KSD Clerks regarding filing and EOA; review local rule referenced in email; send to Becky to draft EOA	\$550.00	0.3	\$165.00
02/20/2023	CP	Email from Cross re: Cpt. offer letter	\$550.00	0.1	\$55.00
02/22/2023	CP	Email with co-counsel regarding offers to Harden and Cross; response from Mark re: same	\$550.00	0.1	\$55.00
02/24/2023	CP	Email from Cross regarding Commander Promotions	\$550.00	0.1	\$55.00
02/24/2023	CP	Review ECF email and attached initial scheduling order; forward to Becky to calendar dates	\$550.00	0.2	\$110.00
02/27/2023	CP	Email from Mark re: Ongoing Retaliation; edit and send back	\$550.00	0.1	\$55.00
02/27/2023	CP	Email response from Phillip re: Ongoing Retaliation	\$550.00	0.1	\$55.00
03/02/2023	CP	Email from Christy re: meeting with clients and availability; reply with availability	\$550.00	0.1	\$55.00
03/02/2023	CP	Review email from OC re: incident with Officer Wheeles	\$550.00	0.2	\$110.00
03/02/2023	CP	Reply to Phillip re: my previous email and redlined statement	\$550.00	0.1	\$55.00
03/02/2023	CP	Email response from Phillip re: Ongoing Retaliation and HWE email	\$550.00	0.1	\$55.00
03/10/2023	CP	Travel to and from Topeka; meet with clients	\$550.00	4.8	\$2,640.00
03/21/2023	CP	Email from Colleen Stuart with Google Doc of responsive information; cursory review of google doc	\$550.00	0.2	\$110.00
03/23/2023	CP	Phone call from Jennifer Cross and follow up email	\$550.00	0.3	\$165.00
03/23/2023	CP	Draft Rule 26 Disclosures and email to co-counsel and clients for review	\$550.00	2.5	\$1,375.00
03/23/2023	CP	Review forwarded email from JC re: [REDACTED - ACP]; review attachments	\$550.00	0.3	\$165.00

03/24/2023	CP	Review clients responses re: Rule 26 draft; make edits; email final draft to all	\$550.00	0.5	\$275.00
03/27/2023	CP	Review email from Christy on Rule 26 disclosure	\$550.00	0.1	\$55.00
03/27/2023	CP	Email email to chambers and previous email between co-counsel and OC re: scheduling order	\$550.00	0.2	\$110.00
03/31/2023	CP	Review email from Colleen Stuart re: promotions	\$550.00	0.1	\$55.00
03/31/2023	CP	Review email responses of Eric and clients re: the promotion ceremony	\$550.00	0.1	\$55.00
04/03/2023	CP	Email from Christy with proposed protective order; download and review	\$550.00	0.4	\$220.00
04/05/2023	CP	Email from Christy to clients regarding dates for rule 26 document exchange; review client replies	\$550.00	0.1	\$55.00
04/07/2023	CP	Review JC email re: timeline for next two months/deadlines	\$550.00	0.1	\$55.00
04/10/2023	CP	Phone call with clients regarding emotional distress checklist; Email same to clients	\$550.00	0.4	\$220.00
04/11/2023	CP	Email from Harden with Emotional checklist and damage summary; review attachments	\$550.00	0.2	\$110.00
04/12/2023	CP	Review Colleen Stuart's retirement attachment and damages sheet; review Cross' responses	\$550.00	0.2	\$110.00
04/18/2023	CP	Email from OC re doc production	\$550.00	0.1	\$55.00
04/20/2023	CP	Email from Robin Alvarez with written discovery from OC; save to file and cursory review of attachments	\$550.00	0.3	\$165.00
04/21/2023	CP	Review email from Phillip re: correspondence to court	\$550.00	0.1	\$55.00
04/25/2023	CP	Email from Phillip with settlement response; review same	\$550.00	0.1	\$55.00
04/25/2023	CP	Review email from Court re: proposed protective order and follow up emails between Mark and Phillip	\$550.00	0.2	\$110.00
04/26/2023	CP	Email from OC re: protective order and proposal	\$550.00	0.2	\$110.00
05/01/2023	CP	Edit proposed interrogatories and RFPs to defendant; add additional requests; email to Christy	\$550.00	0.4	\$220.00
05/08/2023	CP	Review email from OC re: scheduling a call	\$550.00	0.1	\$55.00
05/09/2023	CP	Review Plaintiff's confidential settlement report to Court	\$550.00	0.1	\$55.00
05/09/2023	CP	Review email from OC approving Larry as mediator	\$550.00	0.1	\$55.00
05/12/2023	CP	Email from Cross with initial discovery responses and authorization; save to file	\$550.00	0.1	\$55.00
05/16/2023	CP	Draft objections to written discovery to plaintiffs; insert responsive information for Cross and Harden responses; email to Christie with drafts	\$550.00	3.1	\$1,705.00
05/24/2023	CP	Email from Phillip with details on mediation and dates	\$550.00	0.1	\$55.00
05/30/2023	CP	Email from JC re: news article and mediation; reply to same	\$550.00	0.2	\$110.00
05/30/2023	CP	Reply from JC re: mediation and respond	\$550.00	0.1	\$55.00
05/30/2023	CP	Email to co-counsel re: mediation date availability	\$550.00	0.1	\$55.00
05/30/2023	CP	Reply to Christy re: JC's email and what response was	\$550.00	0.1	\$55.00
06/01/2023	CP	Email from OC re: GRL and information for Joint Notice to Court	\$550.00	0.1	\$55.00
06/02/2023	CP	Review Email from Christy to client re: mediation date and GRL from OC	\$550.00	0.1	\$55.00
06/07/2023	CP	Review email from Alvarez to Court and attachment	\$550.00	0.2	\$110.00
06/08/2023	CP	Email from court confirming receipt of proposed order and motion	\$550.00	0.1	\$55.00

06/13/2023	CP	Review email from Phillip with discovery responses; review attached responses; highlight and make notes	\$550.00	1.2	\$660.00
06/15/2023	CP	Review email from Alvarez with attached discovery responses	\$550.00	0.1	\$55.00
06/16/2023	CP	Email from OC with additional discovery production	\$550.00	0.1	\$55.00
06/23/2023	CP	Email from Christy re: reviewing defendant's discovery responses; calendar GRL deadline	\$550.00	0.1	\$55.00
06/27/2023	CP	Review Defendant's RFP responses and cursory review responsive documents for purposes of GRL; make notes as needed; call to Christie (message)	\$550.00	2.8	\$1,540.00
06/28/2023	CP	Continuing reviewing Def doc production for GRL	\$550.00	3.0	\$1,650.00
07/06/2023	CP	Review email from OC to Rute	\$550.00	0.1	\$55.00
07/07/2023	CP	Call with Christie prior to mediation and Attend mediation	\$550.00	1.3	\$715.00
07/07/2023	CP	Email from Kara Eisenhut and review attached policy	\$550.00	0.2	\$110.00
07/28/2023	CP	Review email from Christy to all re: deposition schedule and attached string of email between Jesses and OC	\$550.00	0.2	\$110.00
08/07/2023	CP	Call with Christie to discuss doc review, depo prep, and distribution of witness	\$550.00	0.2	\$110.00
08/07/2023	CP	Review emails between Christie and clients from Friday	\$550.00	0.2	\$110.00
08/07/2023	CP	Additional email from Christie; review	\$550.00	0.1	\$55.00
08/17/2023	CP	Email from Christy and reply; review spreadsheet with document production breakdown; compare with file on document production	\$550.00	0.6	\$330.00
08/24/2023	CP	Review email from Sean McCauley re: representation of Hanika and Eubanks at deposition	\$550.00	0.1	\$55.00
08/28/2023	CP	Review Phillip and Mark's responses to Sean McCauley	\$550.00	0.1	\$55.00
08/29/2023	CP	Email from Christy with deposition links; save to calendar	\$550.00	0.1	\$55.00
08/30/2023	CP	Attend depo of Jana Harden via Zoom; meetings with clients and CJ during breaks	\$550.00	6.4	\$3,520.00
08/31/2023	CP	Attend deposition of Colleen Stuart (break during middle for CMC hearing); meetings with clients during breaks	\$550.00	6.8	\$3,740.00
09/04/2023	CP	Review Pleadings, discovery responses, and begin plaintiff's document review for exhibits for depo prep	\$550.00	3.1	\$1,705.00
09/05/2023	CP	Continue with review of Plaintiff's document production for exhibits for depo prep	\$550.00	3.0	\$1,650.00
09/06/2023	CP	Review all of Defendants documents and pull for exhibits; highlight and notate questions; draft depo outlines for Russell, Maisberger, and Eubanks; print all additional exhibit copies	\$550.00	10.5	\$5,775.00
09/07/2023	CP	Travel to and from Topeka for depositions; depositions of Russell and Eubanks	\$550.00	10.2	\$5,610.00
09/07/2023	CP	Review additional documents for Maisberger and Hanika; highlight and notate on exhibits; draft depo outline for Hanika; revise Maisberger outline based on Russell responses	\$550.00	3.7	\$2,035.00
09/08/2023	CP	Travel to and from Topeka for depositions; depose Shawn Maisberger and Kim Hanika	\$550.00	9.9	\$5,445.00
09/13/2023	CP	Review email from Mediator	\$550.00	0.1	\$55.00
09/18/2023	CP	Email from Lexitas with Eubanks and Russell transcripts; download files	\$550.00	0.2	\$110.00
09/18/2023	CP	Review follow up email from court reporter with invoice; print for Becky to pay	\$550.00	0.1	\$55.00

09/19/2023	CP	Email from court reporter with Hanika and Maisberger transcripts; save to file	\$550.00	0.1	\$55.00
09/26/2023	CP	Email from Lexitas with invoice for Hanika and Maisberger; print for Becky	\$550.00	0.1	\$55.00
10/03/2023	CP	Review email from CJ to clients regarding remaining depositions	\$550.00	0.1	\$55.00
10/05/2023	CP	Email from Colleen Stuart with TFD lawsuit link; review link	\$550.00	0.2	\$110.00
10/10/2023	CP	Review email from Jennifer Cross	\$550.00	0.1	\$55.00
10/13/2023	CP	Review email from Kara Eisenhut with discovery responses; save docs to file	\$550.00	0.1	\$55.00
10/16/2023	CP	Email from Jen Cross on questions for depositions; review and file	\$550.00	0.1	\$55.00
10/17/2023	CP	Review email from Kara Eisenhut re: discovery and PSU files	\$550.00	0.2	\$110.00
10/18/2023	CP	Email from Phillip Gragson to all; review message and follow-up messages between Jesses and OC	\$550.00	0.1	\$55.00
10/19/2023	CP	Email from Kara Eisenhut re: Murdick files and PSU files	\$550.00	0.2	\$110.00
10/20/2023	CP	Review email from Kara Eisenhut and Mark response	\$550.00	0.1	\$55.00
10/24/2023	CP	Email from Phillip Gragson re: message to Magistrate judge; review	\$550.00	0.1	\$55.00
10/25/2023	CP	Review email correspondences between Phillip Gragson and CJ	\$550.00	0.1	\$55.00
10/30/2023	CP	Email from OC regarding depo availability	\$550.00	0.1	\$55.00
11/10/2023	CP	Review email and attachment from Jen Cross re: Alicia Guerrero's investigation	\$550.00	0.3	\$165.00
12/04/2023	CP	Review email from Phillip Gragson re: damages calculation for pre-trial order	\$550.00	0.1	\$55.00
12/07/2023	CP	Review email from Kara Eisenhut and responses re: pre-trial order	\$550.00	0.1	\$55.00
12/12/2023	CP	Email from Kara Eisenhut re: final pre-trial order revisions; review and file	\$550.00	0.1	\$55.00
12/20/2023	CP	Review correspondences between Mark Jess and OC re: PTO	\$550.00	0.1	\$55.00
01/09/2024	CP	Email from Phillip re: moving the SJ deadline	\$550.00	0.1	\$55.00
02/01/2024	CP	Email from CJ re: division of labor on SJ response; review and reply	\$550.00	0.1	\$55.00
02/06/2024	CP	Review SOF and begin reviewing discovery and pleadings for response to SOF	\$550.00	3.2	\$1,760.00
02/07/2024	CP	Continue responding to Defendant's SOF and review of supporting materials	\$550.00	6.8	\$3,740.00
02/09/2024	CP	Continue Response to Defendant's SOF	\$550.00	2.8	\$1,540.00
03/01/2024	CP	Pull exhibits from my portion of SJ review; mark and upload for filing; email to MJ and CJ with update	\$550.00	0.5	\$275.00
07/29/2024	CP	Download and review trial scheduling order; call with Jesses	\$550.00	0.3	\$165.00
08/06/2024	CP	Call with Jennifer Cross regarding trial scheduling order, summary judgment expectation, dates and work needed for 08/17/24 filings	\$550.00	0.4	\$220.00
08/07/2024	CP	Conference call with Mark and Christie regarding pre-trial order, SJ thoughts and need to contact court if any, call with OC regarding witness production, deadlines and work assignments	\$550.00	0.5	\$275.00
08/07/2024	CP	Create summary of deadlines with links for counsel regarding pre-trial dates; read JERS order from Court's website; email summary to co-counsel	\$550.00	0.7	\$385.00

08/07/2024	CP	Create Preliminary Exhibit list; Identify and rename first 94 exhibits; conference call with Co-counsel and clients	\$550.00	3.0	\$1,650.00
08/09/2024	CP	Prep call with Co-counsel for conference call with OC; call with OC re: SJ pending and trial matters	\$550.00	0.6	\$330.00
08/09/2024	CP	Read Court's Order on Summary Judgment	\$550.00	1.0	\$550.00
08/14/2024	CP	Conference call with co-counsel; work through Plaintiff's produced documents for exhibit identification; conference calls with clients	\$550.00	6.1	\$3,355.00
08/15/2024	CP	Continue working through defendant production for identification of exhibits; pull exhibits; email list to Christie; call with Christie regarding finalizing list and schedule for 08/16	\$550.00	5.2	\$2,860.00
08/27/2024	CP	Call with Colleen Stuart and Christie Jess regarding trial concerns and approach	\$550.00	0.5	\$275.00
09/03/2024	CP	Review Ds MIL re: Me Too testimony; research case law; draft response; read depositions of Hanika and Eubanks for summaries of testimony for response; email to co-counsel	\$550.00	6.4	\$3,520.00
09/05/2024	CP	Email with co-counsel; review complaint and final pre-trial order submission to compare with proposed jury instruction theory; call with counsel for Jacque Russell	\$550.00	1.1	\$605.00
09/06/2024	CP	Read and highlight depositions of Jana Harden and Colleen Stuart	\$550.00	6.8	\$3,740.00
09/08/2024	CP	Begin reading and outlining deposition of Jen Cross; review proposed jury instructions and edit - communicate with co-counsel on same; preliminary review and edit of defendant's proposed instructions	\$550.00	5.2	\$2,860.00
09/09/2024	CP	Complete initial review and outline of Cross deposition; phone conference with co-counsel on jury instructions; travel to pre-trial hearing and back; attend pre-trial hearing; meet with OC on jury instructions	\$550.00	9.7	\$5,335.00
09/10/2024	CP	Read and outline Russell Depo; jury instruction email from OC, call with co-counsel and make Plaintiff's edits/objections, call with OC, email revised jury instructions to OC; Read and outline Shawn Maisberger Depo; coordinate with Plaintiffs and Cross on examination prep dates/times	\$550.00	8.6	\$4,730.00
09/10/2024	CP	Read depositions of Bryan Wheelles, William Cochran, and Jeralyn Wheelles	\$550.00	4.7	\$2,585.00
09/11/2024	CP	Read Depositions of Holtom, Monantih; phone conference with attorney for Jacque Russell; correspond with clients regarding notes with Russell conference	\$550.00	9.2	\$5,060.00
09/12/2024	CP	Review Russell's Charge of Discrimination, review exhibits for Russell's testimony outline; draft outline; Zoom calls with Eric and Jana to prep for testimony; Zoom call with Eric and Colleen to prep for testimony; review filing by OC to reconsider; correspond with co-counsel on same	\$550.00	7.5	\$4,125.00
09/12/2024	CP	Finish first draft of Russell examination outline; highlight additional exhibits; review Hanika findings/recommendations and highlight	\$550.00	2.2	\$1,210.00
09/13/2024	CP	Review depo notes for prep for Zoom with Cross; Zoom meeting with Cross; begin examination outline and review corresponding exhibits; call with Mark regarding re-order of witnesses and going through expected testimony of each witness; email notes to co-counsel; continue examination outline of Cross/highlighting exhibits	\$550.00	9.8	\$5,390.00

09/14/2024	CP	Complete Cross examination with all highlighting to exhibits; revise Russell examination and add additional materials re: Hanika complaint/findings; call with Jana Harden regarding Hanika recommendations and implementation; highlight and notate all exhibits for Russell examination; call with Eric; call with Mark and Christie to discuss B Wheelles examination and contents	\$550.00	6.6	\$3,630.00
09/14/2024	CP	Reread Maisberger depo; draft examination outline; email to co-counsel; call with Mark on edits for his B Wheelles examination; review juror information	\$550.00	3.5	\$1,925.00
09/15/2024	CP	Reread Jana Harden depo; makes notes to discuss with Eric for his examination; call with Colleen Stuart; Travel to Topeka; Meet with Jana and spouse for testimony prep; meet with Colleen Stuart and spouse for testimony prep; meet with Jennifer Cross for testimony prep; final edits to examination outlines for Monday examinations; review motion to reconsider	\$550.00	12.1	\$6,655.00
09/16/2024	CP	Trial Day 1: Arrive at courthouse; conference with judge; voir dire; opening; Examination of Jennifer Cross and Jacque Russell	\$550.00	8.5	\$4,675.00
09/16/2024	CP	Conference call with co-counsel; conference call with co-counsel and clients; Revise remainder of Russell Examination; research offer of proof requirements; revise Kim Hanika examination outline based on rulings from judge	\$550.00	3.4	\$1,870.00
09/17/2024	CP	Trial Day 2; Examinations of Russell, Wheelles, Haltom, Maisberger, Hanika, Stuart and Harden	\$550.00	8.8	\$4,840.00
09/17/2024	CP	Meet with Eric; discuss final testimony points of Harden; review trial notes for closing arguments	\$550.00	1.0	\$550.00
09/17/2024	CP	Review Judge's proposed instructions; edit for instructions conference	\$550.00	1.0	\$550.00
09/18/2024	CP	Review Kagay information with Eric and cross examination questions; trial day 3; Examinations of Cochran, Harden, and rest; Defense case in chief - examinations of Wheelles, Kagay, and Trout; Jury instruction conference	\$550.00	8.5	\$4,675.00
09/19/2024	CP	Meet with Eric - run through closing and review of facts/arguments; Trial Day 4 - Jury Instructions, Closing, Jury Deliberations, Verdict	\$550.00	6.2	\$3,410.00

Totals: **248.0** **\$136,400.00**

## Expenses

Date	EE	Activity	Description	Cost	Quantity	Line Total
09/18/2023	CP	Deposition Transcript Fee	Invoice for Eubanks and Russell Transcripts	\$2,157.65	1.0	\$2,157.65
09/26/2023	CP	Deposition Transcript Fee	Deposition of Maisberger and Hanika transcript fees	\$1,780.40	1.0	\$1,780.40
09/16/2024	CP	Travel	Hotel for Trial	\$229.38	1.0	\$229.38
09/16/2024	CP	Case Expense	Trial Parking	\$4.00	1.0	\$4.00
09/16/2024	CP	Case Expense	Trial Parking	\$5.00	1.0	\$5.00
09/17/2024	CP	Case Expense	Trial Parking	\$2.00	1.0	\$2.00
09/17/2024	CP	Case Expense	Trial Parking	\$4.00	1.0	\$4.00
09/18/2024	CP	Case Expense	Trial Parking	\$4.00	2.0	\$8.00
09/19/2024	CP	Case Expense	Trial Parking	\$3.00	1.0	\$3.00
09/19/2024	CP	Case Expense	Trial Parking	\$6.00	1.0	\$6.00

Expense Total: **\$4,199.43**

Time Entry Sub-Total:	\$136,400.00
Expense Sub-Total:	\$4,199.43
<b>Sub-Total:</b>	<b>\$140,599.43</b>
<b>Total:</b>	<b>\$140,599.43</b>
<b>Amount Paid:</b>	<b>\$0.00</b>
<b>Balance Due:</b>	<b>\$140,599.43</b>

## Account Summary

### Colleen Stuart's Trust Balance

Balance As Of 10/02/2024:  
\$0.00

### Colleen Stuart's Credit Balance

Balance As Of 10/02/2024:  
\$0.00

**Playter & Playter, LLC**  
 7608 Raytown Road  
 Kansas City, MO 64138  
 (816) 666-8902

**Playter & Playter, LLC**

**Colleen Stuart**

**Balance** \$9,625.00  
**Invoice #** 00338  
**Invoice Date** October 31, 2024  
**Payment Terms** Due on Receipt  
**Due Date** October 31, 2024

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**Stuart, et al. v. City of Topeka**

**Time Entries**

Date	EE	Description	Rate	Hours	Line Total
10/28/2024	CP	Read Defendant's renewed motion for JNOV and new trial; notetake; review MILs and MIL ruling on me too and previous claims; review trial notes and make highlights of testimony for response	\$550.00	3.0	\$1,650.00
10/29/2024	CP	Conduct research and case law review for JNOV motion response; highlight and save cases to file; outline testimony from trial notes for response; begin drafting	\$550.00	4.2	\$2,310.00
10/30/2024	CP	Continue drafting JNOV/New Trial response	\$550.00	6.0	\$3,300.00
10/31/2024	CP	Complete JNOV/New Trial response; proof and edit/make changes; email to co-counsel; call with Mark Jess re: same	\$550.00	4.3	\$2,365.00
<b>Totals:</b>				<b>17.5</b>	<b>\$9,625.00</b>

Time Entry Sub-Total:	\$9,625.00
<b>Sub-Total:</b>	\$9,625.00
<b>Total:</b>	\$9,625.00
<b>Amount Paid:</b>	\$0.00
<b>Balance Due:</b>	<b>\$9,625.00</b>

## **Account Summary**

### **Colleen Stuart's Trust Balance**

Balance As Of 10/31/2024:  
\$0.00

### **Colleen Stuart's Credit Balance**

Balance As Of 10/31/2024:  
\$0.00

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

COLLEEN STUART et al.,	)	
	)	
<i>Plaintiff,</i>	)	Case No. 2:18-cv-02631-HLT
	)	
vs.	)	
	)	
CITY OF TOPEKA, KANSAS, et al.,	)	
	)	
<i>Defendant.</i>	)	

**AFFIDAVIT OF MICHAEL WILLIAMS IN SUPPORT OF PLAINTIFF’S MOTION  
FOR ATTORNEYS’ FEES**

STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF JACKSON    )

I, MICHAEL WILLIAMS, declare and state under oath as follows:

**Background and Experience**

1. I have been licensed to practice law since 1998 and have been engaged in private practice, specializing in litigation in the Kansas City metropolitan area, since September 1998.
2. I graduated from the University of Missouri Law School in May 1998 and assumed my first position at Lathrop & Gage, LLC, immediately after taking the bar exam.
3. To date, I have been lead or co-lead trial counsel in at least fifteen (15) jury trials and arbitrations.
4. After working as an associate and partner at Lathrop & Gage in the Employment Section for approximately twelve (12) years, I left to start Williams Law LLC in February 2010, exclusively in the area of plaintiff’s trial and appellate work. My particular emphasis has been on plaintiffs’ employment litigation and civil rights. In 2012 and 2013, the firm expanded to Williams Dirks Dameron, focusing primarily on contingent multi-plaintiff and class actions, including employment and antitrust litigation.

5. I am a member of the National Employment Lawyers Association (NELA), a nationwide association of 3,000+ attorneys specializing in employee rights.

6. Several times yearly, I have served as a featured lecturer on employment law trial practice and engaged in mock trial demonstrations during CLE seminars for attorneys in Kansas City and elsewhere.

7. Every year since 2012, I have also been named to *Super Lawyers*.

8. I am familiar with market practice and hourly rates in metropolitan areas such as Kansas City and St. Louis. My firm could not accept employment in these high-risk, totally contingent cases if not for the availability of **fully compensable** attorneys' fees. The Kansas City market dictates that because of the limited number of attorneys who are capable of, or even willing to handle the expense and risk of employment cases, there must be fully compensable hourly rates awarded to a prevailing plaintiff in order to attract the most competent counsel to vindicate the rights of those who have been discriminated against, serving the preeminent legislative purposed underlying civil rights litigation.

9. My standard rate for hourly rate work is \$750 per hour. Chris Playter seeks \$550 per hour. I have recently successfully tried a case with Mr. Playter and can say without reservation that this rate is reasonable, as explained below.

10. I am familiar with the appropriate guidelines to determine a reasonable fee for a prevailing plaintiff were set forth by the Supreme Court in *Hensley v. Eckerhart*, 461 U.S. 424 (1983). The "lodestar" is the starting point – calculated by multiplying the **current hourly rate(s)** by **hours** reasonably expense on the litigation.

11. I am fully familiar with the Plaintiffs' attorneys' and paralegal hourly rates in both the class actions and employment arena. The purpose of the attorneys' fees provision for equal

employment litigation is to vindicate the strong legislative policy against discrimination. The true full cost of enforcement must be shifted to the guilty parties to eliminate any obstacle to enforcement. Fully compensable fees are essential in employment litigation to attract attorneys of quality and experience who have other profitable demands on their time. If substantial, fully compensable attorneys' fees are not allowed, then the undersigned (and many attorneys) would not be likely to take on these typically hard-fought and intense cases for clients who so often are the clear "underdog" facing well-financed, well-represented employers.

12. I am familiar with local plaintiff's and defendant's attorney hourly rates in civil litigation matters. The prevailing local market rates for attorneys that practice employment litigation range from \$250 per hour (for attorneys with little/no experience) to \$900 per hour (for very experienced litigators).

13. I have known and witnessed Mr. Playter's excellent work over the last five (5) years. He has been an active member of the Kansas City chapter of the National Employment Lawyers Association ("NELA") for several years.

14. I have had the pleasure of co-counseling with Mr. Playter on several matters. Based on my personal observation and knowledge, Mr. Playter appears to be very skilled and knowledgeable as an employment lawyer. He works tirelessly in preparing cases for trial and is a pleasure to work with during trial. He takes his obligation to clients seriously and works tirelessly to ensure they get the best possible result. I believe a \$550 per hour is reasonable for his services rendered.


15. The hourly rates are reasonable hourly fees for this type of complicated, vigorously litigated cause of action. Such rates are very much in line with rates charged by similarly

experienced defense firms for the same work. Yet defense firms are guaranteed payment, without any risk of non-payment.

16. Affiant respectfully submits that the lodestar amounts sought by PLAYER & PLAYTER, LLC d/b/a PLAYER TRIAL LAWYERS for representing Plaintiff in this hard-fought matter are reasonable and necessarily incurred in the prosecution of the case. Also, in my opinion, an enhancement of 2.0 the lodestar would be fair and reasonable considering the nature of the case and their success in prosecuting this matter.

17. Plaintiff's trial team no doubt was precluded from other employment during the time devoted exclusively to preparation for, and arbitration of this case. Likewise, factual investigation, discovery, and the pre-trial filings precluded other employment at the times indicated in the law firm's time records. Consequently, the acceptance and prosecution of this case precluded Plaintiff's attorney from handling other cases.

FURTHER AFFIANT SAITH NOT.

  
Michael A. Williams

Subscribed and sworn to before me this 30<sup>th</sup> day of October 2024.

  
Notary Public

My Commission Expires:

August 22, 2025

