

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

Blaine Franklin Shaw, *et al.*

Plaintiffs,

v.

Herman Jones, in his official capacity as the
Superintendent of the Kansas Highway Patrol,
et al.,

Defendants.

Case No. 6:19-CV-01343

Mark Erich, *et al.*

Plaintiffs,

v.

Herman Jones, in his official capacity as the
Superintendent of the Kansas Highway Patrol,
et al.,

Defendants.

Case No. 20-CV-01067

**CONSENT JUDGMENT AS TO SAMUEL SHAW’S CLAIM
AGAINST DOUGLAS SHULTE**

WHEREAS, Plaintiff Samuel Shaw and Defendant Douglas Schulte (collectively, the “Settling Parties”), have agreed to finally resolve Samuel Shaw’s claim for compensatory and punitive damages against Douglas Schulte in the above-captioned litigation (the “Litigation”), and any potential claim by Samuel Shaw pursuant to U.S.C. § 1988, 28 U.S.C. § 1920 or any other statute or rule for attorneys’ fees and costs incurred in connection with that claim. Nothing in this Consent Judgment is to be construed as related to any other claim pending in the ongoing litigation, including but

not limited to, any other Plaintiffs' claim for compensatory and/or punitive damages against Defendant Douglas Schulte and Defendant Brandon McMillan and/or injunctive relief, and/or Plaintiff Samuel Shaw's claim for injunctive relief against Defendant Jones, and/or any motion for attorneys' fees and costs related to any of the same.

WHEREAS, the Settling Parties agreed to entry of a stipulated Consent Judgment on the following terms, and have agreed not to appeal any part of this stipulated Consent Judgment;

NOW THEREFORE IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Judgment should be entered against Douglas Schulte in favor of Samuel Shaw in the sum of twenty thousand dollars and no cents (\$20,000.00). The sum shall be paid, to fully satisfy this judgment, by check made payable to Samuel Shaw, and delivered to American Civil Liberties Union Foundation of Kansas, attorneys for Samuel Shaw.

2. A timely satisfaction of judgment shall be filed with the Court after the referenced check clears.

3. Performance of the agreement expressed in this Consent Judgment for Douglas Schulte operates as a full and final release and discharge of the claims by Samuel Shaw against Douglas Schulte, for himself and for his heirs, executors, administrators and assigns, from any and all claims, actions, causes of action, demands, rights, damages, loss of service, expenses, compensation, costs and attorney fees whatsoever which Samuel Shaw now has or which may hereafter accrue on account of or in any way growing out of any and all known and unknown, foreseen and unforeseen injuries and damages and the consequences thereof or thereafter, the same resulting or

to result from an incident that occurred on or about December 20, 2017, more particularly described in the pleadings filed in Litigation.

4. The agreement expressed in this Consent Judgment is compromise of a disputed claim; the payment made is not to be construed as an admission of liability on the part of the party hereby released; and Douglas Schulte denies liability therefor, and intends merely to avoid litigation and buy his peace.

5. Legal counsel for Samuel Shaw approve this settlement and resolution of any potential claim pursuant to U.S.C. § 1988, 28 U.S.C. § 1920 or any other statute or rule for attorneys' fees and costs , for fees and costs related only to the pursuit of Samuel Shaw's claim for compensatory and punitive damages against Douglas Schulte. Nothing in this order shall restrict legal counsel for Samuel Shaw from seeking attorneys' fees and costs on behalf of Samuel Shaw for his claim for injunctive relief against Defendant Herman Jones. Neither shall anything in this order restrict other named Plaintiffs in this lawsuit from seeking attorneys' fees and costs for their pursuit of their claims against other named Defendants.

6. The parties expressly represent and warrant that they are legally authorized to execute this Consent Judgment, they have each carefully read the entire contents of this Consent Judgment, they each understand the contents hereof, and they have each consulted, or had the opportunity to consult with, their own counsel regarding the meaning and effect of each provision hereof.

7. This agreement shall represent the full and complete terms of the settlement entered into between Plaintiff Samuel Shaw and Defendant Douglas Schulte.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the stipulation and agreement of the parties contained herein are hereby adopted and approved as the orders of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment is entered against Defendant Douglas Schulte, in favor of Plaintiff Samuel Shaw in the amount of \$20,000.

The parties shall bear their own costs.

IT IS SO ORDERED.

Dated this 13 day of January 2023 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge

Submitted and Approved for the referenced parties by:

<p>AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF KANSAS</p> <p><u>s/ Sharon Brett</u> Sharon Brett KS # 28696 6701 W. 64th St., Suite 210 Overland Park, KS 66202 Phone: (913) 490-4110 Fax: (913) 490-4119 sbrett@aclukansas.org</p> <p>Brian M. Hauss, pro hac American Civil Liberties Union Foundation - NY 125 Broad Street New York, NY 10004 212-549-2500 212-549-2654 (fax) bhauss@aclu.org</p> <p>and</p> <p>SPENCER FANE LLP</p> <p>Leslie A. Greathouse KS # 18656 Patrick McInerney KS # 22561 Madison A. Perry KS # 27144 Olawale O. Akinmoladun KS # 25151 1000 Walnut Street, Suite 1400 Kansas City, MO 64106 Phone: (816) 474-8100 Fax: (816) 474-3216 lgreathouse@spencerfane.com pmcinerney@spencerfane.com mperry@spencerfane.com</p> <p><i>Attorneys for Plaintiff Samuel Shaw</i></p>	<p>Office of Attorney General Derek Schmidt</p> <p><u>s/ Arthur S. Chalmers</u> Arthur S. Chalmers KS S. Ct. # 11088 Assistant Attorney General 120 SW 10th Ave., 2nd Floor Topeka, KS 66612 Phone: (785) 368-8426 Fax: (785) 291-3707 Email: art.chalmers@ag.ks.gov</p> <p><i>Attorneys for Defendant Douglas Schulte</i></p>
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