

Kansas
Judicial Branch

Kansas Courts News Release

FOR IMMEDIATE RELEASE

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Judge Angela Coble



Judge Kim Schroeder



Judge Lesley Ann Isherwood

Kansas Court of Appeals to hear oral argument at Kansas Wesleyan University

TOPEKA—A three-judge panel from the Kansas Court of Appeals will hear oral argument Tuesday, February 4, at Kansas Wesleyan University in Salina. The public is invited to attend.

The panel will hear three cases starting at 9 a.m. in Sams Chapel in the Hall of the Pioneers on the university campus.

Judge Angela Coble will serve as the presiding judge for the docket. She will be joined by Judges Kim Schroeder and Lesley Ann Isherwood to hear three cases. Afterward, the

judges will be available to answer questions from students, faculty, and the public about the judicial branch, court procedures, the role of judges, the legal profession, and other related matters.

“One of my favorite parts of being a member of the Court of Appeals is that we are a traveling court,” Coble said. “This means we hear cases all across our great state, and actually bring our judicial branch to the people and students of Kansas.”

Coble is a Salina resident and graduate of Kansas Wesleyan University.

Oral argument

Attorneys for each side will have an opportunity to present arguments, and the judges will have a chance to ask questions. The panel will then take each case under consideration and will issue a written decision usually within 60 days of oral argument.

There are 14 judges on the Court of Appeals. Usually, they sit in panels of three to hear arguments and decide cases.

Accommodation

Any person with a disability who requires accommodation to access the docket should notify the judicial branch ADA coordinator as early as possible:

ADA Coordinator

ADA@kscourts.org

785-296-2256

TTY at 711

9 a.m. Tuesday, February 4

Sams Chapel

The Hall of the Pioneers, 2nd Floor

Kansas Wesleyan University

Salina

Appeal No. 126,167: *State of Kansas, ex rel. Kansas Highway Patrol v. \$381,620 in U.S. Currency and Bryce R. Fuleki*

Saline: (Civil Appeal) Following a search conducted during a traffic stop of Bryce Fuleki's rental vehicle, a substantial amount of cash was seized by the Kansas Highway Patrol.

The agency initiated civil forfeiture proceedings. Fuleki appeared and filed a motion to suppress, contesting the traffic stop. The agency moved to strike the suppression motion because Fuleki had disclaimed ownership of the cash and therefore lacked standing, which is the right to make a legal claim to the money. The Saline County District Court granted the agency's motion to strike and ultimately awarded civil forfeiture of the cash. Fuleki appeals the district court's ruling that he lacked standing to contest the traffic stop and the forfeiture.

Appeal No. 126,264: *Jason and Christine Brungardt v. DS&O Electric Cooperative Inc. and VBA, LLC*

Saline: (Civil Appeal) The Brungardts assert claims of trespass, quiet title, and ejectment against DS&O Electric Cooperative Inc. arising out of the company's installation of communications equipment on the Brungardts' property without consent. The Brungardts also asserted claims of trespass, breach of lease, quiet title, and ejectment against VBA, LLC arising from the continued presence of DS&O's communications equipment on the property the Brungardts leased to VBA. The Brungardts argue VBA's lease does not allow the property to be used for any purpose other than the broadcast of radio and television, but DS&O is using the communications equipment to collect information on utility usage and to bill its customers. The Saline County District Court granted summary judgment in favor of DS&O and VBA. On appeal, the Brungardts contend the district court erred in granting summary judgment because disputed issues of material fact exist that should have been decided at trial.

Appeal No. 127,513: *Thomas W. Madden, as Heir at Law and Executor of the Estate of Thomas T. Madden, and Julie Boeckman, Heir at Law of Thomas T. Madden v. P & S Electric and Roustabout Service, Inc., d/b/a P & S Security, and Shirley Lynn Loder*

Rice: (Civil Appeal) The heirs of Thomas T. Madden brought a wrongful death suit for his fatal shooting. David Madden shot his father, Thomas, with a handgun purchased by his mother, Shirley Loder. Thomas Madden's heirs claimed that Loder was a "straw purchaser" who bought the gun for her son. The heirs sued Loder and P&S Security, claiming the business negligently sold the gun with actual or constructive knowledge that it was a straw purchase. The Rice County District Court granted summary judgment for Loder and P&S Security on all claims. The heirs appealed, generally arguing the district court improperly applied the "but for" causation test and ignored or discounted evidence.

Note to media: Reporters who plan to cover oral arguments need to be familiar with

[Supreme Court Rule 1001](#): Media Coverage of Judicial Proceedings, which prohibits using electronic recording devices during proceedings. If you plan to be in the room when a case is heard, and you want to use a camera, video camera, or audio recording device, you must get permission from the presiding judge. Send your request to Lisa Taylor at lisa.taylor@kscourts.gov by noon Tuesday, January 28.