

IN THE DISTRICT COURT OF JACKSON COUNTY, KANSAS

ROMEO WHITEBIRD, a minor,  
by and through his Natural Mother and  
next friend, LARISSA WHITEBIRD,

Plaintiffs,

vs.

KOYLEN CORBIN McKINNEY,

Defendant.

Case No. 15-CV-53

COLLEEN A. REAMER  
CLERK OF  
DISTRICT COURT  
JACKSON COUNTY KS

2015 DEC 11 PM 2:06

FILED THIS DAY

JOURNAL ENTRY OF JUDGMENT BY DEFAULT

NOW ON THIS 11<sup>th</sup> day of December 2015, the above-captioned case comes on for hearing. Romeo Whitebird, a minor, and his natural mother and next friend, Larissa Whitebird, appear in person and with their attorney, Dan Lykins. Defendant Koylen Corbin McKinney has been served with notice regarding this hearing but does not appear. There are no other appearances.

Plaintiffs' attorney notifies the Court that the Defendant has been properly served with summons and process herein and has not answered Plaintiffs' lawsuit and thus the Court has jurisdiction to enter Plaintiffs' requested judgment.

THEREUPON, the Plaintiff's natural mother and next friend, Larissa Whitebird, testifies and introduces exhibits regarding the injuries her son, Romeo Whitebird, sustained on April 18, 2014 when the Defendant willfully and maliciously permanently injured Romeo Whitebird, a minor, who was born on August 28, 2013. Larissa Whitebird's testimony to the Court stated that her son, Romeo Whitebird, sustained the following injuries on April 18, 2014:

1. Permanent brain damage.
2. Blindness.
3. Permanent need for a feeding tube.
4. The need for constant medical care the rest of his life.

The Court has reviewed the following exhibits that were introduced during this hearing and has admitted them into evidence:

1. Exhibit 1 which represents records in the case of *State of Kansas v. Koylen Corbin McKinney* from the Jackson County District Court Case No. 14-CR-303.
2. Exhibit 2 which are medical records regarding permanent injuries Romeo Whitebird sustained on April 18, 2014.
3. Exhibit 3 includes a partial list of medical bills that have been incurred by Romeo Whitebird as the result of Defendant's vicious attack on Romeo Whitebird on April 18, 2014 that total \$454,433.98 as of July 13, 2015 pursuant to Kansas Medicaid information.
4. Exhibit 4 which represents information published in the Kansas Register authorizing the daily rate for Kansas Neurological Institution in Topeka, Kansas. KNI is a residential health care facility for profoundly disabled individuals. Exhibit 4 also represents an estimate of projected future cost of care in an institution similar to KNI in Topeka, Kansas to the age of 68 that totals \$104,160,411.68.
5. Exhibit 5 is a medical cost projection for severely disabled individuals through the age of 77 that totals \$5,020,246.00. This projection does not include cost of full-time attendant care that Romeo Whitebird will need the rest of his life.

The Court, after reviewing the above exhibits and hearing the testimony of Larissa

Whitebird, the mother of Romeo Whitebird, finds that the Plaintiff has sustained permanent injuries and will require medical care the rest of his life. The Court also finds that Plaintiff sustained the following damages as the result of the willful and vicious attack on the Plaintiff by the Defendant on April 18, 2014:

Damages sustained by Plaintiff.

- |                                    |                       |
|------------------------------------|-----------------------|
| a) Noneconomic loss to date:       | \$ <u>250,000</u>     |
| b) Noneconomic loss in the future: | \$ <u>250,000</u>     |
| c) Medical expenses to date:       | \$ <u>454,433.98</u>  |
| d) Medical expenses in the future: | \$ <u>5,020,246</u>   |
| e) Economic loss to date:          | \$ _____              |
| f) Future economic loss:           | \$ <u>104,000,000</u> |

The Court finds that as the result of Defendant's willful and malicious attack on the Plaintiff Romeo Whitebird, on April 18, 2014, that Plaintiff Romeo Whitebird is granted judgment in the sum of \$ 109,974,689.98. The Court further awards post-judgment interest at the legal rate in Kansas as of this date this order is signed by the Court.

This Court further finds that any funds received as the result of this judgment including funds from the Three Affiliated Tribes of North Dakota shall be deposited into the Romeo Whitebird Discretionary Supplemental Needs Trust which is authorized by this Court and may be funded by the first payment from the Three Affiliated Tribes of North Dakota to partially satisfy this judgment.

A copy of Romeo Whitebird's Discretionary Supplemental Needs Trust showing that it has been approved by the Kansas Department of Health and Education legal division is marked and attached here as Exhibit 6.

IT IS SO ORDERED.

*Janice D. Busseel*  
JUDGE OF THE SECOND JUDICIAL DISTRICT  
COURT, JACKSON COUNTY, KANSAS

Prepared and Approved By:

*Dan Lykins*  
Dan Lykins, #07497  
Bryan, Lykins & Hejtmánek, P.A.  
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I hereby certify the above and foregoing to be a true and correct copy, the original of which is filed and entered of record in this court.	
DATED	<u>12-11</u> , 20 <u>15</u>
COLLEEN A. REAMER, Clerk of the District Court	
By	<i>Colleen Reamer</i>

