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District Judge James Vano

District Judge James Vano to sit with Kansas Supreme Court October 25

TOPEKA—District Judge James Vano of the 10th Judicial District has been appointed to sit with the Kansas Supreme Court to hear oral arguments in one case on the court's October 25 docket.

After hearing oral arguments, Vano will join Supreme Court justices in their deliberations and decision drafting.

“I am pleased that District Judge Vano is taking time from his duties in the 10th Judicial District to sit with the Supreme Court,” said Chief Justice Lawton Nuss. “It’s a great help to our court, and we look forward to his contributions in deliberating and eventually deciding this case.”

Vano was appointed a district magistrate judge in 1999 and a district judge in 2002, both for the 10th Judicial District, which is composed of Johnson County.

“I am honored at being asked to sit with our Supreme Court,” Vano said. “I look forward to working with our justices and fulfilling the assignment. It will certainly be a pleasure to serve the court and the people of Kansas in this way.”

Vano earned a bachelor's degree in English from Cornell University in 1972 and a law degree from Washburn University School of Law in 1981. He was a research attorney for the Kansas Supreme Court from 1981 to 1983 and counsel for the chief justice from 1992 to 1995. He was in private practice in Overland Park from 1983 to 1992 and from 1995 to 1999.

All Supreme Court oral arguments are webcast live through the *Watch Supreme Court Live!* link in the right-hand column of the Kansas judicial branch website at www.kscourts.org.

The case Vano will hear is the first one scheduled on the court's 9 a.m. docket Thursday, October 25:

Appeals No.114,897: *State of Kansas v. David G. Lundberg*

Appeals No.114,898: *State of Kansas v. Michael W. Elzufon*

Sedgwick County: (Petition for Review) Lundberg and Elzufon are property investors from Minnesota. In 2005, they began buying property in downtown Wichita. The defendants started four Kansas limited liability corporations for the purpose of offering investment opportunities—including the sale of promissory notes and membership interests—related to their Wichita properties. The interests in these Kansas LLCs were almost uniformly sold or offered by commissioned individuals in California to investors who live in California. In February 2015, Lundberg and Elzufan each were charged with 61 counts of violating the Kansas Uniform Securities Act, including securities fraud and unlawful sale of unregistered securities. The defendants moved to dismiss for lack of jurisdiction on the basis the district court did not have territorial jurisdiction under K.S.A. 17-12a610 because the sales or offers to sell were not made in Kansas. The district court granted the motion and dismissed 56 of the charges. The State appealed. The Court of Appeals reversed the district court ruling, holding the language of the statute was broad enough to grant territorial jurisdiction. Issue on appeal is whether the district court correctly found the State failed to show Lundberg and Elzufan sold or offered to sell a security in Kansas, which is required to establish territorial jurisdiction for criminal prosecution in Kansas courts.

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