



# Kansas Courts News Release

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## *Office of Judicial Administration*

### **FOR IMMEDIATE RELEASE**

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*District Judge Jeff Elder*

### **District Judge Jeff Elder to sit with Kansas Supreme Court May 1**

TOPEKA—District Judge Jeff Elder of the 2nd Judicial District has been appointed to sit with the Kansas Supreme Court to hear one case on the court's May 1 summary calendar.

Elder will join Supreme Court justices in their deliberations and decision drafting.

“I am pleased that District Judge Elder is taking time from his duties in the 2nd 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.”

Elder became a judge in 2008 in the 2nd Judicial District, which is composed of Jackson, Jefferson, Pottawatomie, and Wabaunsee counties. Elder hears cases primarily in Pottawatomie County.

"It is a privilege and honor to be asked to be of assistance to the Kansas Supreme Court. I am deeply humbled at receiving the assignment," Elder said.

Elder received a bachelor's degree from the University of Kansas and a law degree from the University of Kansas School of Law. He was county attorney for Pottawatomie County and in private practice before becoming a judge.

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](http://www.kscourts.org).

The case Elder will consider on the court's summary calendar is:

***Appeal No.116,883: Joeann Williams et al. v. C-U-Out Bail Bonds LLC and City of Overland Park, Kansas, ex rel. Overland Park Police Department***

Johnson County: (Petition for Review) Williams and four others lived together in a single family residence in Overland Park. When armed persons tried to ram their way into her home at 11 p.m., Williams called the police. Police arrived and spoke to the bail bondsmen trying to forcibly enter the home, then left. The bail bondsmen entered the home but did not find the individual they were seeking. Williams and the other residents sued the city for negligent failure to protect them. The district court granted the city's motion to dismiss, finding the police officers had no duty to protect the plaintiffs specifically, as opposed to their duty to the public at large, and that the police were entitled to immunity under the discretionary function exception to the Kansas Tort Claims Act. The Court of Appeals affirmed. Issues on review are whether: 1) the Court of Appeals erred when it failed to hold the petition alleged sufficient facts to support the legal conclusion that employees of C-U-OUT Bail Bonds lacked legal authority to enter Williams' home; 2) the city and police department have a duty to protect Williams and the other residents when law enforcement permitted armed agents of C-U-OUT to enter Williams' home; and 3) the city is immune from liability under the discretionary function exception to the Kansas Tort Claims Act.

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