



October 13, 2025

The Unified Government of Wyandotte County/Kansas City, KS
Monica L. Sparks
City Hall
701 N 7th St, Suite 323
Kansas City, KS
KS 66101

RE: Notice of Claim pursuant to KS Stat § 12-105b / Settlement Demand
Injured Party: Charles Adair
Date of Injury: July 05, 2025
Location: Wyandotte County Detention Center in Kansas City, Kansas

Dear Ms. Sparks,

Please be advised that the Law Offices of Ben Crump Law PLLC, the Law Offices of Harry M. Daniels, LLC, and the Law Office of Davis, Bethune & Jones, LLC are representing Monique Woolridge, the legal guardian of M.W. and K.W., as well as Shanay Lane, the legal guardian of C.A., regarding the in-custody death of Charles Adair, which transpired on July 5, 2025, at the Wyandotte County Detention Center.

On July 5, 2025, Charles Adair was in custody at the Wyandotte County Detention Center in Kansas City, Kansas, when Richard Fatherly, an employee of the Wyandotte County Sheriff's Office, employed excessive force that directly resulted in the death of Mr. Adair. The autopsy report for Mr. Adair indicates that he experienced mechanical asphyxia as Deputy Fatherly applied his knee to Mr. Adair's back for a period of 86 seconds while Mr. Adair was restrained in handcuffs. Deputy Fatherly has been charged with murder in relation to Mr. Adair's death. The actions of Deputy Fatherly, along with the omissions of the unidentified personnel from the Wyandotte County Sheriff's Office, were recorded on body camera.

DEPUTY FATHERLY'S EXCESSIVE FORCE

On July 5, 2025, Charles Adair's constitutional rights were clearly violated by Deputy Fatherly and the unidentified members of the Wyandotte County Sheriff's Office who failed to act while Deputy Fatherly applied pressure with his knee on Mr. Adair's back for a period of 86 seconds, during which time Mr. Adair was secured in handcuffs. (Refer to the attached Affidavit to the Statement of Facts in the State of Kansas vs. Richard Fatherly; Case No. WY-2025-CR-001158). Consequently, due to the actions of Deputy Fatherly and other unidentified personnel of the Wyandotte County Sheriff's Office, Mr. Adair succumbed to mechanical asphyxia. The manner of Mr. Adair's death was classified as homicide. (Refer to the attached Autopsy Report of Mr. Adair conducted on July 8, 2025, by Feng Li, M.D., J.O., Ph.D.) There is no question, at all times material to this incident, Mr. Adair was subdued.

The Eighth Circuit has clearly established that gratuitous force against a non-resisting, subdued, or handcuffed individual violates the Fourth Amendment. For example:

- In Perry v. Woodruff Cnty. Sheriff Dep't, 858 F.3d 1141 (8th Cir. 2017), the court denied qualified immunity to an officer who forced her knee into the back of a non-resisting, non-threatening individual, finding this conduct violated clearly established rights. 858 F.3d 1141 (8th Cir. 2017).
- In Watkins v. City of St. Louis, 102 F.4th 947 (8th Cir. 2024), the court cites Krout v. Goemmer, 583 F.3d 557 (8th Cir. 2009) which held it is clearly established that gratuitous force—such as kicking, punching, and kneeing a handcuffed, fully subdued individual—is objectively unreasonable and violated the Fourth Amendment.

BYSTANDERS' LIABILITY

Under Eighth Circuit case law, a law enforcement officer may be held liable for failing to intervene in another officer's use of excessive force if the officer observed or had reason to know that excessive force was being used and had both the opportunity and means to prevent the harm. The Eighth Circuit has consistently held that law enforcement officers, including both police and correctional officers, have a duty to intervene to prevent the unconstitutional use of excessive force by another officer.

In the seminal case Putman v. Gerloff, the court held that a law enforcement officer, even if a subordinate, could be held jointly liable for failing to intervene if a fellow officer was using excessive force and the officer had the opportunity to prevent the harm. 639 F.2d 415, 423

(8th Cir. 1981). This principle was later reaffirmed and expanded in numerous Eighth Circuit decisions. Nance v. Sammis, 586 F.3d 604, 612 (8th Cir. 2009); Krout v. Goemmer, 583 F.3d 557, 565 (8th Cir. 2009); Hicks v. Norwood, 640 F.3d 839, 843 (8th Cir. 2011); Hollingsworth v. City of St. Ann, 800 F.3d 985, 991 (8th Cir. 2015).

The standard applies equally to correctional officers in prison or jail settings. In Phillips v. Gordon, 1:20-CV-00057-JAR (E.D. Mo. Oct 26, 2021) and Vaughn v. Gullett, No. 4:19-CV-2566-JAR (E.D. Mo. Jun 22, 2020), the courts held that a correctional officer may be liable under § 1983 for failing to intervene to prevent another officer's use of excessive force if the officer was aware of facts indicating a substantial risk of serious harm, actually drew the inference, and failed to take reasonable steps to protect the inmate.

As previously mentioned, unidentified members of the Wyandotte County Sheriff's Office failed to take action while Deputy Fatherly applied pressure with his knee on Mr. Adair's back for a period of 86 seconds, during which Mr. Adair was in handcuffs. These officers either witnessed or had sufficient reason to be aware that excessive force was being employed against Mr. Adair. Moreover, the bystanding officers possessed both the opportunity and the capability to intervene to prevent Deputy Fatherly from inflicting excessive force upon Mr. Adair. None of these officers took the appropriate measures to prevent the death of Mr. Adair.

MONELL LIABILITY

The Wyandotte County Sheriff's Office's failure to train its officers directly caused the actions and omissions of Deputy Fatherly and the other unidentified personnel of the Wyandotte County Sheriff's Office on July 5, 2025. Additional discovery is likely to reveal the Wyandotte County Sheriff's Office untrained employees' pattern of similar constitutional violations constitutes deliberate indifference, under City of Canton v. Harris, 489 U.S. 378 (1989) and Connick v. Thompson, 563 U.S. 51 (2011). This precedent has been repeatedly cited and followed by the Eighth Circuit and its district courts. Deputy Fatherly exerting pressure with his knee on Mr. Adair's back impeding his breathing until his death so grossly violated Mr. Adair's constitutional rights that the other officers' failure to intervene must be attributed to the Wyandotte County Sheriff's Office's failure to adequately train its officers.

WRONGFUL DEATH UNDER KS STAT § 60-1901

In addition to violating Mr. Adair's Clearly Established Constitutional Rights, Deputy Fatherly committed civil battery that caused the wrongful death under KS Stat § 60-1901. Our clients are entitled to the following damages pursuant to KS Stat § 60-1904:

- (1) Mental anguish, suffering or bereavement;
- (2) loss of society, companionship, comfort or protection;
- (3) loss of marital care, attention, advice or counsel;
- (4) loss of filial care or attention;
- (5) loss of parental care, training, guidance or education; and
- (6) reasonable funeral expenses for the deceased.

DEMAND FOR SETTLEMENT

In consideration of the video evidence, court records, and the autopsy report of Mr. Charles Adair, our clients have granted us the authority to submit a settlement offer in the sum of twenty-five million dollars (\$25,000,000.00). This proposal is founded on the substantial evidence indicating that Charles Adair met his demise due to the actions of individuals who were obligated to safeguard him, without any justification whatsoever.

Our comprehensive evaluation has unequivocally established binding precedent from the Eighth Circuit, in conjunction with the ruling in Graham v. Connor, 490 U.S. 386 (1989), which at the very least, presents a question for the jury regarding whether Deputy Fatherly employed unjustified deadly or excessive force against Mr. Charles Adair.

We are assured that the implicated employees are equally eager to defend this case as our clients are to pursue it. In numerous instances, we have successfully resolved issues during pre-litigation mediation. Should The Unified Government of Wyandotte County wish to engage in a serious dialogue regarding the settlement of this claim on or before November 3, 2025, we invite them to contact Attorney Sue-Ann Robinson at sueann@bencrump.com to arrange a mutually convenient time to discuss the specifics of a pre-litigation mediation. If we are unable to reach a mutually acceptable resolution in this matter, we will swiftly commence legal action in the United States District Court for the District of Kansas, seeking all available legal remedies, including attorney's fees and costs as outlined in 42 U.S.C. §1988.

Sincerely,

Ben Crump
Sue-Ann Robinson
Ben Crump Law PLLC
614 S. Federal Highway
Fort Lauderdale, FL 33301

Harry M. Daniels
Law Offices of Harry M. Daniels, LLC
4571 Best Road Suite 205
Atlanta, GA 30337

Grant L. Davis
Davis, Bethune & Jones, LLC
1100 Main St.,
Ste. 2930 Lightwell
Kansas City, Missouri 64105