

Case nets lawyers \$300,000 in fees

BY DAN VOORNIS
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Two local attorneys have been awarded more than \$300,000 in attorneys' fees for a case they won last year.

Dustin DeVaughn and Richard James, of McDonald, Tinker, Skaer, Quinn & Herrington, represented Pittsburg food wholesaler Monsour's in its fight against rival Menu Maker Foods of Jefferson City, Mo.

In a case tried in April and May in U.S. District Court in Wichita, Monsour contended that Menu Maker breached a contract between the two and drove them out of business in 2002. Monsour won a \$607,850 verdict.

This week, U.S. District Judge Thomas Marten awarded DeVaughn and James

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\$307,000 in fees and \$155,000 in pretrial interest. That brings the total cost for Menu Maker to more than \$1 million.

Menu Maker was represented by the Wichita firm of Klenda, Mitchell Austerman & Zuercher. Attorneys there had no comment.

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Monsour had been a food wholesaler for three generations in southeast Kansas. In 2002, it signed an agreement to sell its dry goods business to larger competitor Menu Maker.

Also in the memorandum signed by Marten, according

to DeVaughn and James, Monsour would remain in the fresh produce business and become a supplier to Menu Maker.

Under the new arrangement, Menu Maker repeatedly refused Monsour's produce.

"They basically cut off all the money and left this three-generation family business without any cash," DeVaughn said.

Marten also rejected Menu Maker's request for a new trial.