

VERDICTS & SETTLEMENTS

Customers settle with company that employed unlicensed massage therapist

■ DAVID BAUGHER

A pair of multi-million-dollar settlements have resulted from allegations of inappropriate touching of patrons at a massage establishment.

The lawsuit, launched through attorney Wes Shumate of Davis, Bethune & Jones, said that the defendant company had knowledge of prior customer complaints indicating such problems in the past.



Scott S. Bethune



Wes Shumate



Kevin D. Buchanan

According to filed petitions in the matter, defendant Gui Jiang was not background checked by Fusion Spa before the time of the alleged incidents, the earlier of which was said to have taken place in May 2022 when Shumate's client reported that she was "negligently and recklessly touched" in an "offensive manner" by the defendant including on her private areas. The suit said that the woman expressed displeasure with the touching.

The second incident, alleged in the summer of last year, involved another female who indicated that she experienced inappropriate touching as well. That suit also said she expressed displeasure at the nature of the contact.

The plaintiffs were identified only by initials. Shumate, who indicated that the spa had different insurance limits for different years, said one of the women received a \$4 million settlement while \$3 million went to the other.

"We reached a settlement soon after discovery in the first case," Shumate said, theorizing that the history of complaints about such behavior probably played a role.

He said that research turned up a complaint on Facebook about a previous occurrence which is how he became aware of possible additional incidents in the matter.

The attorney said the defendant was alone in the room with the victims both times although both had acquaintances in the building. The earlier woman was at the facility with her mother while the later one was there as part of a couples massage with her boyfriend.

Shumate said that he did not know of any criminal charges filed regarding the incidents.

He said it can be difficult for victims to speak out and that he is often asked why cases like this are worth millions of dollars.

"The truth is every sexual assault is probably the worst kind of violence there is," he said. "It affects every aspect of the victim's life."

Shumate listed Michael Shunk and Megan Sterchi Lammert of Baker, Sterchi Cowden & Rice as representing the defense. Neither returned a call requesting comment.

\$7 million total from two settlements
Personal injury

Venue: Jackson County Circuit Court

Case Number/Date: 2416-cv07614/May 2, 2024 / 2316-cv32670/Mar. 18, 2024

Injuries: PTSD

Insurer: for the \$3 million settlement – Travelers Casualty Insurance Company; \$4 million settlement – Great American Insurance Company

Caption: Confidential v. Rainforest Massage and Spa LLC dba Fusion Spa; Kemin Geng; Gui Jiang

Plaintiffs' Attorneys: Wes Shumate and Kevin Buchanan, Davis, Bethune & Jones, (Kansas City)

Defendants' Attorneys: Michael Shunk and Megan Sterchi Lammert, Baker, Sterchi, Cowden & Rice, (Kansas City)