

IN THE SUPREME COURT OF THE STATE OF KANSAS
RULES RELATING TO DISTRICT COURTS

RULE 141
SUMMARY JUDGMENT

FILED

FEB 09 2015

HEATHER L. SMITH
CLERK OF APPELLATE COURTS

Rule 141 is hereby amended, effective February 9, 2015.

Rule 141
SUMMARY JUDGMENT

- (a) **Motion for Summary Judgment; Requirements.** A motion for summary judgment must be accompanied by a filing fee and a memorandum or brief that:
- (1) states concisely, in separately numbered paragraphs, the uncontroverted contentions of fact on which the movant relies;
 - (2) for each fact, contains precise references to pages, lines and/or paragraphs — or to a time frame if an electronic recording — of the portion of the record on which the movant relies; and
 - (3) is filed and served on all counsel of record and unrepresented parties not in default for failure to appear.
- (b) **Response to Motion for Summary Judgment; Requirements.** A memorandum or brief opposing a motion for summary judgment must:
- (1) state — in separately numbered paragraphs that correspond to the numbered paragraphs of movant's memorandum or brief — whether each of movant's factual contentions is:
 - (A) uncontroverted;
 - (B) uncontroverted for purposes of the motion only; or
 - (C) controverted, and if controverted:
 - (i) concisely summarize the conflicting testimony or evidence and any additional genuine issues of material fact that preclude summary judgment; and
 - (ii) provide precise references as required in subsection (a)(2); and
 - (2) be filed and served on all counsel of record and unrepresented parties not in default for failure to appear not later than 21 days after service of the motion, unless the time is extended by local rule or court order.

- (c) **Reply to Motion for Summary Judgment; Requirements.** Any reply must be filed and served on all counsel of record and unrepresented parties not in default for failure to appear not later than 14 days after service of the response, unless the time is extended by local rule or court order.
- (d) **Objection That a Fact is Not Supported by Admissible Evidence.** A party may object that the material cited to support or dispute a fact cannot be presented in a form that would be admissible in evidence.
- (e) **Materials Not Cited.** The court need consider only the parts of the record that have been cited in the parties' briefs, but it may consider other materials in the record.
- (f) **Hearing or Final Submission for Decision.** A motion for summary judgment may be heard only when the movant has complied with subsection (a), and one of the following has occurred:
 - (1) the opposing party has complied with subsection (b) and the movant has filed a reply or the time for the movant to reply has expired; or
 - (2) the court orders that the motion is deemed finally submitted because the opposing party failed to comply timely with subsection (b), in which case the uncontroverted factual contentions stated in the moving party's memorandum or brief are deemed admitted for purposes of the motion.
- (g) **Findings and Conclusions by the Court.** When granting a motion for summary judgment, the court must state its findings of fact and conclusions of law in compliance with Rule 165. When denying a motion, the court must state the reasons for the denial.

By Order of the Court this 9 day of February, 2015.

FOR THE COURT



Lawton R. Nuss
Chief Justice