Volume 4

CHAPTER 60 CODE OF CIVIL PROCEDURE

ARTICLE 1 PREFATORY

Sec 60-101 Title Sec 60-102 Construction

Sec 60-103 Restricted Mail Defined Sec 60-104 Acts by Court or Judge

ARTICLE 2 RULES OF CIVIL PROCEDURE

Sec 60-201 Scope

Sec 60-202 One Form of Action Sec 60-203 Commencement of Action

Sec 60-204 Process, Generally

Sec 60-205 Service and Filing of Pleadings and Other Papers

Subsection (b) Service: How Made

Subsection (d)(2)(B) Subsection (d)(2)(B) How Filing is Made;

in General

Sec 60-206 Time, Computation and Extension

Subsection (a) Computing Time Subsection (b) Extending Time

Subsection (c) Motions, Notices of Hearing, and Affidavits or

Declarations

Subsection (d) Additional Time After Service by Mail

Sec 60-207 Pleadings Allowed, Forms of Motions and Petitions

Subsection (a) Pleadings

Subsection (b) Motions and Other Papers

Subsection (c) Designation of petition

Sec 60-208 General Rules of Pleading

Subsection (a) Claims for Relief

Subsection (b) Defenses, Admissions and Denials

Subsection (c) Affirmative Defenses

Subsection (d) Pleading to be Concise and Direct; Alternative

Statements; Inconsistency

Subsection (e) Construing Pleadings

Sec 60-209 Pleading Special Matters

Subsection (a) Capacity or Authority to Sue; Legal Existence

Subsection (b) Fraud or Mistake; Conditions of the Mind

```
Subsection (c)
                    Conditions Precedent
                    Official Document or Act
   Subsection (d)
   Subsection (e)
                    Judgment
   Subsection (f)
                    Time and Place
   Subsection (g)
                    Special Damages
                    Pleading a Written Instrument
   Subsection (h)
   Subsection (i)
                    Libel and Slander
Sec 60-210
              Form of Pleadings
Sec 60-211
              Signing of Pleadings
Sec 60-212
              Defenses and Objections
   Subsection (a)
                    Time to Serve a Responsive Pleading
   Subsection (b)
                    How to Present Defenses
   Subsection (c)
                    Motion for Judgment on the Pleadings
   Subsection (d)
                    Result of Presenting Matters Outside the Pleadings
                    Motion for a More Definite Statement
   Subsection (e)
   Subsection (f)
                    Motion to Strike
   Subsection (g)
                    Joining Motions
   Subsection (h)
                    Waiving and Preserving Certain Defenses
                    Hearing Before Trial.
   Subsection (i)
   Subsection (j)
                    Answer for Minor or Incapacitated Person
Sec 60-213
              Counterclaims and Cross-Claims
                     Compulsory Counterclaims
   Subsection (a)
   Subsection (b)
                     Permissive Counterclaims
   Subsection (c)
                     Relief Sought in a Counterclaim
   Subsection (d)
                     Effect of Death or Limitations
   Subsection (e)
                     Counterclaim Maturing or Acquired After
                       Pleading
   Subsection (f)
                     Compulsory Crossclaim Against a Coparty
   Subsection (g)
                     Permissive Crossclaim Against a Coparty
   Subsection (h)
                     Joining Additional Parties
   Subsection (i)
                     Separate Trials; Separate Judgments
   Subsection (k)
                     Appealed and Removed Actions
Sec 60-214
              Third Party Practice
   Subsection (a)
                     When a Defending Party May Bring in a Third
                       Party
   Subsection (b)
                     When Plaintiff May Bring in Third-Party
   Subsection (c)
                     Execution by Third-Party Plaintiff; Limitation
Sec 60-215
              Amended and Supplemental Pleadings
   Subsection (a)
                     Amendments Before Trial
   Subsection (b)
                     Amendments During and After Trial
   Subsection (c)
                     Relation Back of Amendments
   Subsection (d)
                     Supplemental Pleadings
Sec 60-216
              Pretrial Procedure; Formulating Issues; Sanctions for
                Failure to Obey Pretrial Orders, Appear, Be Prepared
                or Participate in Good Faith
```

TABLE OF CONTENTS

| G 00 01 W | . | G |
|-------------|----------|---|
| Sec 60-217 | | s; Capacity |
| Subsection | () | Real Party in Interest |
| Subsection | | Claim Accruing Under Law of Another State |
| Subsection | | Minors or Incapacitated Persons |
| Subsection | () | Public Officer's Title and Name. |
| Sec 60-218 | | er of Claims and Remedies |
| Subsection | (/ | In General |
| Subsection | | Joinder of Contingent Claims |
| Sec 60-219 | | er of Persons Needed for Just Adjudication |
| Subsection | | Persons Required to be Joined if Feasible |
| Subsection | | When Joinder is Not Feasible |
| Subsection | | Pleading the Reasons for Nonjoinder |
| | | Exception for Class Actions |
| Subsection | (-) | Nominee. |
| Sec 60-220 | | ssive Joinder of Parties |
| Subsection | | Persons Who May Join or be Joined |
| Subsection | | Protective Measures |
| Sec 60-221 | Misjoi | nder Not Ground for Dismissal |
| Sec 60-222 | Interp | |
| Subsection | (a) | Grounds |
| Subsection | (b) | Disclaiming Interpleader |
| Subsection | (c) | Application |
| Sec 60-223 | Class | Actions |
| Subsection | (a) | Prerequisites |
| Subsection | (b) | Types of Class Actions |
| Subsection | (c) | Certification Order; Notice to Class Members; Judgment; Issues Classes; Subclasses |
| Subsection | (d) | Conducting the Action. |
| Subsection | | Settlement, Voluntary Dismissal, or Compromise |
| Subsection | | Appeals. |
| Subsection | | Class Counsel. |
| Subsection | _ | Attorney's Fees and Nontaxable Costs. |
| Sec 60-223a | ` / | ative Actions by Shareholders |
| Sec 60-223b | | s Relating to Unincorporated Associations |
| Sec 60-224 | Interv | 2 |
| Subsection | | Intervention of Right |
| Subsection | ` ' | Permissive Intervention |
| Sec 60-225 | | tution of Parties |
| Subsection | | Death |
| Subsection | | Incompetency |
| Subsection | | Transfer of Interest |
| Subsection | | Public Officer; Death or Separation from Office |
| Subsection | | Continued Representation by Attorney |
| Sec 60-226 | | al Provisions Governing Discovery |
| Dec 00-220 | Gener | at 1 Tovisions Governing Discovery |

Subsection (b) Discovery Scope and Limits Subsection (c) Protective Orders Subsection (e) Supplementing Disclosures and Responses Sec 60-227 Perpetuation of Testimony Subsection (a) Before an Action is Filed Subsection (a)(4)Using the Deposition Subsection (b) Pending Appeal Sec 60-228 Persons Before Whom Depositions May Be Taken Subsection (a) Within the United States Subsection (b) In a Foreign Country Subsection (c) Disqualification for Interest Sec. 60-228a Depositions for Use in Foreign Jurisdictions Sec 60-229 Stipulations About Discovery Procedure Sec 60-230 Depositions by Oral Examination Subsection (a) Depositions by Oral Examination Subsection (b) Notice of the Deposition; Other Formal Requirements Examination and Cross-Examination; Record of Subsection (c) the Examination; Objections; Written Questions Subsection (d) Motion to Terminate or Limit Subsection (e) Review by the Witness; Changes Subsection (f) Certification and Delivery; Exhibits; Copies of the Transcript or Recording; Notice of Delivery or Filing; Retention of Original Subsection (g) Failure to Attend a Deposition or Serve a Subpoena; Expenses; Persons Attending Sec 60-231 Depositions of Witnesses Upon Written Questions Subsection (a) When a Deposition May be Taken Subsection (b) Delivery to the Officer; Officer's Duties Sec 60-232 Using Depositions in Court Proceedings Subsection (a) Using Depositions in Court Proceedings Subsection (b) Objections to Admissibility Form of Presentation Subsection (c) Subsection (d) Waiver of Objections Sec 60-233 Interrogatories to Parties Sec 60-234 Producing Documents, Electronically Stored Information, And Tangible Things, or Entering Onto Land, for Inspection And Other Purposes Sec 60-235 Physical And Mental Examinations Sec 60-236 Requests for Admission Sec 60-237 Failure To Cooperate in Discovery; Sanctions Sec 60-238 Right To a Jury Trial; Demand Right Preserved Subsection (a) Subsection (b) Demand Subsection (c) Specifying Issues

TABLE OF CONTENTS

| Subsection | ` ' | Waiver; Withdrawal |
|-------------|------------|---|
| Sec 60-239 | | by Jury or by the Court |
| Sec 60-240 | | uling Cases for Trial; Continuances |
| Subsection | | Scheduling Cases for Trial; Continuances |
| Subsection | (b) | Continuances |
| Subsection | (c) | Motion for continuance based on absence of |
| | | material witness, document, thing or other |
| ~ | . . | evidence; affidavit or declaration |
| Sec 60-241 | | ssal of Actions |
| Subsection | ` ' | Voluntary Dismissal |
| Subsection | . , | Involuntary Dismissal; Effect; Notice |
| Subsection | (c) | Dismissing a Counterclaim, Crossclaim, or Third- Party Claim |
| Subsection | (d) | Costs of a Previously Dismissed Action |
| Sec 60-242 | | county and Multidistrict Litigation; Consolidation; |
| | Sepa | arate Trials |
| Subsection | (a) | Consolidation |
| Subsection | . , | Separate Trials |
| Subsection | (c) | Multidistrict Litigation |
| Sec 60-243 | Taking | g Testimony; Evidence |
| Subsection | (a) | Form and Admissibility |
| Subsection | (b) | Scope of Examination and Cross-Examination |
| Subsection | (c) | Record of Excluded Evidence |
| Subsection | (d) | Evidence on a Motion |
| Subsection | (e) | Interpreter |
| Sec 60-244 | Proof | of Records |
| Sec 60-245 | Subpo | enas |
| Subsection | (a) | In General |
| Subsection | (b) | Service |
| Subsection | (c) | Protecting a Person Subject to a Subpoena |
| Subsection | | Duties in Responding to a Subpoena |
| Subsection | (e) | Contempt |
| Sec 60-245a | Subpo | ena of Nonparty Business Records |
| Sec 60-246 | Object | ing To Ruling or Order |
| Sec 60-247 | Jurors | |
| Subsection | (b) | Examining Jurors |
| Subsection | (c) | Challenges |
| Sec 60-248 | Jury T | Trial Procedure |
| Subsection | (a) | Stipulation as to Number |
| Subsection | (b) | View of Property or Place |
| Subsection | | Case Submitted; Action and Conduct of Jury |
| Subsection | | Separation of Jury; Admonition of Court |
| Subsection | (e) | Jury May Request Information After Retiring |
| Subsection | | Discharge of Jury, When |
| | | <u> </u> |

Subsection (g) Verdict; Number of Jurors Required; Form; Correction Subsection (h) Alternate Jurors. Sec. 60-248a Application of 1978 Amendments to 60-248 Sec 60-249 Special Verdict; General And Questions Subsection (a) Special Verdict Subsection (b) General Verdict with Answers to Written Questions Sec 60-249a Itemized Verdict, Personal Injury Actions; Jury Instructions Sec 60-250 Judgment As a Matter of Law in a Jury Trial; Related Motion for a New Trial Subsection (a) Judgment as a Matter of Law Renewal of Motion After Trial; Alternative Motion Subsection (b) for New Trial. Granting the Renewed Motion; Conditional Subsection (c) Ruling on a Motion for a New Trial. Sec 60-251 Instructions To The Jury; Objections; Preserving a Claim of Error Subsection (a) Requests. Subsection (b) Instructions. Subsection (c) Objections Subsection (d) Assigning Error; Clearly Erroneous Sec 60-252 Findings And Conclusions by The Court; Judgment on **Partial Findings** Subsection (a) Findings and Conclusions Subsection (b) Amended or Additional Findings Subsection (c) Judgment on Partial Findings Sec 60-252a Trial by The Court; Judgment, Ruling or Decision, Time Limitation Sec 60-252b Supreme Court Rules Sec 60-253 Trial by Masters Sec 60-254 Judgment Subsection (a) Definition Subsection (b) Judgment on Multiple Claims or Involving Multiple Parties Subsection (c) Demand for Judgment; Relief to be Granted Sec 60-255 Default Sec 60-256 Summary Judgment Subsection (a) By a Claiming Party. Subsection (b) By a Defending Party. Subsection (c) Time for a Motion; Response and Reply; **Proceedings** Subsection (d) Case Not Fully Adjudicated on the Motion

Affidavits or Declarations; Further Testimony

Subsection (e)

TABLE OF CONTENTS

| Subsection | (f) | When Affidavits or Declarations are Unavailable |
|--------------|--------|---|
| Subsection | | Affidavits or Declarations Submitted in Bad Faith |
| Sec 60-257 | _ | ratory Judgment |
| Sec 60-258 | | of Judgment |
| Sec 60-258a | | arative Negligence |
| Sec. 60-258b | | arative Negligence—Act Inapplicable to Actions |
| 200. 00 2002 | | ruing Prior to July 1, 1974 |
| Sec 60-259 | | Trial; Altering or Amending a Judgment |
| Subsection | | In General |
| Subsection | | Time to File a Motion for a New Trial |
| Subsection | | Definite Statement of Ground |
| Subsection | | Definite Statement of Reasons |
| Subsection | | New Trial on the Court's Initiative or for Reasons |
| Subsection | (0) | Not in the Motion |
| Subsection | (f) | Motion to Alter or Amend a Judgment |
| Subsection | | Production of Evidence |
| Sec 60-260 | _ | from a judgment or order |
| Subsection | | Corrections based on clerical mistakes; oversight |
| Subscelloii | (u) | and omissions |
| Subsection | (b) | Grounds for relief from a final judgment, order or |
| Sec 60-261 | Цатт | proceeding less Error |
| | | |
| Sec 60-262 | | f Proceedings To Enforce a Judgment |
| Subsection | (a) | Automatic Stay; Exceptions for Injunctions and Receiverships |
| Subsection | (b) | Stay Pending the Disposition of a Motion |
| Subsection | (c) | Injunction Pending Appeal |
| Subsection | (d) | Stay with Bond on Appeal |
| Subsection | (e) | Stay without Bond on an Appeal by the State, Its |
| | | Officers, or Its Agencies |
| Subsection | (f) | Appellate Court's Power Not Limited |
| Subsection | (g) | Stay with Multiple Claims or Parties |
| Sec 60-263 | Disabi | lity of Judge |
| Sec 60-264 | Enforc | eing Relief for or Against a Nonparty |
| Sec 60-265 | | ability of Article |
| Sec 60-266 | | iction and Venue Unaffected |
| Sec 60-267 | Rules | by District Courts |
| Sec 60-268 | Forms | · |
| Sec. 60-269 | Title | |
| Sec 60-270 | Retair | ning Original Records Until Case Closed |
| Sec 60-271 | | tance of Filings by Electronic Means |
| | P | 8V |
| ADTICLE | DDO | CECC |

ARTICLE 3 PROCESS

Sec 60-301 Summons; Issuance Sec 60-302 Summons; Form

| Sec 60-303 | Methods of Service of Process |
|-------------|---|
| Sec 60-304 | Service of Process, on Whom Made |
| Sec 60-305 | Process Agents for Public Utilities, Except Motor |
| | Common And Contract Carriers |
| Sec 60-305a | Process Agents for Motor Common Carriers |
| Sec 60-306 | Process Service Agent |
| Sec 60-307 | Service by Publication |
| Sec 60-308 | Service Outside State |
| Subsection | (a) Proof and Effect |
| Subsection | (b) Submitting to Jurisdiction |
| Sec 60-309 | Opening Default Judgment Rendered on Service by |
| | Publication |
| Subsection | (a) Procedure |
| Subsection | (b) Sale for Value After Three Months |
| Subsection | (c) Judicial Sales |
| Sec 60-310 | Procedure Where Only Part of Defendants Served |
| Sec 60-311 | Where Process May be Served |
| Sec 60-312 | Proof of Service |
| Sec 60-313 | Amendment of Return |
| Sec 60-314 | [Repealed.] |
| | |

ARTICLE 4 RULES OF EVIDENCE

A GENERAL PROVISIONS

Sec 60-401 Definitions Subsection (a) Evidence Subsection (b) Relevant Evidence Subsection (c) Proof Subsection (d) Burden of Proof Subsection (e) Burden of Producing Evidence Subsection (f) Conduct Finding of Fact Subsection (h) Subsection (i) Guardian Subsection (1) Verbal Writing Subsection (m) Conservator Subsection (n) Sec 60-402 Scope of Rules Sec 60-403 Exclusionary Rules Not to Apply to Undisputed Matter Sec 60-404 Effect of Erroneous Admission of Evidence Sec 60-405 Effect of Erroneous Exclusion of Evidence Sec 60-406 Limited Admissibility Sec 60-407 General Abolition of Disqualifications and Privileges of Witnesses, and of Exclusionary Rules Sec 60-408 Preliminary Inquiry by Judge

B JUDICIAL NOTICE

- Sec 60-409 Facts Which Must or May be Judicially Noticed
- Sec 60-410 Determination as to Propriety of Judicial Notice and Tenor of Matter Noticed
- Sec 60-411 Instructing the Trier of Fact as to Matter Judicially Noticed
- Sec 60-412 Judicial Notice in Proceedings Subsequent to Trial

C PRESUMPTIONS

- Sec 60-413 Definition
- Sec 60-414 Effect of Presumptions
- Sec 60-415 Inconsistent Presumptions
- Sec 60-416 Burden of Proof not Relaxed as to Some Presumptions

D WITNESSES

- Sec 60-417 Disqualification of Witness; Interpreters
- Sec 60-418 Oath
- Sec 60-419 Prerequisites of Knowledge and Experience
- Sec 60-420 Evidence Generally Affecting Credibility
- Sec 60-421 Limitations on Evidence of Conviction of Crime as Affecting Credibility
- Sec 60-422 Further Limitations on Admissibility of Evidence Affecting Credibility

E PRIVILEGES

- Sec 60-423 Privilege of Accused
- Sec 60-424 Definition of Incrimination
- Sec 60-425 Self-Incrimination
- Sec 60-426 Lawyer-Client Privilege
- Sec 60-427 Physician-Patient Privilege
- Sec 60-428 Marital Privilege; Confidential Communications
- Sec 60-429 Penitential Communication Privilege
- Sec 60-430 Religious Belief
- Sec 60-431 Political Vote
- Sec 60-432 Trade Secret
- Sec 60-433 Secret of State
- Sec 60-434 Official Information
- Sec 60-435 Communication to Grand Jury
- Sec 60-436 Identity of Informer
- Sec 60-437 Waiver of Privilege by Contract or Previous Disclosure
- Sec 60-438 Admissibility of Disclosure Wrongfully Compelled
- Sec 60-439 Reference to Exercise of Privileges
- Sec 60-440 Effect of Error in Overruling Claim of Privilege

F EXTRINSIC POLICIES AFFECTING ADMISSIBILITY

| Sec 60-441 | Evidence to Test a Verdict or Indictment |
|-------------|--|
| Sec 60-442 | Testimony by the Judge |
| Sec 60-443 | Testimony by a Juror |
| Sec 60-444 | Testimony of Jurors not Limited Except by this Article |
| Sec 60-445 | Discretion of Judge to Exclude Admissible Evidence |
| Sec 60-446 | Character—Manner of Proof |
| Sec 60-447 | Character Trait as Proof of Conduct |
| Sec 60-447a | (Now 21-3525). Evidence of Previous Sexual Conduct in |
| | Prosecutions for Sex Offenses |
| Sec 60-448 | Character Trait for Care or Skill |
| Sec 60-449 | Habit or Custom to Prove Specific Behavior |
| Sec 60-450 | Opinion and Specific Instances of Behavior to Prove Habit or Custom |
| Sec 60-451 | Subsequent Remedial Conduct |
| Sec 60-452 | Offer to Compromise and the Like, not Evidence of Liability |
| Sec 60-452a | Dispute Resolution, Confidentiality |
| Sec 60-453 | Offer to Discount Claim, not Evidence of Invalidity |
| Sec 60-454 | Liability Insurance |
| Sec 60-455 | Other Crimes or Civil Wrongs |
| | |

G EXPERT AND OTHER OPINION TESTIMONY

| Sec 60-456 | Testimo | ny in | Form | of Opinion |
|------------|---------|-------|-------|------------|
| Subsection | on (a) | Lay | Witne | ss Opinion |

Subsection (d)
Subsection (d)
Subsection (d)
Subsection (d)
Ultimate Issue Sec 60-457 Preliminary Examination

Sec 60-458 Hypothesis for Expert Opinion Not Necessary

H HEARSAY EVIDENCE

| Sec 60-459 Definition | |
|-----------------------|--|
| Sec 60-460 Hearsay | Evidence Excluded—Exceptions |
| Subsection (a) | Previous Statements of Persons Present |
| Subsection (b) | Affidavits |
| Subsection (c) | Depositions and Prior Testimony |
| Subsection (d) | Contemporaneous Statements and Statements Admissible on Ground of Necessity Generally |
| Subsection (e) | Dying Declarations |
| Subsection (f) | Confessions |
| Subsection (g) | Admissions by Parties |
| Subsection (h) | Authorized and Adoptive Admissions |
| Subsection (i) | Vicarious Admissions |
| Subsection (j) | Declarations Against Interest |
| | |

TABLE OF CONTENTS

| Subsection (k) | Voter's Statements |
|------------------------|--|
| Subsection (1) | Statements of Physical or Mental Condition of Declarant |
| Subsection (m) | Business Entries and the Like |
| Subsection (n) | Absence of Entry in Business Record |
| Subsection (o) | Content of Official Record |
| Subsection (p) | Certificate of Marriage |
| Subsection (q) | Records of Documents Affecting an Interest in Property |
| Subsection (r) | Judgment of Previous Conviction |
| Subsection (s) | Judgment Against Persons Entitled to Indemnity |
| Subsection (t) | Judgment Determining Public Interest in Land |
| Subsection (u) | Statement Concerning One's Own Family History |
| Subsection (v) | Statement Concerning Family History of Another |
| Subsection (w) | Statement Concerning Family History Based on Statement of Another Declarant |
| Subsection (x) | Reputation in Family Concerning Family History |
| Subsection (y) | Reputation—Boundaries, General History, Family History |
| Subsection (z) | Reputation as to Character |
| Subsection (aa) | Recitals in Documents Affecting Property |
| Subsection (bb) | Commercial Lists and the Like |
| Subsection (cc) | Learned Treatises |
| Subsection (dd) | Actions Involving Children |
| | n of Judge under Exception to Exclude Evidence |
| Sec 60-462 Credibility | |
| Sec 60-463 Multiple | Hearsay |
| T ATTOTTENED CAD | ION AND CONTENT OF WIDITINGS |

I AUTHENTICATION AND CONTENT OF WRITINGS

| Sec 60-464 | Authentication Required; Ancient Documents |
|-------------|--|
| Sec 60-465 | Authentication of Copies of Records |
| Sec 60-465a | Reproductions of Original Court Records Deemed Same |
| | As Original Record; Certified Copy As Evidence |
| Sec 60-466 | Certificate of Lack of Record |
| Sec 60-467 | Documentary Originals As the Best Evidence |
| Sec 60-468 | Proof of Attested Writings |
| Sec 60-469 | Photographic Copies to Prove Content of Business and |
| | Public Records |
| Sec 60-470 | Title |

J MISCELLANEOUS PROVISIONS

| Sec 60-4 | 71 [Re | pealed.] |
|-----------|---------|--|
| Sec 60-4 | 72 Pho | otographs of Property Taken in Theft; Use in |
| | P | rosecution, Procedure; Return of Property to Owner |
| Sec. 60- | 480 Jou | rnalist Privilege; Definitions |
| Sec. 60-4 | 481 Jou | rnalist Privilege |
| Sec. 60-4 | 482 Sar | ne; Compelled Disclosure |
| Sec. 60-4 | 483 Sar | ne; Hearing; Disclosure |
| Sec. 60-4 | 484 Sar | ne; Costs And Attorney Fees |
| 60-485 | Sar | ne; rights and privileges in addition to others |

Volume 5

ARTICLE 5 LIMITATIONS OF ACTIONS

SCOPE OF ARTICLE

Sec 60-501 Scope

REAL PROPERTY ACTIONS

| 0 00 500 | [D 1 1] |
|------------|--|
| Sec 60-502 | [Repealed] |
| Sec 60-503 | Adverse Possession |
| Sec 60-504 | Execution Sale |
| Sec 60-505 | Sales by Executors, Administrators or Conservators |
| Sec 60-506 | Forcible Entry and Detention |
| Sec 60-507 | Unspecified Real Property Actions |
| Sec 60-508 | Persons under Legal Disabilities |
| Subsection | on (a) Effect |
| Subsection | on (b) Death of Person Under Disability |
| Sec 60-509 | Real Property Actions Excepted |

PERSONAL ACTIONS AND GENERAL PROVISIONS

| Sec 60-510 | Effect of Limitations Prescribed |
|-------------|--|
| Sec 60-511 | Actions Limited to Five Years |
| Sec 60-512 | Actions Limited to Three Years |
| Sec 60-513 | Actions Limited to Two Years |
| Sec 60-513a | Ionizing Radiation Defined |
| Sec 60-513b | Limitations on Actions for Ionizing Radiation Injury |
| Sec 60-513c | Action for Latent Ionizing Radiation Damage Not Barred |
| | by Prior Action; Exception |
| Sec 60-513d | "Health Care Provider" Defined |
| Sec 60-514 | Actions Limited to One Year |
| Sec 60-515 | Persons under Legal Disability |
| Subsection | n (a) Effect |

| Subsection | n (b) Death of Person Under Disability |
|------------|---|
| Sec 60-516 | Actions Originating in Another State |
| Sec 60-517 | When Defendant Out of State |
| Sec 60-518 | New Action, When |
| Sec 60-519 | Suits Stayed by Injunction |
| Sec 60-520 | Part Payment or Acknowledgment of Liability |
| Subsection | n (a) Effect |
| Subsection | n (b) Joint Debtors |
| Sec 60-521 | Limitations Applicable to Public Bodies |
| Sec 60-522 | Limitations on Actions Brought by or on Behalf of the |
| | Kansas Public Employees Retirement System |
| Sec 60-523 | Limitations on Actions for Recovery of Damages Suffered |
| | As a Result of Childhood Sexual Abuse |
| Sec 60-524 | Limitations on Actions for Recovery of Damages by |
| | Dalkon Shield Victims |
| | |

ARTICLE 6 VENUE

| Sec 60-601 | Actions Concerning Real Property |
|------------|---|
| Sec 60-602 | Local County Actions |
| Sec 60-603 | Actions against Residents |
| Sec 60-604 | Actions against Corporations |
| Sec 60-605 | Actions against Nonresidents and Nonqualified |
| | Corporations |
| Sec 60-606 | Public Utility, Common Carrier or Transportation System |
| Sec 60-607 | Domestic Relations Actions |
| Sec 60-608 | Multiple Parties |
| Sec 60-609 | Change of Venue |
| Sec 60-610 | Time for Objection to Venue |
| Sec 60-611 | Effect of Improper Venue |
| Sec 60-612 | Hearing or Trial Outside County |
| Sec 60-613 | Fort Riley Military Reservation |
| Sec 60-614 | Venue of Actions Concerning Appropriations; Transfer of |
| | Certain Actions; Process; Act Supplemental |

ARTICLE 7 ATTACHMENT AND GARNISHMENT

ATTACHMENT PROCEEDINGS

| Sec 60-701 | Grounds for Attachment |
|------------|---------------------------------|
| Sec 60-702 | Attachments on Demands Not Due |
| Sec 60-703 | Attachments, How Obtained |
| Sec 60-704 | Form of Affidavit, by Whom Made |
| Sec 60-705 | Plaintiff's Bond |
| Sec 60-706 | Attachment Order |
| Subsection | on (a) Issuance and Contents |
| Subsection | on (b) Manner of Serving Order |

- Sec 60-707 Attached Property Retained or Repossessed by Defendant
- Sec 60-708 [Repealed.]
- Sec 60-709 Compensation of Officer
- Sec 60-710 Sale of Perishable Property
- Sec 60-711 Appointment of Receiver
- Sec 60-712 Dissolution of Attachment; Hearing
 - Subsection (a) Motion to Dissolve, How Made
 - Subsection (b) Amendments
- Sec 60-713 Settlement of Conflicting Claims

GARNISHMENT PROCEEDINGS

- Sec 60-714 [Repealed]
- Sec 60-715 [Repealed]
- Sec 60-716 [Repealed]
- Sec 60-717 [Repealed]
- Sec 60-718 [Repealed]
- Sec 60-719 Effect of Offsets Claimed by Garnishee
- Sec 60-720 [Repealed]
- Sec 60-721 Judgment in Garnishment Proceedings
- Sec 60-722 Bond of Defendant for Payment of Judgment
- Sec 60-723 Garnishment of Earnings of Public Officers and Employees; State Property Exempt from Enforcement of Judgments
- Sec 60-724 Exceptions
- Sec 60-725 Amendment of Garnishee's Answer Form by Clerks of Certain Courts; When
- Sec 60-726 [Repealed]
- Sec 60-727 Garnishment Proceedings; Payments from Inmates Trust Accounts; Minimum Amount
- Sec 60-728 [Repealed]
- Sec 60-729 Nature of Garnishment
- Sec 60-730 When Garnishment Available before Judgment
- Sec 60-731 When Garnishment Available after Judgment; Order of Garnishment Shall Designate Whether to Attach Earnings or Other Property; No Bond Required after Judgment
- Sec 60-732 Order of Garnishment When Garnishment Is to Attach Intangible Property Other Than Earnings; Effect; Administrative Fee
- Sec 60-733 Garnishment of Funds Held by Financial Institution
- Sec 60-734 Order of Garnishment When Garnishment Is to Attach Earnings; Service of Process; Length of and Effect of Order; Administrative Fee; Accounting and Record
- Sec 60-735 Notice to Judgment Debtor; Form and Content; Right to Hearing; Burden of Proof
- Sec 60-736 Answer of Garnishee; Attachment of Intangible Property Other Than Earnings; Form and Content

Sec 60-737 Same; Garnishment Attaching Earnings; Contents Sec 60-738 Same; Reply; Notification and Hearing; Burden of Proof Sec 60-739 Garnishee's Payment to Court; Refund of Overpayment Sec 60-740 Payment of Earnings to Judgment Debtors and Creditors Sec 60-741 Failure to Answer; Motion; Hearing; Expenses and Attorney Fees Sec 60-742 Garnishee's Failure or Refusal to Pay or Deliver Property; Motion; Hearing; Contempt; Fine or Order against Garnishee Sec 60-743 Forms Used in Garnishment Proceedings Sec 60-744 Act Supplemental to Civil Code

ARTICLE 8 MANDAMUS

Sec 60-801 Nature of Mandamus Sec 60-802 Procedure for Relief Subsection (a) Generally

Subsection (b) Peremptory Order

Subsection (c) Damages

Sec 60-803 Penalty for Disobedience

ARTICLE 9 INJUNCTION

Sec 60-901 Nature of Injunction

Sec 60-902 Provisional Remedies; When Granted

Sec 60-903 Restraining Order

Sec 60-904 Disputes Concerning Employment

Subsection (a) Notice Subsection (b) Bond

Subsection (c) Restraint Prohibited in Certain Cases Sec 60-905 Temporary Injunction; Notice, Hearing, and Bond

Subsection (b) Bond

Sec 60-906 Form and Scope of Order

Sec 60-907 Illegal Acts of Public Officers

Subsection (a) Illegal Tax, Charge or Assessment

Unauthorized Contracts Subsection (b)

Subsection (d) Bond

Sec 60-908 Abatement of Common Nuisance

Sec 60-909 Penalty for Disobedience

Sec 60-910 Vacating or Modifying Order

Subsection (a) Before Final Judgment

Subsection (b) After Final Judgment

ARTICLE 10 ACTIONS RELATING TO PROPERTY

Sec 60-1001 Actions for Possession; Ejectment

Subsection (a) Petition

| Subsection | (b) Tenants in Common |
|--------------|--|
| Subsection | |
| | Quieting or Determining Title or Interest in Property |
| Subsection | |
| Subsection | , |
| Sec 60-1003 | |
| Subsection | |
| Subsection | |
| Subsection | |
| Subsection | (d) General Powers of Judge |
| Sec 60-1004 | Occupying Claimants |
| Subsection | . , |
| Subsection | |
| Sec 60-1005 | Replevin; Claim for Possession of Property |
| Subsection | (c) Property in Custodia Legis |
| Subsection | (d) Order for Delivery of Property |
| Subsection | (e) Return and Execution of Order |
| Subsection | (f) Redelivery Bond |
| Subsection | (g) Judgment in Action |
| Sec 60-1006 | Foreclosure of Security Interest |
| Sec 60-1007 | Same; Sale of Property to Satisfy Judgment |
| Sec 60-1008 | Same; Return; Confirmation of Sale |
| Sec 60-1009 | Same; Application of Proceeds |
| Sec 60-1010 | Same; Act Supplemental to Civil Code |
| Sec 60-1011 | Equity Skimming; Damage, Cost, Fees |
| ARTICLE 1 | 11 LIENS FOR LABOR AND MATERIAL |
| Sec 60-1101 | Liens of Contractors; Priority |
| Sec 60-1101a | · · · · · · · · · · · · · · · · · · · |
| Sec 60-1102 | Filing and Recording of Lien Statement |
| Sec 60-1103 | Liens of Subcontractors; Procedure, Recording and |
| | Notice, Owner's Liability |
| Sec 60-1103a | Subcontractors' Liens; Improvement of Residential Property |
| Sec 60-1103b | Subcontractors' Liens; New Residential Property |
| Sec 60-1104 | Assignment |
| Sec 60-1105 | Limitations and Amendment |
| Sec 60-1106 | Parties |
| Sec 60-1107 | Stay of Proceedings |
| Sec 60-1108 | Action by Landowner for Adjudication, Cancellation |
| | |

Pro Rata Distribution

Improvement Projects

Public Works Bond

Bond to Secure Payment of Claims

Certificate of Deposit Authorized for State Capital

Sec 60-1108 Sec 60-1109

Sec 60-1110 Sec 60-1111

Sec~60-1112

ARTICLE 12 QUO WARRANTO

- Sec 60-1201 Proceedings for Relief
- Sec 60-1202 Jurisdiction and Grounds
- Sec 60-1203 Name in Which Action Prosecuted; Damages
- Sec 60-1204 Judgments
 - Subsection (a) Where Party Claims Office
- Sec 60-1205 Grounds for Forfeiture of Public Office
- Sec 60-1206 Instituting Ouster Proceedings
 - Subsection (a) On Complaint
 - Subsection (b) Proceedings Against State Officers
- Sec 60-1207 Suspension of Officer During Hearing
- Sec 60-1208 Witnesses
 - Subsection (b) Penalties
 - Subsection (c) Privilege and Immunity of Witness

ARTICLE 13 RECEIVERS

- Sec 60-1301 Appointment
- Sec 60-1302 Oath and Bond
- Sec 60-1303 Powers
- Sec 60-1304 Petition for Appointment; Specifications; Notice; Bond;
 - Not Applicable to Nonresidents
- Sec 60-1305 Appeal

ARTICLE 14 CHANGE OF NAME

- Sec 60-1401 Jurisdiction and Costs
- Sec 60-1402 Change of Name of Person; Notice; Order
- Sec 60-1403 Municipalities

ARTICLE 15 HABEAS CORPUS

- Sec 60-1501 Jurisdiction and Right to Writ; Time Limitations
- Sec 60-1502 Petition
- Sec 60-1503 The Writ
- Sec 60-1504 Answer
- Sec 60-1505 Hearing
 - Subsection (a) Summary Proceedings
 - Subsection (b) Infectious Diseases
 - Subsection (c) Temporary Orders
 - Subsection (d) Judgment
- Sec 60-1506 Warrant in Aid of Writ
- Sec 60-1507 Prisoner in Custody under Sentence
 - Subsection (a) Motion Attacking Sentence
 - Subsection (b) Hearing and Judgment
 - Subsection (e) Exclusiveness of Remedy

ARTICLE 16 DIVORCE AND MAINTENANCE

| Sec | 60-1601 | Grounds for Divorce or Separate Maintenance |
|----------------------|----------|---|
| Sec | 60-1602 | Grounds for Annulment |
| | 60-1603 | Residence |
| | 60-1604 | Petition and Summons |
| | 60-1605 | Answer and Counterclaim |
| | 60-1606 | Granting of Decree Mandatory; Exceptions; Denial of Relief; Orders Authorized |
| | 60-1607 | Interlocutory Orders |
| | 60-1608 | Time for Hearing; Pretrial Conferences; Counseling; When |
| | 60-1609 | Evidence |
| | 60-1610 | Decree |
| Sec | 60-1610a | Notice |
| Sec | 60-1611 | Effect of a Decree in Another State |
| Sec | 60-1612 | Obligation to Comply with Orders Not Suspended by Other Party's Failure to Comply; Nature of Certain Motions to Modify Orders |
| Sec | 60-1613 | Enforcement of Support or Maintenance Order; Income Withholding; Wage Assignment |
| Sec | 60-1614 | Interviews; Court; Minors |
| Sec | 60-1615 | Information Relating to Custody or Residency of Children; Visitation or Parenting Time with Children |
| Sec | 60-1616 | Visitation Orders; Enforcement |
| Sec | 60-1617 | Counseling |
| Sec | 60-1618 | Interpretation of Terms |
| Sec | 60-1619 | - |
| Sec | 60-1620 | Change in Child's Residence; Notice; Effect; Exceptions |
| Sec | 60-1621 | Postdivorce Motion Docket Fee |
| | 60-1621a | |
| | 60-1622 | Support Enforcement Proceeding; Failure to Comply; Penalties |
| Sec | 60-1622a | Child Support Enforcement; Licensing Bodies; Professional License |
| Sec | 60-1623 | Parenting Plans; Definitions |
| | 60-1624 | Same; Temporary Orders |
| | 60-1625 | Same; Permanent; Objectives; General Outline, Provisions |
| Sec | 60-1626 | Same; Court Information; Classes; Mediation; Forms |
| Sec | 60-1627 | Interspousal Tort |
| | 60-1628 | Modification of Final Order; Specify Factual Allegations |
| | 60-1629 | Notification of Other Parent of Certain Events; Failure, Indirect Civil Contempt; Material Change in Circumstances |
| Sec | 60-1630 | Child Custody and Parenting Time for Parents Deployed in the Military |

ARTICLE 17 DECLARATORY JUDGMENTS

Sec 60-1701 Jurisdiction; Generally Sec 60-1702 [Repealed.] Sec 60-1703 Further Relief Sec 60-1704 Power to Construe Sec 60-1705 Same: When Sec 60-1706 Power to Declare Rights or Legal Relations Sec 60-1707 Enumeration Not Exclusive Sec 60-1708 Discretionary Judgment Sec 60-1709 Review Sec 60-1710 Civil Action and Determination Sec 60-1711 Costs Sec 60-1712 Parties Sec 60-1713 Construction Sec 60-1714 Definitions Sec 60-1715 Severability Sec 60-1716 Uniformity of Interpretation

ARTICLE 18 SURVIVAL OF CLAIMS AND ABATEMENT OF ACTIONS

- Sec 60-1801 Survival of Actions; What Causes of Action Survive
- Sec 60-1802 Abatement

ARTICLE 19 WRONGFUL DEATH ACTIONS

- Sec 60-1901 Cause of Action
- Sec 60-1902 Plaintiff
- Sec 60-1903 Amount of Damages; Jury Instructions; Itemized Verdict
- Sec 60-1904 Elements of Damage
- Sec 60-1905 Apportionment of Recovery

ARTICLE 19A LIMITATION ON DAMAGES FOR PAIN AND SUFFERING AND NONECONOMIC LOSS

- Sec 60-19a01 Personal Injury Actions; Pain and Suffering; Damages Limits
- Sec 60-19a02 Noneconomic Loss; Personal Injury; Damages Limits

ARTICLE 20 COSTS

- Sec 60-2001 Docket Fee; Additional Costs, Certain Sheriff's Charges Prohibited
 - Subsection (a) Docket Fee
 - Subsection (b) Poverty Affidavit in Lieu of Docket Fee
 - Subsection (c) Disposition of Docket Fee
 - Subsection (d) Additional Court Costs
- Sec 60-2002 Taxation of Costs

Subsection (a) As of Course Offer of Judgment Subsection (b) **Duty of Clerk** Subsection (c) Sec 60-2003 Items Allowable As Costs Sec 60-2004 Payment of Costs Not Acquiescence in Judgments So As to Prevent Appeals Sec 60-2005 State, Cities and Counties Exempt from Depositing Court Costs; Exceptions Sec 60-2006 Attorney Fees Taxed As Costs in Certain Actions Involving Negligent Motor Vehicle Operation Sec 60-2007 [Repealed.] Assessment of Costs of Frivolous Claim, Defense or Denial; Liability of Attorney, When

ARTICLE 21 APPEALS

Sec 60-2101 Appellate Jurisdiction of Court of Appeals and Supreme Court; Appeal of Order of Political or Taxing Subdivision

Sec 60-2102 Invoking Jurisdiction of Court of Appeals

Section (a) As of Right Subsection (b) Other Appeals Sec 60-2103 Appellate Procedure

Subsection (a) When and How Taken

Subsection (b) Notice of Appeal Subsection (c) Security for Costs Subsection (d) Supersedeas Bond

Subsection (e) Failure to File or Insufficiency of Bond

Subsection (f) Judgment Against Surety
Subsection (g) Docketing Record on Appeal

Subsection (h) Cross-Appeal

Subsection (i) Intermediate Rulings

Sec 60-2103a Appeals from District Magistrate Judges Sec 60-2104 Contents and Preparation of Record Sec 60-2105 Technical and Inadvertent Errors

Sec 60-2106 Appellate Court Decisions

Subsection (b) Syllabus

Subsection (c) Judgment and Mandate

Sec 60-2107 Costs

ARTICLE 22 LIS PENDENS AND JUDGMENT LIENS OF REAL PROPERTY

Sec 60-2201 Pendency of Action As Notice; Lis Pendens
Sec 60-2202 Judgment Liens
Sec 60-2203 [Repealed.]
Sec 60-2203a Notice of Pendency of Certain Actions; Liens; Release;
Fees

Sec 60-2204 Release of Certain Liens on Real Property Resulting from Judgments or Decrees of Divorce; Written Consent Required on Support Rights Assigned to Secretary of Social and Rehabilitation Services; Filing; Effect

ARTICLE 23 EXEMPTIONS

| | Homestead; Extent of Exemption Designation of Homestead |
|-------------|---|
| Sec 60-2303 | Contract for Conveyance of Homestead |
| Sec 60-2304 | Personal Property of Family; Articles Exempt |
| Sec 60-2305 | [Repealed.] |
| Sec 60-2306 | Not Exempt from Taxes |
| Sec 60-2307 | Not Exempt for Wages |
| Sec 60-2308 | Pension and Retirement Money Exempt, Exception; Family Postsecondary Education Savings Account Money Exempt, Exception; Support Money Held by Srs Exempt |
| Sec 60-2309 | Wages Earned in Another State |
| Sec 60-2310 | Wage Garnishment; Definitions; Restrictions; Exceptions; Sickness Preventing Work; Assignment of Account; Exceptions; Prohibition on Courts |
| Sec 60-2311 | Discharge of Employee Due to Wage Garnishment; Prohibited Acts; Penalty |
| Sec 60-2312 | No Right to Elect Exemptions under Federal Law, Exception |
| Sec 60-2313 | Exemptions from Legal Process |
| Sec 60-2314 | Same; Municipal County and State Property |

ARTICLE 24 EXECUTIONS AND ORDERS OF SALE

| ARTICLE 24 EXECUTIONS AND ORDERS OF SALE |
|---|
| Sec 60-2315 Bankruptcy proceedings; earned income tax credits |
| Sec 60-2401 Writ of Execution |
| Subsection (a) Definitions |
| Subsection (d) Manner of Levy |
| Sec 60-2402 Multiple Executions |
| Sec 60-2403 Judgment; When Dormant; Release of Record |
| Sec 60-2404 Revivor of Dormant Judgment |
| Sec 60-2405 Substitution of Judgment Creditor |
| Sec 60-2406 Sale Subject to Liens |
| Sec 60-2407 Levy on Property Claimed by Third Person |
| Sec 60-2408 Forthcoming Bond |
| Sec 60-2409 Notice of Sale of Personal Property; Resale |
| Sec 60-2410 Sale of Real Property under Execution |
| Subsection (a) Notice |
| Subsection (b) Where Sale of Land Held |
| |

| Subsection | n (c) Reversal of Judgment After Sale of Land; Title of | |
|-------------|---|--|
| | Purchaser | |
| Subsection | n (d) Deed or Certificate to Purchaser of Estate | |
| Sec 60-2411 | Printer's Fees Advanced | |
| Sec 60-2412 | Restriction on Purchasers | |
| Sec 60-2413 | Contribution between Joint Obligors | |
| Sec 60-2414 | Redemption of Real Property | |
| Sec 60-2415 | Sheriff's Return of Sale | |
| Subsection | n (a) Certificate of Purchase | |
| Subsection | n (b) Equity Powers of Courts | |
| | Sheriff's Deed As Evidence of Legality; Sufficiency of | |
| | Order | |
| Sec 60-2417 | Executions in Special Cases | |
| | Judgment Liens; Revival of Judgment | |
| Sec 60-2419 | Proceedings in Aid of Execution; Contempt | |
| Sec 60-2420 | General Execution; Notice | |
| | • | |
| ARTICLE 2 | 25 LOST OR DESTROYED COURT FILES AND | |
| RECORDS | | |
| Sec 60-2501 | Restoration of Records and Papers Lost or Destroyed | |

Sec 60-2502 Application for Restoration

Sec 60-2503 Notice of Hearing of Application

Sec 60-2504 Reopening Proceedings

Sec 60-2505 Records Affecting Titles Ceasing to Impart Notice

Sec 60-2506 Remedies Deemed Cumulative

ARTICLE 26 GENERAL PROVISIONS

| Sec 60-2601 | Duties of Clerk of Court |
|----------------|--|
| Sec 60-2601a | Computer Information Storage and Retrieval System |
| Sec 60-2602 | Duties of Sheriff; Endorsement of Time |
| Sec 60-2603 | Deputies |
| Sec 60-2604 | Amercement of Officers |
| Sec 60-2605 | Affirmation in Lieu of Oath |
| Sec 60-2606 | Availability of Other Relief |
| Sec 60-2607 | [Repealed.] |
| Sec 60-2608 | Effect on Pending Actions |
| Sec 60-2609 | Judgments in Damage Actions for Acts or Omissions of Health Care Providers; Installment or Periodic |
| | Payment of Damages; Contents and Modification of |
| | Judgment; "Health Care Provider" Defined |
| Sec 60-2610 | Civil Liability for Worthless Check |
| Sec 60-2611 | Civil Action to Collect on Check or Order; Reasonable |
| | Attorney Fees Assessed As Costs |
| Sec 60-2612 to | o 60-2615 Reserved |
| Sec 60-2616 | Digital Signature [Repealed] |
| | Sec 60-2601a Sec 60-2602 Sec 60-2603 Sec 60-2604 Sec 60-2605 Sec 60-2606 Sec 60-2607 Sec 60-2608 Sec 60-2609 Sec 60-2610 Sec 60-2611 Sec 60-2612 to |

Sec 60-2617 Sealing or redacting court records; closing a court proceeding; motion; notice; hearing; exceptions

ARTICLE 27 RULES OF THE SUPREME COURT

ARTICLE 28 SETTLEMENTS, RELEASES OR STATEMENTS

- Sec 60-2801 Settlement or Release of Liability; Limitations;
 Disavowal of Agreement
 Sec 60-2802 Same; Limitations; Disavowal of Agreement;
 Applicability of Act
- Sec 60-2803 Satisfaction and Release of Judgment; Filing, When Required

ARTICLE 29 (RESERVED IN KANSAS STATUTES ANNOTATED FOR FUTURE USE)

ARTICLE 30 UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT

- Sec 60-3001 Foreign Judgment, Defined
- Sec 60-3002 Filing and Status of Foreign Judgments
- Sec 60-3003 Same; Notice of Filing
- Sec 60-3004 Same; Stay of Enforcement, When
- Sec 60-3005 Foreign Judgment, Filing; Court Fees
- Sec 60-3006 Same; Court Fees; Optional Procedure
- Sec 60-3007 Uniformity of Interpretation
- Sec 60-3008 Citation of Act

ARTICLE 31 PROTECTION FROM ABUSE ACT

- Sec 60-3101 Citation and Construction of Act
- Sec 60-3102 "Abuse" Defined
- Sec 60-3103 Jurisdiction
- Sec 60-3104 Commencement of Proceedings; Persons Seeking Relief on Behalf of Minor Child; Forms; No Docket Fee; Confidentiality of Certain Matters, Exceptions
- Sec 60-3105 Emergency Relief
- Sec 60-3106 Hearings; Temporary Orders Pending Hearing; Modification
- Sec 60-3107 Orders for Relief of Abuse; Procedure; Modifications; Inconsistent Orders; Violation of Orders; Criminal Violations and Penalties
- Sec 60-3108 Notice of Protection Orders
- Sec 60-3109 Procedure
- Sec 60-3110 Contempt
- Sec 60-3111 Limit on Use of Act

Sec 60-3112 Entering Protection Orders Into the National Criminal Information Center Protection Order File

ARTICLE 31A PROTECTION FROM STALKING ACT

| Sec 60-3 | 31a01 | Citation and Construction of Act |
|----------|-------|--|
| Sec 60-3 | 31a02 | Definitions |
| Sec 60-3 | 31a03 | Jurisdiction |
| Sec 60-3 | 31a04 | Commencement of Proceedings; Persons Seeking Relief on Behalf of Minor; Forms; No Docket Fee; Confidentiality Exceptions |
| Sec 60-3 | 31a05 | Hearing; Temporary Orders Pending Hearing |
| Sec 60-3 | 31a06 | Orders; Time Periods; Amendments; Costs |
| Sec 60-3 | 31a07 | Notice of Protection Orders |
| Sec 60-3 | 31a08 | Procedure |
| Sec 60-3 | 31a09 | Contempt |

ARTICLE 32 UNIFORM CERTIFICATION OF QUESTIONS OF LAW ACT

| \mathbf{Sec} | 60-3201 | Power to Answer |
|----------------------|---------|------------------------------------|
| Sec | 60-3202 | Method of Invoking |
| Sec | 60-3203 | Contents of Certification Order |
| Sec | 60-3204 | Preparation of Certification Order |
| Sec | 60-3205 | Costs of Certification |
| Sec | 60-3206 | Briefs and Argument |
| Sec | 60-3207 | Opinion |
| Sec | 60-3208 | Power to Certify |
| Sec | 60-3209 | Procedure on Certifying |
| | | Severability |
| | | Construction |
| Sec | 60-3212 | Short Title |

ARTICLE 33 ACTIONS RELATING TO COMMERCIAL ACTIVITY

KANSAS PRODUCT LIABILITY ACT

| Sec 60-3301 | Short Title |
|-------------|---|
| Sec 60-3302 | Definitions |
| Sec 60-3303 | Useful Safe Life Ten-Year Period of Repose; Evidence; |
| | Latent Disease Exception; Reviving Certain Causes of |
| | Action |
| Sec 60-3304 | Legislative and Other Standards; Defenses |
| Sec 60-3305 | Manufacturer's or Seller's Duty To Warn or Protect |
| | against Danger, When |
| Sec 60-3306 | Seller Not Subject to Liability, When |
| Sec 60-3307 | Inadmissible Evidence |

Sec 60-3308-60-3319 [Reserved.]

UNIFORM TRADE SECRETS ACT

| Sec | 60-3320 | Definitions |
|-----|---------|---|
| Sec | 60-3321 | Misappropriation of Trade Secret; Protective Relief |
| Sec | 60-3322 | Same; Damages |
| Sec | 60-3323 | Award of Attorney Fees, When |
| Sec | 60-3324 | Preservation of Trade Secret During Action |
| Sec | 60-3325 | Time Limit for Bringing Action |
| Sec | 60-3326 | Application of Act; Exceptions |
| Sec | 60-3327 | Uniformity of Act |
| Sec | 60-3328 | Title of Act |
| Sec | 60-3329 | Severability of Provisions of Act |
| Sec | 60-3330 | Act Not Retroactive |

ACTIONS INVOLVING SHOPLIFTING

Sec 60-3331 Civil Penalty against Shoplifter; Parental Liability for Minor; Amount; Attorney Fees and Costs; Demand for Reimbursement; Other Remedies Not Precluded

ENVIRONMENTAL AUDITS; PRIVILEGES AND IMMUNITY

| Sec 60-3332 | Definitions |
|-------------|--|
| Sec 60-3333 | Audit Report; Privilege; Admissibility of Reports |
| | Contents; Exceptions |
| Sec 60-3334 | Same; Waiver of Privilege; Exceptions; Burden of Proof |
| | to Assert Privilege |
| Sec 60-3335 | Same; Procedures to Procure Report in Criminal |
| | Investigations, Admissibility at Trial |
| Sec 60-3336 | Same; Information Not Subject to Privilege |
| Sec 60-3337 | Statutory and Common-Law Privileges Not Affected |
| Sec 60-3338 | Rebuttable Presumption of Immunity for Voluntary |
| | Disclosure of Environmental Law Violations, When |
| Sec 60-3339 | Compliance with Act Shall Be Considered by Tribunal in |
| | Determining Penalties |

INSURANCE COMPLIANCE SELF-EVALUATIVE AUDITS; PRIVILEGE AND IMMUNITY

| Sec 60-3351 | Insurance compliance self-evaluative privilege | | |
|-------------|--|--|--|
| Sec 60-3352 | 2 Same; in camera review; effect on admissibility of | | |
| | documents | | |
| Sec 60-3353 | Same; in camera review; procedure | | |
| Sec 60-3354 | Same; assertion of privilege; burden of proof | | |
| Sec 60-3355 | Same; affect on certain information and documents | | |
| Sec 60-3356 | Same; definitions | | |

Sec 60-3357 Same; applicability

Sec 60-3358 Same; affect on other privileges

ARTICLE 34 PROFESSIONAL LIABILITY ACTIONS

HEALTH CARE PROVIDERS

| Sec 60-3401 | Definitions. [Expired] |
|-------------|--|
| Sec 60-3402 | Exemplary or Punitive Damages; Procedure; Proof; |
| | Limitations; Disposition of Damages Recovered. |

[Expired]

Sec 60-3403 [Repealed.]

Sec 60-3404 Expiration of Act

Sec 60-3405 Findings and Purpose

Sec 60-3406 Definitions

Sec 60-3407 Limitations on Compensatory Damages. [Expired]

Sec 60-3408 Verdict; Period for Payment for Future Losses

Sec 60-3409 [Repealed.]

Sec 60-3410 Application of 60-3406 Through 60-3409

Sec 60-3411 [Repealed.]

Sec 60-3412 Expert Witnesses, Qualifications

Sec 60-3413 Settlement Conference

Sec 60-3414 Severability

ARTICLE 35 PROFESSIONAL MALPRACTICE LIABILITY SCREENING PANELS

| Soc | 60-3501 | Definitions |
|-----|---------|-------------|
| Dec | 00-9901 | Deminions |

Sec 60-3502 Convening of Panel; Selection of Members, Etc.

Sec 60-3503 Same; Notice

Sec 60-3504 Organization and Conduct of Meetings; Rules by

Supreme Court

Sec 60-3505 Recommendations on Issue; Opinions; Notice, Etc.

Sec 60-3506 Party Action on Rejecting Panel's Determination

Sec 60-3507 Immunity of Members from Damages

Sec 60-3508 Compensation of Panel Members; Payment by Parties

Sec 60-3509 Tolling of Statute of Limitations

ARTICLE 36 IMMUNITY FROM LIABILITY FOR VOLUNTEERS

Sec 60-3601 Immunity from Liability for Volunteers of Certain Nonprofit Organizations, Limitations

Sec 60-3602–60-3605 [Reserved.]

Sec 60-3606 Definitions

Sec 60-3607 Immunity from Liability for Athletic Officials in the

Course of Officiating

Sec 60-3608-60-3610 [Reserved.]

- Sec 60-3611 Immunity from Liability for Volunteers of Certain Nonprofit Homeowners Organizations; Limitations
- Secs 60-3612, 60-3613 Reserved
- Sec 60-3614 Immunity from Liability for Offenders Doing Community Service Work; Limitations

ARTICLE 37 PUNITIVE AND EXEMPLARY DAMAGES

- Sec 60-3701 Punitive and Exemplary Damages; Separate Proceedings for Determination of Amount; Considerations, Limitations and Maximum Amount
- Sec 60-3702 Same; Trier of Fact Determines Whether Damages Allowed; Separate Proceeding for Determination of Amount; Considerations; Limitations; Maximum Amount of Award
- Sec 60-3703 Pleading Punitive Damages

ARTICLE 38 COLLATERAL SOURCE BENEFITS

- Sec 60-3801 Definitions
- Sec 60-3802 Collateral Source Benefits; When Admissible
- Sec 60-3803 Same; Evidence of the Cost Admissible
- Sec 60-3804 Same; Determining Damages
- Sec 60-3805 Same; Reduction of Judgments
- Sec 60-3806 Severability
- Sec 60-3807 Application of 60-3801 Through 60-3806

ARTICLE 39 STANDARDS OF LIABILITY OF MEMBERS OF CERTAIN PROFESSIONS TO FINANCIAL INSTITUTIONS

- Sec 60-3901 Standards of Liability of Certified Public Accountants and Attorneys to Financial Institutions
- Sec 60-3902 Same; Severability

ARTICLE 40 ASSUMPTION OF RISK OF DOMESTIC ANIMAL ACTIVITY

- Sec 60-4001 Definitions
- Sec 60-4002 Affirmative Defense of Assumption of Risk
- Sec 60-4003 Same; Limitations
- Sec 60-4004 Posting Warning Notices, Specifications; Contract Language Requirements

ARTICLE 41 ASSET SEIZURE AND FORFEITURE

- Sec 60-4101 Citation of Act
- Sec 60-4102 Definitions
- Sec 60-4103 Jurisdiction and Venue

| Sec | 60-4104 | Covered Offenses and Conduct Giving Rise to Forfeiture |
|----------------------|---------|---|
| 60-4 | 1104A | Repealed by Laws 2007, Ch. 195 § 59, eff. July 1, 2007 |
| Sec | 60-4105 | Property Subject to Forfeiture |
| Sec | 60-4106 | Exemptions |
| Sec | 60-4107 | Seizure of Property |
| Sec | 60-4108 | Same; Management and Preservation |
| Sec | 60-4109 | Commencement of Forfeiture Proceedings |
| Sec | 60-4110 | Recognition of Exemption |
| Sec | 60-4111 | Claims |
| Sec | 60-4112 | Judicial Proceedings, Generally |
| Sec | 60-4113 | In Rem Proceedings |
| Sec | 60-4114 | In Personam Proceedings |
| Sec | 60-4115 | Substituted Assets and Supplemental Remedies |
| Sec | 60-4116 | Judicial Disposition of Property |
| Sec | 60-4117 | Allocation of Forfeited Property |
| Sec | 60-4118 | Powers of Enforcement Personnel |
| Sec | 60-4119 | Immunity Orders |
| Sec | 60-4120 | Statute of Limitations |
| Sec | 60-4121 | Summary Forfeiture of Controlled Substances |
| Sec | 60-4122 | Collateral Action |
| Sec | 60-4123 | Statutory Construction |
| Sec | 60-4124 | Uniformity of Application |
| Sec | 60-4125 | Severability Clause |
| | 60-4126 | Placement of Act; Applicability of Rules of Evidence |

ARTICLE 42 IMMUNITY FROM LIABILITY FOR ARCHITECTS AND ENGINEERS

Sec 60-4201 Architects and Engineers; Immunity from Liability in Certain Circumstances

ARTICLE 43 ENFORCEMENT OF JUDGMENT OF RESTITUTION

| Sec 60-4301 | Enforcement of Judgment of Restitution; Filing and Status |
|-------------|---|
| Sec 60-4302 | Same; Notice of Filing |
| Sec 60-4303 | Same; Filing; Docket Fee |
| Sec 60-4304 | Same; Optional Procedure; Set Off Against Subsequent Civil Recovery |
| Sec 60-4305 | Records Subject to Disclosure When Offender Ordered to Pay Restitution |

ARTICLE 44 PREVENTION OF ASSISTED SUICIDE

Sec 60-4401 Citation of Act Sec 60-4402 Definitions

Sec 60-4403 Standard of Conduct of Licensed Health Care
Professional Related to Assisting Suicide; Family
Member Conduct; Spiritual Treatment
Sec 60-4404 Cause of Action for Injunctive Relief against Person
About to Violate Assisting Suicide Law
Sec 60-4405 Cause of Action for Civil Damages against Person
Violating Assisting Suicide Law
Sec 60-4406 Injunctive Relief or Civil Action; Attorney Fees Awarded
Sec 60-4407 Severability Clause

ARTICLE 45 AUTHORITY TO BRING CERTAIN CIVIL ACTIONS AGAINST FIREARMS OR AMMUNITION MANUFACTURES

Sec 60-4501 Authority to Bring Certain Civil Actions against Firearms or Ammunition Manufactures Reserved to State; Exception for Breach of Contract or Warranty

ARTICLE 46 IMMUNITY FROM LIABILITY FOR OWNERS OF ANHYDROUS AMMONIA

Sec 60-4601 Immunity from Liability for Owners of Anhydrous Ammonia

ARTICLE 47 CONSTRUCTION DEFECTS

Sec 60-4701 Definitions
Sec 60-4702 Filing of Action; Notice Requirements
Sec 60-4703 Application of Act
Sec 60-4704 Initial Notice of Claim; Service; Response; Inspection
Proposal; Settlement Offer; Offer to Remedy;
Acceptance or Rejection of Offer; Failure to Respond
Sec 60-4705 Notice of Construction Defect to Insurer
Sec 60-4706 Notice to Potential Claimant of Contractor's Right to
Offer Repair; Form
Sec 60-4707 Notice to Purchaser of Subcontractors
Sec 60-4708 Association Actions; Property Manager Actions; Unlawful
Acts
Sec 60-4709 Association Action for Construction Defects in CommonInterest Community; Majority Vote
Sec 60-4710 Severability Clause

ARTICLE 48 IMMUNITY FROM LIABILITY FOR CLAIMS OF OBESITY

Sec 60-4801 Immunity from Liability for Claims Arising Out of Weight Gain or Obesity Sec 60-4802 Severability Clause

ARTICLE 49 SILICA AND ASBESTOS CLAIMS ACT

| Sec 60-4901 | Silica and Asbestos Claims; Definitions |
|-------------|---|
| Sec 60-4902 | Same; Claim Requirements |
| Sec 60-4903 | Same; Filing of Prima Facie Evidence of Claim |
| Sec 60-4904 | Same; Preclusion of Claims, When |
| Sec 60-4905 | Same; Premises Owner Liability |
| Sec 60-4906 | Same; Affect on Other Laws |
| Sec 60-4907 | Same; Burden of Proof |
| Sec 60-4908 | Same; Applicability of Act |
| Soc 60 4000 | Samo: Savorahility |

Sec 60-4909 Same; Severability

Sec 60-4910 Same; Preemption by Federal Law, Effect of

Sec 60-4911 Same; Citation of Act

ARTICLE 50 CIVIL ACTIONS BY VICTIMS OF CHILD PORNOGRAPHY

Sec 60-5001 Civil action for victims of child pornography

CHAPTER 61 CODE OF CIVIL PROCEDURE FOR LIMITED ACTIONS

ARTICLE 27 SMALL CLAIMS PROCEDURE

| Sec 61-2 | 2701 | Citation of Act |
|----------|--------|--|
| Sec 61-2 | 2702 | Application of Act; Correlation with Code of Civil |
| | | Procedure for Limited Actions |
| Sec 61-2 | 2703 | Definitions |
| Sec 61-2 | 2704 | Commencement of Action; Docket Fee, Etc. |
| Sec 61-2 | 2705 | Pleadings |
| Sec 61-2 | 2706 | Claims Exceeding Small Claims Jurisdiction |
| Sec 61-2 | 2707 ′ | Trial of Action; Exclusion of Attorneys; Enforcement of |
| | | Judgment; Certain Judgments Null and Void |
| Sec 61-2 | 2708 | Venue |
| Sec 61-2 | 2709 | Appeals |
| Sec 61-2 | 2710 | Costs, Taxation |
| Sec 61-2 | 2711 | [Repealed.] |
| Sec 61-2 | 2712 | Purpose of Act; Powers of Court |
| Sec 61-2 | 2713 | Forms |
| Sec 61-2 | 2714 | Use of Attorneys; Certification by Plaintiff of Compliance |
| | | with Act; Defense Related to Limit on Number of |
| | | Claims |

ARTICLE 28 PREFATORY

```
Sec 61-2801 Title
Sec 61-2802 Application of Code
Sec 61-2803 Supreme Court Rules. [Repealed, L. 2002, ch. 157, § 20.]
```

- Sec 61-2804 Filings Sec 61-2805 Acts by Court or Judge
- Sec 61-2806 Construction

ARTICLE 29 PLEADINGS

- Sec 61-2901 Name of Parties
- Sec 61-2902 Commencement of Actions, Limitations of Actions
- Sec 61-2903 Pleadings and Other Papers Allowed
- Sec 61-2904 Appearance; Answer; Counterclaim; Affirmative Defenses
- Sec 61-2905 Counterclaims and Cross-Claims
- Sec 61-2906 Content and form of Pleadings and Other Papers. [Repealed, L. 2002, ch. 157, § 20.]
- Sec 61-2907 Service and Filing of Pleadings and Other Papers
- Sec 61-2908 Special Matters
- Sec 61-2909 Computation and Extension of Time
- Sec 61-2910 Application of Chapter 60, When
- Sec 61-2911 Claims Beyond the Scope of Actions Authorized by 61-2802
- Sec 61-2912 Adoption by Reference of Certain Provisions of Article 2 of Chapter 60

ARTICLE 30 PROCESS

- Sec 61-3001 Summons; Issuance
- Sec 61-3002 Same; Time for Appearance; Form
- Sec 61-3003 Methods of Service of Process
- Sec 61-3004 Service of Process; Time Limits; On Whom Service Made
- Sec 61-3005 Proof of Service
- Sec 61-3006 Service of Process Outside the State

ARTICLE 31 DISCOVERY

- Sec 61-3101 Admission of Facts and Genuineness of Documents
- Sec 61-3102 Expenses on Refusal to Admit Truth of Matter Requested
- Sec 61-3103 Interrogatories
- Sec 61-3104 Subpoenas
- Sec 61-3105 Depositions
- Sec 61-3106 Production of Documents

ARTICLE 32 PRETRIAL AND TRIAL

- Sec 61-3201 Pretrial Hearing
- Sec 61-3202 Trial of Actions by Court or Jury; Evidence

ARTICLE 33 JUDGMENT

- Sec 61-3301 Default Judgment
- Sec 61-3302 Judgments

- Sec 61-3303 Interest on Judgments
- Sec 61-3304 Modification of Judgment

ARTICLE 34 VENUE

- Sec 61-3401 Local Actions. [Repealed, L. 2002, ch. 157, § 20, eff. July 1, 2002.]
- Sec 61-3402 Actions against Residents
- Sec 61-3403 Actions against Corporations
- Sec 61-3404 Actions against Nonresidents and Nonqualified Corporations
- Sec 61-3405 Actions against Public Utility, Common Carrier or Transportation System
- Sec 61-3406 Multiple Parties
- Sec 61-3407 Change of Venue
- Sec 61-3408 Time for Objection to Venue
- Sec 61-3409 Effect of Improper Venue

ARTICLE 35 ATTACHMENT AND GARNISHMENT

- Sec 61-3501 Attachment
- Sec 61-3502 Nature of Garnishment
- Sec 61-3503 When Garnishment Available before Judgment
- Sec 61-3504 When Garnishment Available after Judgment
- Sec 61-3505 Order of Garnishment, Other Than Earnings
- Sec 61-3506 Garnishment of Funds Held by Financial Institution
- Sec 61-3507 Order of Garnishment, Earnings
- Sec 61-3508 Notice to Judgment Debtor; Hearing on Claim of Exemption
- Sec 61-3509 Answer of Garnishee; Other Than Earnings
- Sec 61-3510 Same; Earnings
- Sec 61-3511 Reply; Hearing
- Sec 61-3512 Direction for Payment; Other Than Earnings
- Sec 61-3513 Payment of Earnings Withheld by Garnishee
- Sec 61-3514 Failure of Garnishee to Answer
- Sec 61-3515 Failure of Garnishee to Pay
- Sec 61-3516 Miscellaneous Garnishment Provisions

ARTICLE 36 EXECUTIONS

- Sec 61-3601 Stay of Proceedings to Enforce Judgments
- Sec 61-3602 Procedure
- Sec 61-3603 Exemption from Seizure and Sale
- Sec 61-3604 Hearing in Aid of Execution
- Sec 61-3605 Order Back Procedure
- Sec 61-3606 Contempt
- Sec 61-3607 Same; Hearing; Penalty
- Sec 61-3608 Bench Warrant; Hearing; Penalty

Sec 61-3609 Service at Place of Employment Sec 61-3610 Dormant Judgment; Revivor Sec 61-3611 Substitution of Judgment Creditor

ARTICLE 37 REPLEVIN AND FORECLOSURE OF SECURED INTERESTS

- Sec 61-3701 Replevin; Claim for Possession of Property
- Sec 61-3702 Foreclosure of Security Interest
- Sec 61-3703 Sale of Property to Satisfy Judgment for Foreclosure of Security Interest
- Sec 61-3704 Return; Confirmation of Sale
- Sec 61-3705 Application of Proceeds

ARTICLE 38 EVICTIONS

- Sec 61-3801 Scope
- Sec 61-3802 Judgment Not Bar to Other Actions
- Sec 61-3803 Notice to Leave Premises
- Sec 61-3804 Petition for Claim
- Sec 61-3805 Summons; Time for Appearance
- Sec 61-3806 Appearance; Answer
- Sec 61-3807 Trial
- Sec 61-3808 Writ of Restitution

ARTICLE 39 APPEALS

- Sec 61-3901 Grounds for Appeal
- Sec 61-3902 Procedure
- Sec 61-3903 Appeals from District Magistrate Judge; Notice; Assignment
- Sec 61-3904 Execution on Judgment Pending Appeal Without Bond
- Sec 61-3905 Stay of Proceedings on Appeal; Bond
- Sec 61-3906 Same; Forcible Detainer
- Sec 61-3907 Insufficiency of Bond
- Sec 61-3908 Judgment against Surety
- Sec 61-3909 Dismissal of Appeal

ARTICLE 40 COSTS

- Sec 61-4001 Court Fees; Poverty Affidavit
- Sec 61-4002 Items Allowable As Costs

ARTICLE 41 GENERAL PROVISIONS

- Sec 61-4101 Lost or Destroyed Court Files
- Sec 61-4102 Affirmation in Lieu of Oath
- Sec 61-4103 Availability of Other Relief
- Sec 61-4104 Effect on Pending Actions

Volume 6

APPENDIX A RULES RELATING TO SUPREME COURT, COURT OF APPEALS, AND APPELLATE PRACTICE

GENERAL AND ADMINISTRATIVE

- Rule 1.02 Chief Judge of the Court of Appeals
- Rule 1.03 Judicial Administration
- Rule 1.04 Prehearing Conference
- Rule 1.05 Form and Service of Papers Generally
- Rule 1.06 Removal of Document From File
- Rule 1.07 News Media Recordings
- Rule 1.08 Fax Filing
- Rule 1.09 Entry of Appearance/Withdrawal of Attorney
- Rule 1.10 Admission *Pro Hac Vice* of Out-of-State Attorney Before the Kansas Appellate Courts

INITIATION AND DOCKETING OF APPEAL

- Rule 2.01 Form of Notice of Appeal, Supreme Court
- Rule 2.02 Form of Notice of Appeal, Court of Appeals
- Rule 2.03 Premature Notice of Appeal
- Rule 2.04 Docketing an Appeal
- Rule 2.041 Docketing Statement
- Rule 2.042 Custodial Status of Defendant in Sentencing Appeal
- Rule 2.05 Multiple Appeals
- Rule 2.06 Consolidation of Appeals

RECORD ON APPEAL

- Rule 3.01 Content of Record
- Rule 3.02 Preparation of Record on Appeal for Filing
- Rule 3.03 Transcript in Record on Appeal
- Rule 3.04 Unavailability of Transcript or Exhibit
- Rule 3.05 Appeal on Agreed Statement
- Rule 3.06 Access to Record on Appeal
- Rule 3.07 Transmission of Record on Appeal
- Rule 3.08 Copy of Record on Appeal
- Rule 3.09 Preparation of Record for United States Supreme Court

INTERLOCUTORY APPEALS

- Rule 4.01 Interlocutory Appeal in Civil Case under K.S.A. 60-2102(C)
- Rule 4.01A Interlocutory Appeal in Civil Case under K.S.A. 60-223(F)
- Rule 4.02 Interlocutory Appeal by Prosecution

MOTIONS

- Rule 5.01 Appellate Court Motion
- Rule 5.02 Extension of Time
- Rule 5.03 Clerk'S Authority on Motion
- Rule 5.04 Voluntary Dismissal
- Rule 5.05 Involuntary Dismissal
- Rule 5.051 Dismissal of Appeal by District Court
- Rule 5.06 Release After Conviction

BRIEFS

- Rule 6.01 Time Schedule for Briefs
- Rule 6.02 Content of Appellant'S Brief
- Rule 6.03 Content of Appellee'S Brief
- Rule 6.04 Content of Cross-Appellee'S Brief
- Rule 6.05 Reply Brief
- Rule 6.06 Brief of Amicus Curiae
- Rule 6.07 Format for Briefs
- Rule 6.08 Reference Within Brief
- Rule 6.09 Service of Brief and Additional Authority
- Rule 6.10 Brief in Criminal or Postconviction Case

ORAL ARGUMENT, DECISION, AND REHEARING

- Rule 7.01 Hearing in the Supreme Court
- Rule 7.02 Hearing in the Court of Appeals
- Rule 7.03 Decision of Appellate Court
- RULE 7.04 Opinion of Appellate Court
- Rule 7.041 Summary Disposition
- RULE 7.041A Summary Disposition of Sentencing Appeal
- Rule 7.042 Affirmance by Summary Opinion
- Rule 7.043 Reference to Certain Persons
- Rule 7.05 Rehearing or Modification in Court of Appeals
- Rule 7.06 Rehearing or Modification in Supreme Court
- Rule 7.07 Appellate Costs and Fees and Attorney Fees

TRANSFER TO AND REVIEW BY SUPREME COURT

- Rule 8.01 Transfer to Supreme Court on Certificate
- Rule 8.02 Transfer to Supreme Court on Motion
- Rule 8.03 Supreme Court Review of Court of Appeals Decision

ORIGINAL ACTIONS

| Rule | 9.01 | Original Action |
|------|------|-------------------|
| Rule | 9.02 | Utility Rate Case |
| Rule | 9.03 | Tax Appeal Case |

RULE 9.04 Workers Compensation Case

EXPEDITED APPEALS

Rule 10.01 Expedited Appeal for Waiver of Parental Consent Requirement

RULE 10.02 Direct Appeal in Death Penalty Case

APPENDIX B RULES RELATING TO DISTRICT COURTS

GENERAL AND ADMINISTRATIVE

| Rule 101 | Terms of Court |
|-----------|---|
| Rule 102 | Terms of Court—Holidays |
| Rule 103 | Required Days of Court |
| Rule 104 | Docket Calls |
| Rule 105 | Local Rules |
| Rule 106 | Court Records |
| Rule 107 | Duties and Powers of Chief Judge |
| Rule 108 | Reproduction and Disposition of Court Records |
| Rule 109 | Supervision and Reporting in Probate Cases |
| Rule 109A | Therapeutic or Problem-Solving Courts |
| Rule 110 | Casa Volunteers and Programs |
| Rule 110A | Standards for Guardians Ad Litem |

COMMENCEMENT OF ACTIONS, PLEADINGS, AND RELATED MATTERS

| Rule | 111 | Form of Pleadings and Other Papers |
|------|------|--|
| Rule | 112 | Duty to Provide Address for Service |
| Rule | 113 | Clerk'S Extension |
| Rule | 114 | Surety on Bond |
| Rule | 115 | Entry of Appearance |
| Rule | 115A | Limited Representation |
| Rule | 116 | Admission Pro Hac Vice of Out-of-State Attorney |
| Rule | 117 | Withdrawal of Attorney |
| Rule | 118 | Statement of Damages When Pleading Does Not Demand |
| | | Specific Amount |
| Rule | 119 | Fax Filing and Service |
| Rule | 120 | Death Penalty Case —Notice to Appellate Court |
| Rule | 121 | Procedure under Kansas Standard Asset Seizure and |
| | | Forfeiture Act, K.S.A. 60-4101 et seq. |
| Rule | 122 | Electronic Filing and Transmission of District Court |
| | | Documents |

Rule 123 Cover Sheet; Privacy Policy Regarding Personal Identifiers

MOTIONS, DISCOVERY, PRETRIAL PROCEDURES, AND RELATED MATTERS

- Rule 131 Notice of Hearings and Trial Settings
- Rule 132 Attendance at Default Judgment and Ex Parte Matter
- Rule 133 Memorandum and Argument on Motion
- Rule 134 Notice of Ruling
- Rule 135 Written Discovery: Form and Limitations
- Rule 136 Discovery Conference
- Rule 137 Written Communication With Court
- Rule 138 Opening of Deposition
- Rule 139 Domestic Relations Affidavit; Support Order and Payment
- Rule 140 Final Pretrial Conference Procedure
- Rule 141 Summary Judgment
- Rule 142 Medical and Professional Malpractice Screening Panels
- Rule 143 Probate Proceeding: Time for Hearing When Defense to Petition Filed
- Rule 144 Application of Discovery to K.S.A. Chapter 59 Proceeding
- Rule 145 Use of Telephone or Other Electronic Conference
- Rule 146 Consolidation of Multidistrict Litigation on Motion of Party

TRIALS AND RELATED MATTERS

- Rule 161 Courtroom Decorum
- Rule 162 Conflict in Trial Settings in District Court
- Rule 163 Ineffective Stipulation
- Rule 164 Required Factual Statements in Divorce, Annulment, and Separate Maintenance Cases
- Rule 165 Reasons for Decision
- Rule 166 Time for Ruling on Motion; Matter Taken under Advisement
- Rule 167 Use of Juror Questionnaire
- Rule 168 Closing Argument to Jury
- Rule 169 Posttrial Communication With Jurors
- Rule 170 Preparation of Order
- Rule 171 Bailiff'S Oath or Affirmation
- Rule 172 Expedited Judicial Process; Support; Visitation
- Rule 173 Expedited Petition for Waiver of Parental Consent Requirement

POSTTRIAL MATTERS

- Rule 181 Posttrial Calling of Jurors
- Rule 182 Withdrawal and Disposition of Exhibits
- Rule 183 Procedure under K.S.A. 60-1507
- Rule 184 Annulment of Conviction and Expungement of Record Procedure

Rule 185 Limitation on Frequency of Garnishments

RULE 186 Satisfaction of Money Judgment

RULE 187 Taxation of Costs by Clerk

Rule 196 Public Access to District Court Electronic Case Records

APPENDIX C FEDERAL RULES OF CIVIL PROCEDURE FOR THE UNITED STATES DISTRICT COURTS

FEDERAL RULES OF CIVIL PROCEDURE

| Rule | 1 | Scope and Purpose |
|------|------|---|
| Rule | 2 | One Form of Action |
| Rule | 3 | Commencing an Action |
| Rule | 4 | Summons |
| Rule | 4.1 | Serving Other Process |
| Rule | 5 | Serving and Filing Pleadings and Other Papers |
| Rule | 5.1 | Constitutional Challenge to a Statute—Notice, Certification, and Intervention |
| Rule | 5.2 | Privacy Protection For Filings Made with the Court |
| Rule | 6 | Computing and Extending Time; Time for Motion Papers |
| Rule | 7 | Pleadings Allowed; Form of Motions and Other Papers |
| Rule | 7.1 | Disclosure Statement |
| Rule | 8 | General Rules of Pleading |
| Rule | 9 | Pleading Special Matters |
| Rule | 10 | Form of Pleadings |
| Rule | 11 | Signing Pleadings, Motions, and Other Papers; Representations to the Court; Sanctions |
| Rule | 12 | Defenses and Objections: When and How Presented; Motion for Judgment on the Pleadings; Consolidating Motions; Waiving Defenses; Pretrial Hearing |
| Rule | 13 | Counterclaim and Crossclaim |
| Rule | 14 | Third-Party Practice |
| Rule | 15 | Amended and Supplemental Pleadings |
| Rule | 16 | Pretrial Conferences; Scheduling; Management |
| Rule | 17 | Plaintiff and Defendant; Capacity; Public Officers |
| Rule | 18 | Joinder of Claims |
| Rule | 19 | Required Joinder of Parties |
| Rule | 20 | Permissive Joinder of Parties |
| Rule | 21 | Misjoinder and Nonjoinder of Parties |
| Rule | 22 | Interpleader |
| Rule | 23 | Class Actions |
| Rule | 23.1 | Derivative Actions |
| Rule | 23.2 | Actions Relating to Unincorporated Associations |
| Rule | 24 | Intervention |
| | | |

TABLE OF CONTENTS

| Rule | 25 | Substitution of Parties |
|------|------|---|
| Rule | 26 | Duty To Disclose; General Provisions Governing |
| | | Discovery |
| Rule | | Depositions to Perpetuate Testimony |
| Rule | | Persons Before Whom Depositions May Be Taken |
| Rule | | Stipulations About Discovery Procedure |
| Rule | | Depositions by Oral Examination |
| Rule | | Depositions by Written Questions |
| Rule | | Using Depositions in Court Proceedings |
| Rule | | Interrogatories to Parties |
| Rule | 34 | Producing Documents, Electronically Stored Information, and Tangible Things, or Entering onto Land, for Inspection and Other Purposes |
| Rule | 35 | Physical and Mental Examinations |
| Rule | 36 | Requests for Admission |
| Rule | 37 | Failure to Make Disclosures or to Cooperate in |
| | | Discovery; Sanctions |
| Rule | 38 | Right to a Jury Trial; Demand |
| Rule | 39 | Trial by Jury or by the Court |
| Rule | 40 | Scheduling Cases for Trial |
| Rule | 41 | Dismissal of Actions |
| Rule | 42 | Consolidation; Separate Trials |
| Rule | 43 | Taking Testimony |
| Rule | 44 | Proving an Official Record |
| Rule | 44.1 | Determining Foreign Law |
| Rule | 45 | Subpoena |
| Rule | 46 | Objecting to a Ruling or Order |
| Rule | 47 | Selecting Jurors |
| Rule | 48 | Number of Jurors; Verdict; Polling |
| Rule | 49 | Special Verdict; General Verdict and Questions |
| Rule | 50 | Judgment as a Matter of Law in a Jury Trial; Related Motion for a New Trial; Conditional Ruling |
| Rule | 51 | Instructions to the Jury; Objections; Preserving a Claim of Error |
| Rule | 52 | Findings and Conclusions by the Court; Judgment on Partial Findings |
| Rule | 53 | Masters |
| Rule | 54 | Judgment; Costs |
| Rule | 55 | Default; Default Judgment |
| Rule | 56 | Summary Judgment |
| Rule | 57 | Declaratory Judgment |
| Rule | 58 | Entering Judgment |
| Rule | 59 | New Trial; Altering or Amending a Judgment |
| Rule | 60 | Relief from a Judgment or Order |
| Rule | 61 | Harmless Error |
| Rule | 62 | Stay of Proceedings to Enforce a Judgment |

| Rule 62.1 | Indicative Ruling on a Motion for Relief That is Barred by a Pending Appeal |
|------------|---|
| Rule 63 | Judge's Inability to Proceed |
| Rule 64 | Seizing a Person or Property |
| Rule 65 | Injunctions and Restraining Orders |
| Rule 65.1 | Proceedings Against a Surety |
| Rule 66 | Receivers |
| Rule 67 | Deposit into Court |
| Rule 68 | Offer of Judgment |
| Rule 69 | Execution |
| Rule 70 | Enforcing a Judgment for a Specific Act |
| Rule 71 | Enforcing Relief for or Against a Nonparty |
| Rule 71.1 | Condemning Real or Personal Property |
| Rule 72 | Magistrate Judges: Pretrial Order |
| Rule 73 | Magistrate Judges: Trial by Consent; Appeal |
| Rule 74 | Method of Appeal From Magistrate Judge to District |
| Truic 74 | Judge Under Title 28, U.S.C. § 636(c)(4) and Rule 73(d) [Abrogated] |
| Rule 75 | Proceedings On Appeal From Magistrate Judge to District Judge under Rule 73(d) [Abrogated] |
| Rule 76 | Judgment of the District Judge On The Appeal under Rule 73(d) and Costs [Abrogated] |
| Rule 77 | Conducting Business; Clerk's Authority; Notice of an Order or Judgment |
| Rule 78 | Hearing Motions; Submission on Briefs |
| Rule 79 | Records Kept by the Clerk |
| Rule 80 | Stenographic Transcript as Evidence |
| Rule 81 | Applicability of the Rules in General; Removed Actions |
| Rule 82 | Jurisdiction and Venue Unaffected |
| Rule 83 | Rules by District Courts; Judge's Directives |
| Rule 84 | Forms |
| Rule 85 | Title |
| Rule 86 | Effective Dates |
| Form 1 | Caption |
| Form 2 | Date, Signature, Address, E-Mail Address, and Telephone Number |
| Form 3 | Summons |
| Form 4 | Summons on a Third-Party Complaint |
| Form 5 | Notice of a Lawsuit and Request to Waive Service of a Summons |
| Form 6 | Waiver of the Service of Summons |
| Form 7 | Statement of Jurisdiction |
| Form 8 | Statement of Reasons for Omitting a Party |
| Form 9 | Statement Noting a Party's Death |
| Form 10 | Complaint to Recover a Sum Certain |
| Form 11 | Complaint for Negligence |
| - 71111 11 | 001111 101 110B11B01100 |

TABLE OF CONTENTS

| Form 12 | Complaint for Negligence when the Plaintiff Does Not Know Who is Responsible |
|---------|---|
| Form 13 | Complaint for Negligence Under the Federal Employers' Liability Act |
| Form 14 | Complaint for Damages Under the Merchant Marine Act |
| Form 15 | Complaint for the Conversion of Property |
| Form 16 | Third-Party Complaint |
| Form 17 | Complaint for Specific Performance of a Contract to Convey Land |
| Form 18 | Complaint for Patent Infringement |
| Form 19 | Complaint for Copyright Infringement and Unfair Competition |
| Form 20 | Complaint for Interpleader and Declaratory Relief |
| Form 21 | Complaint on a Claim for a Debt and to Set Aside a Fraudulent Conveyance Under Rule 18(b) |
| Form 30 | Answer Presenting Defenses Under Rule 12(b) |
| Form 31 | Answer to a Complaint for Money Had and Received With a Counterclaim for Interpleader |
| Form 40 | Motion to Dismiss Under Rule 12(b) for Lack of Jurisdiction, Improper Venue, Insufficient Service of Process, or Failure to State a Claim |
| Form 41 | Motion to Bring in a Third-Party Defendant |
| Form 42 | Motion to Intervene as a Defendant Under Rule 24 |
| Form 50 | Request to Produce Documents and Tangible Things, or to Enter Onto Land Under Rule 34 |
| Form 51 | Request for Admissions Under Rule 36 |
| Form 52 | Report of the Parties' Planning Meeting |
| Form 60 | Notice of Condemnation |
| Form 61 | Complaint for Condemnation |
| Form 70 | Judgment on a Jury Verdict |
| Form 71 | Judgment by the Court Without a Jury |
| Form 80 | Notice of a Magistrate Judge's Availability |
| Form 81 | Consent to an Assignment to a Magistrate Judge |
| Form 82 | Order of Assignment to a Magistrate Judge |

APPENDIX D FEDERAL RULES OF EVIDENCE

ARTICLE I GENERAL PROVISIONS

| Rule 101 | Scope; Definitions |
|-----------|--|
| Rule 102 | _ * ' |
| | Rulings on Evidence |
| | Preliminary Questions |
| | Limiting Evidence That Is Not Admissible Against Other |
| 10010 100 | Parties or for Other Purposes |

Rule 106 Remainder of or Related Writings or Recorded Statements

ARTICLE II JUDICIAL NOTICE

Rule 201 Judicial Notice of Adjudicative Facts

ARTICLE III PRESUMPTIONS IN CIVIL CASES

- Rule 301 Presumptions in Civil Cases Generally
- Rule 302 Applying State Law to Presumptions in Civil Cases

ARTICLE IV RELEVANCE AND ITS LIMITS

- Rule 401 Test for Relevant Evidence
- Rule 402 General Admissibility of Relevant Evidence
- Rule 403 Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons
- Rule 404 Character Evidence; Crimes or Other Acts
- Rule 405 Methods of Proving Character
- Rule 406 Habit; Routine Practice
- Rule 407 Subsequent Remedial Measures
- Rule 408 Compromise Offers and Negotiations
- Rule 409 Offers to Pay Medical and Similar Expenses
- Rule 410 Pleas, Plea Discussions, and Related Statements
- Rule 411 Liability Insurance
- Rule 412 Sex-Offense Cases: The Victim's Sexual Behavior or Predisposition
- Rule 413 Similar Crimes in Sexual-Assault Cases
- Rule 414 Similar Crimes in Child-Molestation Cases
- Rule 415 Similar Acts in Civil Cases Involving Sexual Assault or Child Molestation

ARTICLE V PRIVILEGES

- Rule 501 Privilege in General
- Rule 502 Attorney–Client Privilege and Work Product;

Limitations on Waiver

Rules 503 to 600. Reserved for future legislation

ARTICLE VI WITNESSES

- Rule 601 Competency to Testify in General
- Rule 602 Need for Personal Knowledge
- Rule 603 Oath or Affirmation to Testify Truthfully
- Rule 604 Interpreter
- Rule 605 Judge's Competency as a Witness
- Rule 606 Juror's Competency as a Witness
- Rule 607 Who May Impeach a Witness
- Rule 608 A Witness's Character for Truthfulness or Untruthfulness
- Rule 609 Impeachment by Evidence of a Criminal Conviction
- Rule 610 Religious Beliefs or Opinions

- Rule 611 Mode and Order of Examining Witnesses and Presenting Evidence
- Rule 612 Writing Used to Refresh a Witness's Memory
- Rule 613 Witness's Prior Statement
- Rule 614 Court's Calling or Examining a Witness
- Rule 615 Excluding Witnesses

ARTICLE VII OPINIONS AND EXPERT TESTIMONY

- Rule 701 Opinion Testimony by Lay Witnesses
- Rule 702 Testimony by Expert Witnesses
- Rule 703 Bases of an Expert's Opinion Testimony
- Rule 704 Opinion on an Ultimate Issue
- Rule 705 Disclosing the Facts or Data Underlying an Expert's Opinion
- Rule 706 Court-Appointed Expert Witnesses

ARTICLE VIII HEARSAY

- Rule 801 Definitions That Apply to This Article; Exclusions from Hearsay
- Rule 802 The Rule Against Hearsay
- Rule 803 Exceptions to the Rule Against Hearsay—Regardless of Whether the Declarant Is Available as a Witness
- Rule 804 Exceptions to the Rule Against Hearsay—When the Declarant Is Unavailable as a Witness
- Rule 805 Hearsay Within Hearsay
- Rule 806 Attacking and Supporting the Declarant's Credibility
- Rule 807 Residual Exception

ARTICLE IX AUTHENTICATION AND IDENTIFICATION

- Rule 901 Authenticating or Identifying Evidence
- Rule 902 Evidence That Is Self-Authenticating
- Rule 903 Subscribing Witness's Testimony

ARTICLE X CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS

- Rule 1001 Definitions That Apply to This Article
- Rule 1002 Requirement of the Original
- Rule 1003 Admissibility of Duplicates
- Rule 1004 Admissibility of Other Evidence of Content
- Rule 1005 Copies of Public Records to Prove Content
- Rule 1006 Summaries to Prove Content
- Rule 1007 Testimony or Statement of a Party to Prove Content
- Rule 1008 Functions of the Court and Jury

ARTICLE XI MISCELLANEOUS RULES

Rule 1101 Applicability of the Rules

Rule 1102 Amendments

Rule 1103 Title

Table of Laws and Rules

Table of Cases

Index