

§ 12.29 Motion to Immediately File Out-of-Time Brief

IN THE (SUPREME COURT)(COURT OF APPEALS) OF THE STATE OF KANSAS

[Insert Name],

Plaintiff-Appellee,

vs.

[Insert Appellate Court Case Number]

[Insert Name],

Defendant-Appellant.

MOTION TO IMMEDIATELY FILE OUT-OF-TIME BRIEF

1. *Background.* The appellee's brief was due on July 5, 2018, and that day has passed. The appellee has asked for and received one prior extension of time to file the brief.
2. *Authority.* Supreme Court Rule 5.02.
3. *Reasons.* [State with particularity the reasons constituting excusable neglect. For example: A portion of a transcript of a pretrial hearing, needed to support appellee's argument on one issue, has recently been found. Briefing was delayed while steps were taken to add the transcript to the record on appeal.]

Because of this, appellee asks for permission to file the brief immediately.

Attorney's Signature

/s/ _____

Attorney's Name (typed or printed)

Kansas Attorney Registration Number

Address

Telephone Number

Fax Number

E-mail Address

Name of the Party Represented

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Motion to Immediately File Out-of-Time Brief was sent by [Insert Method] on [Insert Date] to:

[Insert names and addresses of those on whom service is made.]

/s/ _____

Attorney's Name and Registration Number

PRACTICE NOTE: A motion to efile a brief out-of-time should not be accompanied by the completed brief in a single submission; rather, the motion and the brief should be transmitted separately. If a pro se litigant is filing the motion, the paper brief should accompany the motion.