

§ 12.37 Notice of Voluntary Dismissal

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

[Insert Name],

Plaintiffs-Appellants,

vs.

[Insert Appellate Court Case Number]

[Insert Name],

Defendant-Appellee.

NOTICE OF VOLUNTARY DISMISSAL

The parties have settled and ask the court to dismiss this appeal.

1. *Background.* During the pendency of this appeal, the parties entered into negotiations regarding the possible settlement of all claims in this case.
2. *Authority.* Supreme Court Rule 5.04.
3. *Reasons.* The parties arrived at a settlement of all claims in this case and have agreed to dismiss this appeal as a condition of their settlement agreement. Each party has agreed to bear their own costs and expenses, including costs of this appeal.

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 Notice of Voluntary Dismissal 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: Only an appellant or cross-appellant can file a voluntary dismissal. If there is more than one appellant, the notice should clearly state if one or all of the appellants are dismissing the appeal. The notice should also indicate whether it is intended to dismiss any cross-appeals. If so, the notice must be signed by both parties. The notice should also indicate whether dismissal is with or without prejudice and should allocate costs.