

**BASIC PLEADING FORMAT**

IN THE \_\_\_\_\_ JUDICIAL DISTRICT  
DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS  
[SITTING AT  (Name of city, if more than one court location in county)  ]

\_\_\_\_\_, )  
Plaintiff, )  
v ) Case No. \_\_\_\_\_  
\_\_\_\_\_, )  
Defendant. )

Proceeding Pursuant to K.S.A. Chapter 60

[NAME OF DOCUMENT]

\_\_\_\_\_  
*(Signature of attorney)*  
**(Name), Attorney for (party)**  
**Bar Registration Number**  
**Address**  
**Telephone**  
**[Facsimile number]**  
**[Email address]**

**Authority**

K.S.A. 60-207; 60-208; 60-210; 60-211.

**Notes on Use**

Every pleading requires a caption designating the name of the court, the title of the action, and the case number. K.S.A. 60-210(a). Actions commenced in Montgomery County must be entitled in the court "sitting at Independence" or "sitting at Coffeyville." K.S.A. 20-3107. Similarly, actions commenced in Neosho County must

reference whether the court is “sitting at Erie” or “sitting at Chanute.” K.S.A. 20-3109. Although there are no corresponding statutes, it should be noted that three other counties also have courts sitting in more than one city. Labette County District Court sits at Parsons and Oswego, Crawford County has court in both Pittsburg and Girard, and Cowley County District Court sits at Winfield and Arkansas City.

A petition is required to state that it is a proceeding pursuant to K.S.A. Chapter 60. The pleadings allowed are: a petition and an answer; a reply to a counterclaim; an answer to a cross-claim, if the answer contains a cross-claim; a third-party petition; and a third-party answer. In addition, a court may order a reply to an answer or a third-party answer. K.S.A. 60-207(a). A motion is not technically a pleading, although the word “pleading” is often used to refer to all documents filed with the court.

Pleadings should be written in short and plain terms. K.S.A. 60-208(a)(1). Each assertion of a pleading should be simple, concise and direct. There are no technical forms of pleadings or motions required. K.S.A. 60-208(e). Assertions of claim or defense should be made in numbered paragraphs, limiting the contents of each, as far as possible, to a statement of a single set of circumstances. A paragraph can be referred to by number in all succeeding paragraphs. Each claim based on a separate transaction or occurrence and each defense other than denials should be stated as separate counts or defenses. K.S.A. 60-210(b). Statements in a pleading may be adopted by reference in a different part of the same pleading or in another pleading or motion. A copy of any written instrument that is an exhibit to a pleading is a part of that pleading for all purposes. K.S.A. 60-210(c).

K.S.A. 60-211(a) provides in part:

“Every pleading, motion and other paper provided for by this article of a party represented by an attorney shall be signed by at least one attorney of record in the attorney’s individual name, and the attorney’s address and telephone number shall be stated. A pleading, motion or other paper provided for by this article of a party who is not represented by an attorney shall be signed by the party and shall state the party’s address.”

The signature on a pleading, motion, or other paper constitutes a certificate that the person has read the document, that to the best of that person’s knowledge, information and belief formed after inquiry reasonable under the circumstances:

“(1) It is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(2) the claims, defenses and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification or reversal of existing law or the establishment of new law;

(3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.” K.S.A. 60-211(b).

If a pleading is signed in violation of these requirements, the person who signed it and/or the represented party, is subject to appropriate sanction, which may include the reasonable expenses and attorney fees incurred by other parties because of the filing of the untrue or frivolous pleading. Sanctions may be imposed by the court upon motion or on the court’s own initiative. K.S.A. 60-211(c).

It is not required to include a fax number or email address, but it is good practice to include all methods by which you can be reached.

#### **Comment**

A reply to an answer is not one of the pleadings allowed except when ordered by the court. *Tabor v.*

*Lederer*, 205 Kan. 746, 748, 472 P.2d 209 (1970).

Typographical error designating a petition as a limited action (Chapter 61) does not invalidate the action. The petition can be amended to correct the designation. *Hole-In-One, Inc. v. Kansas Indus. Land Corp.*, 22 Kan.App.2d 197, 913 P.2d 1225 (1996).

An attached exhibit does not substitute for a necessary allegation. *Hoover Equipment Co. v. Smith*, 198 Kan. 127, 132, 422 P.2d 914 (1967).