

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

_____,)
Plaintiff)
v)
_____,)
Defendant and Third-party plaintiff.)
v)
_____,)
Third-party defendant)

Case No. _____

REQUEST FOR SERVICE

The Clerk of the Court will issue a summons and petition for _____ (name) _____, (address) _____. Third-party plaintiff requests service of process as follows:

- _____ a. [Personal Service through the office of the Sheriff other than by return receipt delivery.]
- _____ b. [Service by Process Server authorized or appointed by the provisions of K.S.A. 60-303]
- _____ c. [Service by return receipt delivery by the undersigned party or party's attorney.]
- _____ d. [Service by return receipt delivery by the Sheriff.]
- _____ e. [Other instructions: _____]

(Signature of Attorney)
(Name), Attorney for (name of third-party plaintiff)
Bar Registration Number
Address
Telephone number
[Facsimile number]
[Email address]

THIRD-PARTY SUMMONS

To the above-named Third-Party Defendant:

You are hereby notified that an action has been commenced against you in this court. You are required to file with the court your answer to the pleading served upon you within ~~(20)~~ (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the third-party petition. Your answer must be filed with the court at the following address: _____.

You are required to serve a copy of your answer upon plaintiff's attorney, or the plaintiff if plaintiff has no attorney, at the following address :

_____ (Attorney's name) (Plaintiff's name)

_____ (Attorney's address) (Plaintiff's address)

and to serve a copy of your answer upon defendant and third-party plaintiff's attorney, or the defendant and third-party plaintiff if the defendant and third-party plaintiff has not attorney, at the following address:

_____ (Attorney's name) (Defendant and Third-party Plaintiff's name)

_____ (Attorney's address) (Defendant and Third-party Plaintiff's address)

Any related claim which you may have against the third-party plaintiff or any other party must be stated as a counterclaim or cross-claim in your answer. If you fail to do so you will thereafter be barred from making such claim in any other action.

Date _____

Clerk's Seal

Clerk of the District Court.

**By _____
Deputy**

Authority

K.S.A. 60-214, Vernon's, Kansas Statutes Annotated, Code of Civil Procedure Sec. 60-214. Gard and Casad, Kansas Law and Practice, Kansas Code of Civil Procedure Annotated, Sec. 60-214, (Fourth Edition 2003).

Notes on Use

Under third-party practice, both defendants and plaintiffs “may cause a summons and complaint to be served upon a person not a party to the action who is or may be liable to him for all or part of the plaintiff’s (defendant’s) claim against him.” K.S.A. 60-214(a). Leave to make the service need not be obtained if the third-party complaint is filed not later than 10 days after the answer to the complaint is served. K.S.A. 60-214(a).

Comment

K.S.A. 60-214 does not create any new rights or remedies and is only a procedural provision which is usually utilized to allow a defendant to bring in a third party who would be liable to the defendant for the judgment which might be rendered against the defendant on the plaintiff’s claim. A third-party petition may not be used to circumvent present Kansas law which does not permit contribution among joint tortfeasors. See, *Russell v. Community Hospital Ass’n*, 199 Kan. 251, 428 P.2d 783 (1967).