

IN THE SUPREME COURT OF THE STATE OF KANSAS

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

**RULE 5.04**

VOLUNTARY DISMISSALS

Supreme Court Rule 5.04 is hereby amended, effective the date of this order:

Prior to filing of an opinion, an ~~An~~ appellant may ~~at any time~~ dismiss an appeal by stipulation or by filing and serving a notice of dismissal with the clerk of the appellate courts. A dismissal of the appeal of one party shall not affect an appeal taken by any other party. Unless a dismissal is by agreement of the parties, the court may on motion and reasonable notice assess against the appellant those costs and expenses incurred by the appellee to the date of the dismissal that would have been assessed against the appellant if the case had not been dismissed and there had been an affirmance of the judgment or order.

By order of the Court, this 6th day of September, 2005.

FOR THE COURT

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Kay McFarland, Chief Justice