

§ 12.28 Motion for Extension of Time to File 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 FOR EXTENSION OF TIME TO FILE BRIEF

[Insert name] asks for an additional 30 days to file the [state type of brief- e.g. appellant, appellee] brief.

1. *Background.* The appellant's brief is now due on July 5, 2018. Two prior extensions of time have been requested and granted.
2. *Authority.* Supreme Court Rule 5.02.
3. *Reasons.* [State with particularity the reason for the extension. For example: the appellant's counsel has just received the last volume of the 2,000 page trial transcript and needs more time to read, analyze and make cross-references from this large record in the brief.]

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 for Extension of Time 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 for extension of time will be held seven business days, plus three calendar days depending on how service was made, for response from opposing counsel. Rule 5.01(b). A motion which requests twenty days or less will be acted upon immediately. See Rule 5.02(d). An adverse party's consent will be considered but is not controlling. See Rule 5.02(b).

Motions for extension of time to file brief are perhaps the most common motion received by the clerk of the appellate courts. Even though they are common, there are still pitfalls to avoid when requesting a little bit more time to finish up a brief. First, every effort should be made to proofread the document for internal consistency. If the motion requests 30 days at the beginning, it should also request 30 days at the end. Second, it is a good idea to check Supreme Court Rule 5.02 to see if additional information is required; for example, the attorney must give "reasons constituting excusable neglect" if the motion is filed after the expiration of the existing brief due date. And finally, practitioners should know that motions for time are generally given in 30-day increments. An attorney is free to request fewer than 30 days. However, he or she should be aware that the request will still count as an extension given by the court, even if all 30 days were not used.