

**§ 12.29 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**

COME NOW Plaintiffs-Appellants Jane Doe and Jane Doe as Special Administrator, pursuant to Rule 5.04, and notify the Court of their desire to voluntarily dismiss this appeal, with prejudice. In support thereof, Plaintiffs-Appellants would show the Court as follows:

1. During the pendency of this appeal, the parties entered into negotiations regarding the possible settlement of plaintiffs' claims against the defendant in this case. On [Insert Date], the parties arrived at a settlement of all claims in this case and have agreed to dismiss this appeal as a condition of said settlement.
2. As part of said settlement, each party has agreed to bear their own costs and expenses, including costs of this appeal.

WHEREFORE, Plaintiffs-Appellants respectfully move the Court to dismiss this appeal because the parties have settled their differences and have agreed to dismiss said appeal as part of said settlement.

[Name of Law Firm or Agency]

BY \_\_\_\_\_  
[Attorney's Name and Registration Number]  
[Address]  
[City, State and Zip Code]  
[Telephone Number]  
Attorney for [Insert party designation]

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Notice of Voluntary Dismissal was furnished, by United States Mail, postage prepaid, this [Insert Date], to:

[Insert names and addresses of those on whom service is made.]

\_\_\_\_\_  
[Attorney's Name and Registration Number]

**PRACTICE NOTE:** 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.