

§ 12.8 Motion to Docket Appeal Out of Time

IN THE (SUPREME COURT)(COURT OF APPEALS) OF THE STATE OF KANSAS

[Insert Name],

Plaintiffs-Appellees,

vs.

[Insert District Court Case Number]

[Insert Name],

Defendant-Appellant.

MOTION TO DOCKET APPEAL OUT OF TIME

Appellant asks to docket this appeal out of time because she has now secured all supporting documents that are needed to accompany the docketing statement.

1. *Background.* Jane Pleader is the appellant in this appeal from the trial and jury verdict in the District Court of [Insert Name] County, Kansas. Notice of Appeal of this matter was filed in that court on [Insert Date.] More than 60 days have expired since the filing of the Notice of Appeal.
2. *Authority.* Supreme Court Rule 2.04.
3. *Reasons.* Appellant's counsel has received a telephone call from a clerk in the office of the clerk of the appellate courts advising her that she failed to include file-stamped, certified copies of the journal entries of judgment and the notice of appeal, as required by the appellate rules. Counsel has now obtained certified copies of the journal entries of judgment and the notice of appeal. These are included with this submission for filing with the remainder of the materials required for docketing this appeal. These combined documents complete the requirements for docketing the appeal.

For these reasons, appellant asks permission to docket the appeal today.

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 to Docket Appeal Out 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: This motion should accompany the docketing statement and certified file-stamped copies of all documents required under Rule 2.04. The motion should cite specific reasons that constitute good cause for late docketing. A mere allegation of "excusable neglect" is insufficient. If counsel believes excusable neglect exists, the basis for that belief should be stated in the motion.

A motion to docket an appeal out of time can be filed electronically but cannot be served through the electronic filing system; rather, it must be served by traditional means, including e-mail and fax.