

2021 Kansas Statutes

60-208. General rules of pleadings. (a) Claim for relief. A pleading that states a claim for relief must contain:

- (1) A short and plain statement of the claim showing that the pleader is entitled to relief; and
- (2) a demand for the relief sought, which may include relief in the alternative or different types of relief. Except in contract actions, every pleading demanding relief for money damages in excess of \$75,000, without demanding a specific amount of money, must state only that the amount sought as damages is in excess of \$75,000. Every pleading demanding relief for money damages in an amount of \$75,000 or less must specify the amount sought as damages.

(b) Defenses, admissions and denials. (1) In general. In responding to a pleading, a party must:

- (A) State in short and plain terms its defenses to each claim asserted against it; and
- (B) admit or deny the allegations asserted against it by an opposing party.
- (2) Denials; responding to the substance. A denial must fairly respond to the substance of the allegation.
- (3) General and specific denials. A party that intends in good faith to deny all the allegations of a pleading, including the jurisdictional grounds, may do so by a general denial. A party that does not intend to deny all the allegations must either specifically deny designated allegations or generally deny all except those specifically admitted.
- (4) Denying part of an allegation. A party that intends in good faith to deny only part of an allegation must admit the part that is true and deny the rest.
- (5) Lacking knowledge or information. A party that lacks knowledge or information sufficient to form a belief about the truth of an allegation must so state, and the statement has the effect of a denial.

(6) Effect of failing to deny. An allegation, other than one relating to the amount of damages, is admitted if a responsive pleading is required and the allegation is not denied. If a responsive pleading is not required, an allegation is considered denied or avoided.

(c) Affirmative defenses. (1) In general. In responding to a pleading, a party must affirmatively state any avoidance or affirmative defense, including:

- (A) Accord and satisfaction;
- (B) arbitration and award;
- (C) assumption of risk;
- (D) contributory negligence or comparative fault;
- (E) duress;
- (F) estoppel;
- (G) failure of consideration;
- (H) fraud, illegality;
- (I) injury by fellow servant;
- (J) laches;
- (K) license;
- (L) payment;
- (M) release;
- (N) res judicata;
- (O) statute of frauds;
- (P) statute of limitations; and
- (Q) waiver.

(2) Mistaken designation. If a party mistakenly designates a defense as a counterclaim or a counterclaim as a defense, the court must, if justice requires, treat the pleading as though it were correctly designated, and may impose terms for doing so.

(d) Pleading to be concise and direct; alternative statements; inconsistency. (1) In general. Each allegation must be simple, concise and direct. No technical form is required.

(2) Alternative statements of a claim or defense. A party may set out two or more statements of a claim or defense alternately or hypothetically, either in a single count or defense or in separate ones. If a party makes alternative statements, the pleading is sufficient if any one of them is sufficient.

(3) Inconsistent claims or defenses. A party may state as many separate claims or defenses as it has, regardless of consistency.

(e) Construing pleadings. Pleadings must be construed so as to do justice.

History: L. 1963, ch. 303, 60-208; L. 1976, ch. 252, § 1; L. 1990, ch. 203, § 1; L. 1997, ch. 173, § 4; L. 2010, ch. 135, § 75; L. 2012, ch. 35, § 1; July 1.