

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
LIMITED ACTIONS DEPARTMENT

_____,
Plaintiff,

vs.

Case No. _____
Division M4/Chapter 61

_____,
Defendant,

**MOTION TO SET ASIDE THE JUDGMENT
UNDER COVID-19 EMERGENCY OPERATIONS**

COMES NOW, _____, and respectfully moves the Court to enter an Order setting aside the Default Judgment that was entered in this cause of action against Defendant and allowing the Defendant 14 days to file a written Answer (or file a written Response on a pending Motion). In support of its Motion, Movant alleges and states as follows:

1. On _____ a Default Judgment was entered against the Defendant.

2. A Notice of Hearing for Answer Docket Under Covid-19 Emergency Operations, a Notice of Motion Hearing Under Covid-19 Emergency Operations, or a Notice of Pretrial Conference Under Covid-19 Emergency Operations was mailed/served to the Defendant.

3. Defendant contends he/she did not receive the Notice, or was unable to log/call in on the scheduled Court date.

4. If the Defendant denies owing the debt and the allegations in the Petition, Defendant must within 14 days from the date of the Order Setting Aside the Judgment, file a written Answer (or file a written Response on a pending Motion) with the Court Clerk's Office by e-filing to: DCC-Chapter61@jocogov.org, fax to: (913) 715-3401, or mail to: Clerk of the District Court, Johnson County Courthouse, 150 W. Santa Fe St., Olathe KS 66061. Defendant is

required to send a copy to Plaintiff's attorney.

Answer forms can be accessed at:

Landlord/Tenant cases: <http://courts.jocogov.org/forms/ansForEvict.pdf>;

All other collection cases: <http://courts.jocogov.org/forms/ansNonEvict.pdf>

There are no standard forms for a Response to a Motion and Defendant(s) need to prepare their own.

5. **If no written Answer (or written Response on a pending Motion) is filed with the court within 14 days** from the date of the Order Setting Aside the Judgment, Plaintiff shall be entitled to and will file a Default Judgment against the Defendant without further notice to Defendant.

WHEREFORE, the Movant respectfully prays the Court to enter an Order setting aside the Judgment against Defendant, allow the Defendant 14 days from the date of the Order to file a written Answer (or file a written Response on a pending Motion) with the court; however if no Answer (or written Response), is filed with the court, allow Plaintiff to enter a Default Judgment and any further relief as the Court may deem just and proper.

Name:
Address:
City, State, Zip:
Telephone Number (Required):
Email (Required):
Plaintiff or Defendant

CERTIFICATE OF MAILING

A copy of the above and foregoing was sent on the ____ day of _____ 2021 via First Class U.S. Mail, postage prepaid to the following:

Name:

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
LIMITED ACTIONS DEPARTMENT

_____,
Plaintiff,

vs.

Case No. _____
Division M4/Chapter 61

_____,
Defendant,

ORDER TO SET ASIDE JUDGMENT

NOW on this date, comes on for hearing the Motion requesting an Order to set aside the Judgment entered against Defendant and allowing Defendant 14 days to file a written Answer (or file a written Response on a pending Motion).

The Court after reviewing the Motion filed finds that the Motion should be sustained.

IT IS THEREFORE BY THE COURT ORDERED, ADJUDGED, AND DECREED that the Judgment entered against Defendant shall be set aside, allow the Defendant 14 days from the date of the Order to file a written Answer (or file a written Response on a pending Motion) with the court **setting forth the specific reasons why the allegations in the Petition or Motion are denied** (not to enter a general denial and merely to request an additional 14 days to respond); if no Answer (or written Response on a pending Motion) is filed within 14 days from the date of this Order, Plaintiff shall be entitled to enter a Default Judgment against the Defendant without further notice to Defendant.

The Defendant is required to file the written Answer (or file a written Response on a pending Motion) with the Court Clerk's Office by e-filing to: DCC-Chapter61@jocogov.org, fax to: (913) 715-3401, or mail to: Clerk of the District Court, Johnson County Courthouse, 150 W. Santa Fe St., Olathe KS 66061. Defendant is required to send a copy of the written Answer to

Plaintiff's attorney.

Movant shall send a copy of this Order to the opposing party (or their attorney) via First Class U.S. Mail, postage prepaid immediately upon receipt of the Order.

IT IS SO ORDERED.

JUDGE