554.13 DISMISSAL OF CAUSE OF ACTION IN WHOLE OR PART.

(a) In ruling on a motion under section 554.09, the court shall dismiss with prejudice a cause of action, or part of a cause of action, if:

(1) the moving party establishes under section 554.08, paragraph (b), that sections 554.07 to 554.19 apply;

(2) the responding party fails to establish under section 554.08, paragraph (c), that sections 554.07 to 554.19 do not apply; and

(3) either:

(i) the responding party fails to establish a prima facie case as to each essential element of the cause of action; or

(ii) the moving party establishes that:

(A) the responding party failed to state a cause of action upon which relief can be granted; or

(B) there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law on the cause of action or part of the cause of action.

(b) A voluntary dismissal without prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion under section 554.09 does not affect a moving party's right to obtain a ruling on the motion and seek costs, attorney fees, and expenses under section 554.16.

(c) A voluntary dismissal with prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion under section 554.09 establishes for the purpose of section 554.16 that the moving party prevailed on the motion.

History: *2024 c 123 art 18 s 7*