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:

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- (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