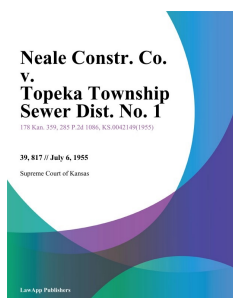


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## NEALE CONSTR CO V TOPEKA TOWNSHIP SEWER DIST NO 1 EBOOKS 2019



Author: Supreme Court of Kansas

Release Date: Expected @@expectedReleaseDate@@

The opinion of the court was delivered by This action, to recover an unpaid balance alleged to be due and payable under its terms, is founded on a unit price contract entered into between the plaintiff and the defendant Sewage District for the construction of a sewer line. With issues joined on all questions relating to liability of the parties, under pleadings consisting of the plaintiff's petition, the defendant's answer and the plaintiff's reply, all as finally amended, the cause came on for trial by the district court where the defendant's motion for judgment on plaintiff's opening statement was ultimately sustained. Thereafter a judgment was rendered against plaintiff on such opening statement. However, because the defendant had theretofore confessed judgment in its answer the trial court gave plaintiff judgment that amount. The appeal is from the order sustaining the motion for judgment on the opening statement, the judgment as rendered and from an order overruling a motion for a new trial.

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