

**652.7 Dismissal of cause of action in whole or part.**

1. In ruling on a motion under [section 652.3](#), the court shall dismiss with prejudice a cause of action, or part of a cause of action, if all of the following are true:

a. The moving party establishes under [section 652.2, subsection 2](#), that [this chapter](#) applies.

b. The responding party fails to establish under [section 652.2, subsection 3](#), that [this chapter](#) does not apply.

c. Any of the following are true:

(1) The responding party fails to establish a prima facie case as to each essential element of the cause of action.

(2) The moving party establishes that any of the following:

(a) The responding party failed to state a cause of action upon which relief can be granted.

(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 action or part of an action.

2. 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 652.3](#) does not affect a moving party's right to obtain a ruling on the motion and seek costs, attorney fees, and expenses under [section 652.10](#).

3. 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 652.3](#) establishes for the purpose of [section 652.10](#) that the moving party prevailed on the motion.

**2025 Acts, ch 93, §7, 13**

Referred to in [§652.4](#)

Section applies to a civil action filed on or after July 1, 2025; 2025 Acts, ch 93, §13

NEW section