

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

P&E Solutions, LLC v. Crescent Power Systems, Inc.; Crescent Power Systems, Inc. v. North American Speciality Insurance Company

P&E Solutions · No. 24-1209-EFM · Decided March 13, 2026

SUMMARY

The United States District Court for the District of Kansas denied Crescent Power Systems, Inc.’s motion for leave to file a second motion for summary judgment. The court concluded that the proposed arguments were not based on genuinely new material and that Crescent Power had failed to provide a compelling reason for a successive motion. The court struck the second and amended second summary judgment motions, as well as the response opposing them, from the record.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	Eric F. Melgren
JURISDICTION	United States District Court for the District of Kansas
DECIDED	March 13, 2026
DOCKET	24-1209-EFM
DISPOSITION	other
PROCEDURAL POSTURE	Defendant and counterclaimant Crescent Power Systems, Inc. moved for leave to file a second motion for summary judgment concerning P&E Solutions, LLC's breach-of-contract claim. Crescent Power filed the second motion and an amended second motion before obtaining leave. The court denied leave and struck both motions and P&E's response from the record.
STANDARD OF REVIEW	The district court exercised discretion over whether to permit a successive summary judgment motion, relying on its inherent authority to control its docket.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

summary judgment

civil procedure

breach of contract

commercial litigation

PRACTICE AREAS

civil procedure

contracts

commercial litigation

QUESTIONS PRESENTED

1. Whether Crescent Power should be granted leave to file a second motion for summary judgment raising arguments that could have been included in its first motion.
2. Whether Crescent Power's second and amended summary judgment motions should be stricken after being filed without leave.

HOLDINGS

1. Successive motions for summary judgment are generally disfavored, but the court may permit one when it is supported by genuinely new material; Crescent Power was not entitled to file a second motion because its arguments relied on facts already within its knowledge and it offered no compelling reason for failing to include them in its first motion.
2. Because Crescent Power filed the second and amended summary judgment motions without leave and the court denied permission to proceed, the motions and P&E's response to them were stricken from the record.

KEY QUOTATIONS

“A party should ordinarily submit only one motion for summary judgment which contains all arguments and evidence in support of a judgment in favor of the moving party, so as to avoid a piece-meal approach to a multiple claim suit.” (at 2)

“The Court is not inclined to permit Crescent Power a second bite at the apple, nor has Crescent Power provided a compelling reason to do so.” (at 3)

FACTUAL BACKGROUND

Crescent Power filed an initial summary judgment motion on July 21, 2025, before discovery closed. It later sought leave to file a second motion raising arguments concerning whether time was of the essence, waiver, modification, estoppel, and P&E's ability to prove damages. The supporting facts came primarily from a deposition taken before the first motion and from an affidavit by Crescent Power's own employee; the court also found that the only argument Crescent Power identified as based on new material was absent from the second motion.

PROCEDURAL HISTORY

Crescent Power previously filed a motion for summary judgment before the close of discovery. It later sought permission to file a second motion raising additional arguments, asserting that at least one argument was based on newly developed discovery. Before the court ruled on the motion for leave, Crescent Power filed the second and amended motions. After reviewing the asserted supporting materials, the court concluded that the arguments were based primarily on facts known before the first motion and that the purported new-material argument was not included in the second motion.

DISPOSITION

other

CASES CITED

- Hernandez v. Penmark Transp., Inc., 2025 WL 2443448, at *2 (D. Kan. Aug. 15, 2025)
- Pippin v. Burlington Res. Oil & Gas Co., 440 F.3d 1186, 1199 (10th Cir. 2006)
- Cole v. Convergys Customer Mgmt., Grp., Inc., 2013 WL 1446556, at *1 (D. Kan. Apr. 9, 2013)
- Lindsey v. Dayton-Hudson Corp., 592 F.2d 1118, 1121 (10th Cir. 1979)
- United States ex rel. Schroeder v. Medtronic, Inc., 2024 WL 3567297, at *1 (D. Kan. Mar. 26, 2024)

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