

COURT OF THE _____
_____ COUNTY, _____

_____,
Plaintiff(s),

v.

_____,
Defendant(s).

Case No.: _____

MOTION TO DISMISS

The _____ [Role of Moving Party], _____ [Full Legal Name of Party Filing], by and through undersigned counsel, or appearing pro se, hereby moves this Honorable Court to dismiss the above-entitled action, or specific claims therein, pursuant to _____ [Relevant Rule of Civil Procedure, e.g., Rule 12(b) of the Federal Rules of Civil Procedure or equivalent state rule], and states as follows:

I. PARTIES

1. The party filing this Motion to Dismiss is _____ [Full Legal Name of Party Filing], whose role in this action is _____ [Role of Moving Party].

Street Address: _____

Unit Number (if applicable): _____

City: _____

State: _____

Zip Code: _____

2. Additional Moving Party (if applicable):

Full Legal Name: _____

Street Address: _____

Unit Number (if applicable): _____

City: _____

State: _____

Zip Code: _____

3. The opposing party/parties in this motion are _____ [Full Legal Name(s) of Opposing Party/Parties].

II. GROUNDS FOR DISMISSAL

4. Movant seeks to dismiss:

The entire case.

Specific claims/charges, specifically: _____

5. Movant asserts the following legal grounds for dismissal:

a. **Lack of Subject Matter Jurisdiction.**

Explanation:

b. **Lack of Personal Jurisdiction.**

Explanation:

c. **Improper Venue.**

Explanation:

d. **Insufficient Process.**

Explanation:

e. **Insufficient Service of Process.**

Explanation:

f. **Failure to State a Claim Upon Which Relief Can Be Granted.**

Explanation:

g. **Failure to Join a Necessary Party.**

Explanation:

h. **Statute of Limitations Expired.**

Explanation:

i. **Res Judicata (Claim Preclusion) or Collateral Estoppel (Issue Preclusion).**

Explanation:

j. **Lack of Standing.**

Explanation:

k. **Failure to Prosecute.**

Explanation:

1. **Other Grounds.**

Please specify: _____

Explanation:

III. REQUEST FOR HEARING / ORAL ARGUMENT

6. Movant does / does not request a hearing on this Motion to Dismiss.

7. Movant does / does not request oral argument for this motion.

8. If a hearing is requested, Movant's preferred hearing date is the _____ day of _____, 20_____, at _____ [Preferred Hearing Time].

IV. PRAYER FOR RELIEF

WHEREFORE, Movant respectfully requests that this Honorable Court: a. Dismiss the entire case with prejudice; or

b. Dismiss the specific claims identified herein with prejudice; and

c. Grant such other and further relief as the Court deems just and proper.

Dated this _____ day of _____, 20_____.

Respectfully submitted,

Signature

Printed Name: _____

Role / Capacity: _____

Street Address: _____

Unit Number (if applicable): _____

City: _____

State: _____

Zip Code: _____

Phone: _____

Email: _____

Attorney Information (if applicable):

Law Firm: _____

Bar No.: _____

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, 20_____, a true and correct copy of the foregoing MOTION TO DISMISS was served upon the following parties via the method indicated below:

Recipient: _____

Address: _____

Service Method: U.S. Mail, First-Class Postage Prepaid

Hand Delivery

Electronic Mail

Facsimile

Other: _____

Recipient: _____

Address: _____

Service Method: U.S. Mail, First-Class Postage Prepaid

Hand Delivery

Electronic Mail

Facsimile

Other: _____

Signature of Movant or Attorney