

FORM 14. MOTION TO DISMISS, PRESENTING DEFENSES OF FAILURE TO STATE A CLAIM, OF LACK OF SERVICE OF PROCESS, AND OF LACK OF JURISDICTION UNDER RULE 12(b)

The defendant moves the court as follows:

1. To dismiss the action because the complaint fails to state a claim against defendant upon which relief can be granted.
2. To dismiss the action or in lieu thereof to quash the return of service of summons on the grounds: (Here state reasons, such as, (a) that the defendant is a corporation organized under the laws of Delaware and was not and is not subject to service of process within the State of North Dakota, and (b) that the defendant has not been properly served with process in this action, all of which more clearly appears in the affidavits of M.N. and X.Y. hereto annexed as Exhibit 1 and Exhibit 2 respectively).
3. To dismiss the action on the ground that the court lacks jurisdiction because [no justiciable controversy is presented, or as the case may be].

Signed: _____
Attorney for Defendant

Address: _____

NOTICE OF MOTION

To: _____
Attorney for Plaintiff

Please take notice, that the undersigned will bring the above motion on for hearing before the court, in the court house in the City of _____ on the _____ day of _____, 19__, at __ o'clock in the [forenoon] [afternoon] or as soon thereafter as counsel can be heard.

Signed: _____
Attorney for Defendant

Address: _____

