

**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)**

COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

A.B., Plaintiff)
(address)) No. _____

v.)

C.D. Corporation, Defendant) MOTION TO DISMISS
(address))

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 (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 this state, 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 attached as Exhibit A and Exhibit B, respectively.

3. To dismiss the action on the ground that the court lacks jurisdiction because [here state the reasons why the court lacks jurisdiction].

(Attorney for Defendant)

(Address)

SERVICE OF COPY

A copy hereof was served upon X.Y., attorney for plaintiff, by mailing it to him on June 1,
19 [or set forth other method of service upon X.Y.].

(Attorney for Defendant)

Note

1. The form gives various examples of defenses which may be raised by motion under Rule 12(B).
2. Whether the motion should be accompanied by a notice of hearing on the motion or whether the motion should be accompanied by a memorandum brief depends upon the rules of a particular local court. See Rule 7(B) and the rules of the local court regarding motion practice.
3. All papers after the original pleading required to be served upon an opposite party shall have endorsed thereon, when filed with the court, a statement setting forth the date and method of service. See Rule 5.

[Effective: July 1, 1970; amended effective July 1, 1971.]