

FORM 19

MOTION TO DISMISS, PRESENTING DEFENSES OF FAILURE TO STATE A CLAIM, OF LACK OF SERVICE OF PROCESS, OF IMPROPER VENUE 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 of: (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 Commonwealth of Massachusetts; 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 A and Exhibit B respectively.
3. To dismiss the action on the ground that is in the wrong county because [here state the reasons why venue is improper].
4. To dismiss the action on the ground that the court lacks jurisdiction because [here state the reasons why the court lacks jurisdiction].

Signed _____
Attorney for defendant

Address _____

Telephone number _____

Date _____

NOTICE OF MOTION

To: _____
Attorney for plaintiff.

Please take notice, that the undersigned will bring the above motion on for hearing before this court at _____ on the _____ day of _____, 20____ at 10 o'clock in the forenoon of that day or as soon thereafter as counsel can be heard.

Signed _____
Attorney for defendant

Address _____

Telephone number _____