

Form 5 (a). Affidavit of Attorney in Support of Motion to Dismiss

STATE OF

COUNTY OF

\_\_\_\_\_ being duly sworn deposes and says:

1. I am the Attorney for Defendant and make this affidavit in support of Defendant's dismissal motion before joinder of issue. The Complaint is annexed as Exhibit A. This Affidavit is based on the law (as set forth in an accompanying Memorandum of Law) and documentary evidence.
2. The grounds of this Motion are:
  - a) Lack of Jurisdiction due to failure of proper service of process (as detailed in Defendant's subjoined Affidavit);
  - b) Documentary evidence of release (copy of Plaintiff's Release to Defendant annexed hereto as Exhibit B) as to claims asserted in the Complaint;
  - c) The Damages Claim is less than the minimum required in the Court (less than \$50,000 in Federal Court; no minimum required in State Court);
  - d) Legal insufficiency of Complaint (more fully addressed in Memo of Law);
  - e) Statute of Limitations had expired at time Complaint was filed.

Sworn and subscribed to before me

# Motion To Dismiss

**Hussin A.Rothana**



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