
6. Motion to Dismiss Action

Should be served within the same period of time as the Answer to Complaint, above, with a return hearing date of about 25 days later.

CIVIL COURT: CITY OF NEW YORK
COUNTY OF KINGS

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XYZ Receivables Management LLC,

Index No.

Plaintiff,

NOTICE OF MOTION
TO DISMISS ACTION

- against -

John Doe,

Defendant.

-----X

SIR/MADAM:

PLEASE TAKE NOTICE that the undersigned will move this Court at a Part 35, at the Courthouse located at 141 Livingston Street, Room 1102, Brooklyn, New York 11201, on _____, 20__, at 9:30AM, or as soon thereafter as counsel may be heard, for an Order, [pursuant to CPLR 3211(a)(8), dismissing this action against Defendant on the ground that this Court lacks in personam jurisdiction over Defendant, based upon the improper service of the Summons and Complaint]*, and granting such other and further relief as this Court deems just and proper.

This action does not appear on any trial calendar of this Court. [Or set forth the information regarding the trial date, including Part and Calendar Numbers.]

PLEASE TAKE FURTHER NOTICE that answering papers, if any, must be served at least two (2) days before the return date of this motion.

Dated: Brooklyn, New York
_____, 20__

John Doe
Defendant
[YOUR ADDRESS]

* Or other Affirmative Defense, as may apply.

CIVIL COURT: CITY OF NEW YORK
COUNTY OF KINGS

-----X
XYZ Receivables Management LLC,

Index No.

Plaintiff,
- against -

AFFIDAVIT

John Doe,

Defendant.

-----X

STATE OF NEW YORK)
) ss.:
COUNTY OF KINGS)

John Doe, being duly sworn, deposes and says:

1. That your affiant is the Defendant herein, and as such, is fully familiar with the facts and circumstances of this case.
2. That your affiant makes this affirmation in support of Defendant's motion to dismiss this action for lack of in personam jurisdiction pursuant to CPLR 3211(a)(8).
3. This action was commenced by Plaintiff's filing of the Summons and Complaint dated _____, 20__, copies of which are annexed hereto as Exhibit A.
4. Service of the Summons and Complaint was alleged effectuated upon your affiant on _____, 20__. A copy of the Affidavit of Service is annexed hereto as Exhibit B.
5. [INSERT BASIS FOR ALLEGATION THAT SUMMONS AND COMPLAINT WERE IMPROPERLY SERVED].

WHEREFORE, it is respectfully requested that this Court dismiss this action based upon improper service of the Summons and Complaint, and grant such other and further relief as this Court deems just and proper.

Sworn to before me this
__ day of _____, 20__

John Doe