

**Procedures Rule 1.140(b) Motions To Dismiss,
Strike & More Definite Statement**

(updated: 07/20/09)

All rule 1.140 motions, including:

- (1) lack of jurisdiction over the subject matter,
- (2) lack of jurisdiction over the person,
- (3) improper venue,
- (4) insufficiency of process,
- (5) insufficiency of service of process,
- (6) failure to state a cause of action, and
- (7) failure to join indispensable parties,

shall strictly comply with the requirements of Rule 1.140(b) in that the grounds on which they are based and the substantial points of law intended to be argued shall be stated specifically and with particularity in the motion.

Motions to strike and for more definite statement shall be filed in compliance with the provisions of Rule 1.140.

Copies of motions shall be served upon all other known parties. Originals shall be filed with the Clerk.

The moving party shall furnish a copy of the motion to the court and certify compliance with this procedural memo. **The motion shall be accompanied with a copy of the pleadings which are the subject of the motion.** The motion shall also be accompanied by stamped, addressed envelopes for all counsel of record or other parties entering an appearance.

A generic order with a line indicating that the court is “granting/denying” the motion and at least five lines for additional

provisions shall be submitted to the court along with the copies of the motion and the pleadings.

The packet should include a transmittal letter showing service of copies to all counsel of record and unrepresented parties.

Upon submission, the court will determine whether the motion can be ruled upon without a hearing. If the court determines that a hearing is necessary, the movant will be advised to schedule a hearing and file the appropriate notice. No case dispositive ruling will be made without hearing.

Given the large volume of cases, the court will address the motion when time permits. The J.A. will call you if the Judge, after reviewing your package, determines that a hearing is necessary.