

1 [Firm Name]  
[Firm Address]  
2 [Firm Phone Number]  
[Firm Fax]  
3 [Firm Email]  
[Attorney Name and Bar Number]  
4 Attorney for Defendant(s)

5 [Trial Court System], [County]

6 **[Plaintiff Name(s)],**

7 Plaintiff(s),

8 v.

9 **[Defendant(s)],**

10 Defendant(s).

Case No.

**MOTION TO DISMISS FOR FAILURE  
TO SECURE TIMELY SERVICE**

Assigned to the Hon. [Judge]

- 11
- 12 1. Pursuant to [local civil rule], defendant [Defendant], by and through undersigned
- 13 counsel, respectfully requests the Court enter an Order dismissing this action
- 14 without prejudice for the reason that service of process has not been accomplished
- 15 within [#] days after the filing of the Complaint, as required by [local civil rule].
- 16 2. By making this Motion, defendant [Defendant] does not waive, and expressly
- 17 preserves, any objections to the jurisdiction of this court, and to venue in this
- 18 County.
- 19 3. This Motion is supported by the accompanying Memorandum of Points and
- 20 Authorities, and the [exhibits and affidavit with corresponding exhibit numbers],
- 21 which are attached hereto and incorporated herein by this reference.

22 Dated this [Day] of [Month], [Year].

23

24

25 By \_\_\_\_\_

[Defendant's Attorney]  
[Firm Name]  
[Firm Address]  
Attorney for Defendant(s)

26

27

28 On [Date], undersigned: \_\_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

[Filed/E-filed] the original;

[Mailed/Emailed/Hand Delivered] a  
copy to:

- [Plaintiff's Counsel]  
[Address]

\_\_\_\_\_  
/s/[Attorney]