

**IN THE COUNTY COURT IN AND
FOR ORANGE COUNTY, FL**

[PLAINTIFF NAME]

Plaintiff

vs.

Case No: **XXXXXXXXXX**

[DEFENDANT NAME]

Defendant

**DEFENDANT [DEFENDANT NAME] MOTION to DISMISS AMENDED
COMPLAINT**

Defendant, **[Defendant Name]**, pursuant to Fla.R.Civ.P. 1.130(a) and Fla.R.Civ.P. 1.140(b)(6), moves to dismiss the amended complaint ("Complaint") in this matter. For the motion, she would show:

1. Fla.R.Civ.P. 1.130(a) provides that, in a contract action, the contract must be attached. Without that, the plaintiff fails to state a cause of action. *Safeco Ins Co. of America v. Lawrence A. Ware*, 401 So. 2d 1129, 1130 (Fla. 4th DCA 1981).
2. Fla.R.Civ.P. 1.140(b)(6) provides that a complaint may be dismissed for failure to state a cause of action.
3. Plaintiff sues on a contract and apparently does not know when it was allegedly executed if at all or and fails to attach the alleged agreement.
4. The contract attached to the complaint is completely illegible, does not reflect an agreement with the Defendant. It follows that contract sued upon is not attached, and thus Plaintiff has failed to state a cause of action.

Wherefore, **[Defendant Name]** requests this court dismiss the amended complaint.

Respectfully submitted,

[Defendant Name]