

IN THE CIRCUIT COURT OF COLBERT COUNTY, ALABAMA

JOHN R. BENN,

*

Plaintiff,

*

v.

*

Case Number: CV-2002-184

ROBERT NOVAK,

*

Defendant.

*

MOTION TO DISMISS COUNTERCLAIM

Comes now the Plaintiff John Benn and pursuant to ARCP Rule 12(b) moves to dismiss Defendant Novak's counter-claim. In support of this Motion Plaintiff would state:

1. The Counterclaim fails to state a cause of action against Plaintiff.
2. The Counterclaim seeks relief which cannot be afforded to Defendant Novak.

Wherefore, Plaintiff prays that the Court will enter an order pursuant to ARCP 12(b) dismissing Defendant Novak's counterclaim.

Date

John R. Benn BEN009/ASB-0868-B23J
Pro se
104 West Third Street
Sheffield, AL 35660
256-386-7685

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that, prior to or immediately after filing the foregoing with the Court, I mailed U.S. Mail, postage prepaid, or delivered by hand a copy to:

Mr. Robert Novak
1550 Sunrise Highway
Copaigue, New York 11726

Date: _____

John R. Benn