

SAMPLE CIVIL FORM 67

IN THE _____ COURT OF _____ COUNTY

A.B., Plaintiff)
v.) CIVIL ACTION NO. _____
C.D., Defendant)

**MOTION TO STRIKE OUT COMPLAINT AND DISMISS ACTION
FOR FAILURE OF PLAINTIFF TO GIVE DEPOSITION**

Defendant moves the Court for an order striking out the Plaintiff's complaint and dismissing the action with prejudice and with costs to Plaintiff upon the ground that on *(date)* _____, Defendant duly served on Plaintiff's counsel a notice for the taking of Plaintiff's deposition upon oral examination on *(date)* _____, at _____ before _____, and Plaintiff failed to appear before the said _____ at the time and place mentioned in said notice, as more particularly shown by the affidavit of _____, attached hereto as Exhibit A.

Attorney for Defendant

Address