

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO


ROSIE ANDUJAR, et al. : CASE NO. 565095
Plaintiffs : JUDGE STUART FRIEDMAN
vs. :
ANTHONY M. PILLA, TRUSTEE, et al : MOTION OF DEFENDANT,
Defendants : ANTON ZGOZNIK,
: INSTITUTIONAL BUSINESS
: SOLUTIONS, FORMERLY
: MONASTRA & ASSOCIATES, INC
: INSTITUTIONAL FINANCIAL
: ADVISORS, AND ZGOZNIK &
: ASSOCITATES TO DISMISS
: COMPLAINT

Defendants Anton Zgoznik, Institutional Business Solutions, formerly Monastra & Associates, Inc., Institutional Financial Advisors, and Zgoznik & Associates, by and through counsel, Scott P. Schafer, hereby who moves under Rules 12(B)(1) and 12(B)(6) of the Ohio Rules of Civil Procedure for an order dismissing the Complaint against him on the grounds that:

1. Plaintiffs, who claim the status of beneficiaries of a charitable trust, do not have standing to bring the claims advanced;
2. The Court lacks subject matter jurisdiction; based on the First Amendment to the United States Constitution; and
3. Considering the substance of each count as pled, none of them states a claim upon which relief can be granted against Anton Zgoznik, especially (as to certain counts where applicable) when considered against the pleading requirements adopted by the Supreme Court of Ohio in *Bryd v. Faber*, 57 Ohio St. 56 (1991).

For the reasons set forth in the accompanying memorandum, the Motion should be granted and Anton Zgoznic dismissed from this case.

Respectfully Submitted,


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CERTIFICATE OF SERVICE

A copy of the foregoing Motion for Leave to Plead was sent by regular U.S. mail, postage prepaid, this 16th day of August, 2005, to:

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