

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

ROSIE ANDUJAR, *et al.*,

Plaintiff,

v.

ANTHONY M. PILLA, TRUSTEE *et al.*,

Defendant.

Case No.: 565095

JUDGE STUART FRIEDMAN

**MOTION OF DEFENDANT  
BISHOP ANTHONY M. PILLA  
TO DISMISS COMPLAINT**

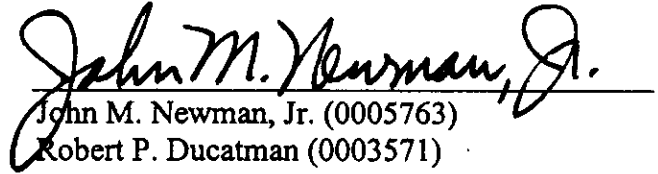
Defendant Bishop Anthony M. Pilla, by and through his counsel, hereby moves under Rules 12(B)(1) and 12(B)(6) of the Ohio Rules of Civil Procedure for an order dismissing the complaint against him on the grounds that:

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 Bishop Pilla, especially (as to certain counts where applicable) when considered against the pleading requirements adopted by the Supreme Court of Ohio in *Byrd v. Faber*, 57 Ohio St. 56 (1991).

For the reasons more fully set forth in the accompanying memorandum, the motion should be granted and Bishop Pilla dismissed from this case.

Dated: July 15, 2005

Respectfully submitted,



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Bishop Anthony M. Pilla, Trustee

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion of Defendant Bishop Anthony M. Pilla to Dismiss Complaint was served by United States Mail, postage pre-paid, on July 15, 2005, on the following:

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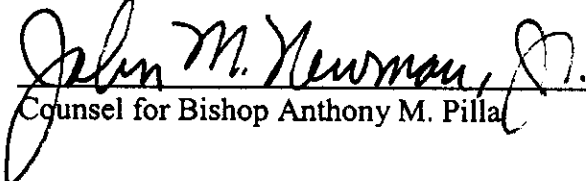
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