

## INSTRUCTIONS AND FORM FOR PLAINTIFF'S MOTION AND ORDER FOR DISMISSAL

If you have any legal questions while completing this form, it is highly recommended that you consult with an attorney. Court staff are unable to provide legal advice or assist with form completion. For specific questions related to the forms, you can also contact the Legal Form Help Line at 1-855-784-0004 or email UJS staff at [ujssrlhelp@ujs.state.sd.us](mailto:ujssrlhelp@ujs.state.sd.us).

### **IMPORTANT NOTICE:**

This form can only be filed if the Plaintiff wishes to dismiss the case and the Defendant has not yet filed an Answer. The filing of this form you understand that you are requesting the court to dismiss your case entirely. This form will not be accepted by the Clerk's office if the opposing party has filed an Answer or Motion for Summary Judgment.

### **To complete this form, you will need to:**

- Complete the caption by filling in the name of the county you are filing in, the judicial circuit number, Plaintiff and Defendant's names.
  - Leave the order section of the form blank for the Judge to complete.
- Date and sign.
- File the original with the Clerk of Court.
- If your Motion to Dismiss is granted by the Judge, two certified copies will be provided to you. One copy of the Motion and Order will need to be mailed to the Defendant.
- Once you have mailed a copy, you will need to complete the Statement of Mailing section and file with the Clerk of Court.

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF \_\_\_\_\_

JUDICIAL CIRCUIT

Plaintiff  v.  Defendant	Case No.: _____  <b>MOTION AND ORDER FOR DISMISSAL</b>
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The Plaintiff hereby respectfully requests this court to dismiss the above action in its entirety without prejudice, pursuant to SDCL 15-6- 41(a).

I declare under penalty of perjury under the law of South Dakota that the foregoing is true and correct.

*I declare under penalty of perjury under the law of South Dakota that the foregoing is true and correct. Signed on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_*  
(Date) (Month) (Year)  
(City or other location, and State)

\_\_\_\_\_  
Plaintiff Signature

\_\_\_\_\_  
Plaintiff Name

**ORDER**

Pursuant to SDCL 15-6-41(a), this action is hereby DISMISSED without prejudice.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

BY THE COURT:

ATTEST:

\_\_\_\_\_  
Circuit Court Judge

\_\_\_\_\_  
Clerk of Court

\_\_\_\_\_  
Deputy Clerk  
(SEAL)

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL CIRCUIT

Plaintiff  v.  Defendant	Case. No.: _____  <b>STATEMENT OF MAILING</b>
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I, \_\_\_\_\_, the above-named Plaintiff, state that on \_\_\_\_\_, 20\_\_\_\_\_, I sent a certified copy of the Motion and Order for Dismissal by placing true and correct copies in an envelope addressed to the Defendant at:

\_\_\_\_\_  
(Name of Defendant)

\_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(City, State, Zip)

And depositing the envelope, with sufficient postage, in the United States Mail in:

\_\_\_\_\_  
(City and State you mailed from)

I declare under penalty of perjury under the law of South Dakota that the foregoing is true and correct. Signed on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at  
(Date) (Month) (Year)  
(City or other location, and State)

\_\_\_\_\_  
Plaintiff Signature

\_\_\_\_\_  
Plaintiff Name