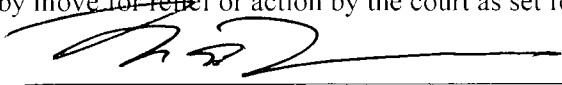


STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
)
)
 Deidre Giglio)
 Plaintiff,)
 vs.)
)
 Ronald Nunn aka Ronald Ochrymowith et al.)
 Defendant.)

IN THE FAMILY COURT
 NINTH JUDICIAL CIRCUIT

**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

Docket No. 2018-CP-10-2890

Plaintiff's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: Mark A. Mason, Bar No. 3676 Address: 465 W. Coleman Blvd., Suite 302, Mt. Pleasant, SC 29464 Phone: 843-884-1444 Fax 843-884-3595 E-mail: mark@masonlawfirm.com Other: _____									
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)										
SECTION I: Hearing Information										
Nature of Motion: Motion to Strike and Dismiss Amended Complaint Estimated Time Needed: 30 minutes Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO										
SECTION II: Motion/Order Type										
<input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.										
 Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant Date submitted: 3/27/19										
SECTION III: Motion Fee										
<input checked="" type="checkbox"/> PAID – AMOUNT: \$ _____ <input type="checkbox"/> EXEMPT: (check reason) <table style="width:100%; margin-left: 20px;"> <tr> <td><input type="checkbox"/> Rule to Show Cause in Child or Spousal Support</td> </tr> <tr> <td><input type="checkbox"/> Domestic Abuse or Abuse and Neglect</td> </tr> <tr> <td><input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party</td> </tr> <tr> <td><input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief</td> </tr> <tr> <td><input type="checkbox"/> Motion for Stay in Bankruptcy</td> </tr> <tr> <td><input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)</td> </tr> <tr> <td><input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions</td> </tr> <tr> <td>Name of Court Reporter: _____</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> </tr> </table>		<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support	<input type="checkbox"/> Domestic Abuse or Abuse and Neglect	<input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party	<input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief	<input type="checkbox"/> Motion for Stay in Bankruptcy	<input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)	<input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions	Name of Court Reporter: _____	<input type="checkbox"/> Other: _____
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Name of Court Reporter: _____										
<input type="checkbox"/> Other: _____										
JUDGE'S SECTION										
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____ Judge Signature: _____									
CLERK'S VERIFICATION										
Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED – AMOUNT DUE: \$ _____										

Custodial Parent (if applicable): _____

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 DEIDRE GIGLIO,)
)
 Plaintiff,)
)
 vs.)
)
 RONALD NUNN, a/k/a "RONALD)
 OCHRYMOWICH" and MELISSA,)
 a/k/a "MISSY" OCHRYMOWICH,)
 LISA WOOLFE-HERBERT, in her)
 Official Capacity as the Agent and)
 Trustee of the Trust Benefitting)
 Melissa Ochrymowich,)
)
 Defendants.)
)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT
 CASE NO.: 2018-CP-10-2890

FILED
 2019 MAR 27 PM 2:12
 JULIE J. APHIS
 CLERK OF COURT

**SCRPC RULE 12 MOTIONS OF
 DEFENDANT LISA-WOOLFE
 HERBERT TO STRIKE AND DISMISS
 PLAINTIFF'S AMENDED COMPLAINT**

NOW COMES THE DEFENDANT LISA WOOLFE-HERBERT, in her Official Capacity as the Agent and Trustee of the Trust Benefitting Melissa Ochrymowich and she hereby moves to dismiss and strike the Amended Complaint as follows:

**FOR A FIRST MOTION
 (Dismiss and Strike Amended Complaint)**

1. The Amended Complaint is a nullity and should be stricken and dismissed pursuant to Rule 12(b) since it was filed without Plaintiff having obtained leave of court to amend the original complaint in this action in violation of S.C.R.C.P. Rule 15 (a).

**FOR A SECOND MOTION
 (Failure to State a Claim)**

2. The Amended Complaint should be dismissed pursuant to Rule 12(b)(6) for failure to state a claim upon which relief can be granted as the private trust for Melissa Ochrymowich owed no duty to Plaintiff and none is alleged.

FOR A THIRD MOTION

3. The Amended Complaint should be dismissed because service was first attempted more than 120 days after purported filing.

Respectfully submitted by:

THE MASON LAW FIRM, P.A.

BY: 

Mark A. Mason, Esquire
Tidewatch Centre on Shem Creek
465 W. Coleman Boulevard, Suite 302
Mount Pleasant, South Carolina 29464
Telephone: (843) 884-1444
Fax: (843) 884-3595
mark@masonlawfirm.com

Attorneys for Defendant Lisa Woolfe-Herbert

Mount Pleasant, South Carolina
March 27, 2019