

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
)
)
SAMUEL LOPEZ)
) Plaintiff,)
)
 vs.)
)
)
ANGEL CAJIGAS, ET AL.)
) Defendant.)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT
 CASE NO.: 2018-CP-¹⁰~~08~~-05288

**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

Plaintiff's Attorney: J. STIRLING CHILlico, Bar No. 101937 Address: 3850 BESSEMER RD. STE. 120 MT. PLEASANT, SC 29466 Phone: 843-779-2111 Fax 843-203-5734 E-mail: schillico@chillicolaw.com Other: _____	Defendant's Attorney: RANSOME H. HELMLY, Bar No. 78081 Address: 409 COLEMAN BLVD STE 200 MT. PLEASANT, SC 29465 Phone: 843-884-0184 Fax 843-284-9871 E-mail: rhh@helmylaw.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 DISMISS RULE 12(b), SCRPC Estimated Time Needed: 20 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	JANUARY 25, 2019 Date submitted
SECTION III: Motion Fee	
<input checked="" type="checkbox"/> PAID – AMOUNT: \$ 25.00 <input type="checkbox"/> EXEMPT:	
(check reason)	
<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: _____	
JUDGE'S SECTION	
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____
CLERK'S VERIFICATION	
Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED – AMOUNT DUE: \$ _____	

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 Samuel Lopez,)
)
 Plaintiff,)
)
 vs.)
)
 Angel Cajigas, Iglesia Pentecostal Mas)
 Que Vencedores, Rosalinda Cajigas, and)
 Angel Cajigas, Jr.,)
)
 Defendant.)
)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT

2018-CP-10-05288

**DEFENDANTS'
 MOTION TO DISMISS**

FILED
 2019 JAN 25 PM 2:06
 JULIE J. ARMSTRONG
 CLERK OF COURT

TO: J. STIRLING CHILICO, ESQUIRE, ATTORNEY FOR PLAINTIFF

PLEASE TAKE NOTICE that the Defendants Angel Cajigas, Iglesia Pentecostal Mas Que Vencedores, Rosalinda Cajigas, and Angel Cajigas, Jr. (collectively “Defendants”), by and through his undersigned counsel, pursuant to Rules 12(b)(1), 12(b)(2), 12(b)(3), 12(b)(4), 12(b)(5), and 12(b)(6) of the South Carolina Rules of Civil Procedure, and in lieu of answering Plaintiff’s Complaint, will move before the presiding judge for the Court of Common Pleas for Charleston County, at a time and place to be set by the Court, but not sooner than 10 days after service, for an Order dismissing Plaintiff’s Complaint for, *inter alia*, lack of subject matter and personal jurisdiction, improper venue, insufficiency of process, insufficiency of service of process, and, as to Defendants Iglesia Pentecostal Mas Que Vencedores, Rosalinda Cajigas, and Angel Cajigas, Jr., failure to state facts sufficient to constitute a cause of action.

The grounds for this motion include:

1. Defendants are residents of the State of Rhode Island and do not have sufficient contacts with the State of South Carolina nor have they purposefully availed

themselves of the laws of the State of South Carolina. Accordingly, the lacks jurisdiction over the persons to and subject matter of the action.

2. Venue is improper as the Complaint indicates that the acts and/or omissions giving rise to the action occurred in Berkeley County.

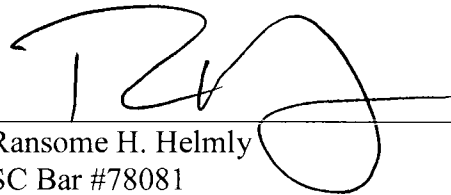
3. Defendants were not served in accordance with Rules 4(a) & (b), SCRPC.

4. The Complaint asserts no facts or allegations sufficient, much less at all, to constitute a cause of action against Defendants Iglesia Pentecostal Mas Que Vencedores, Rosalinda Cajigas, and Angel Cajigas, Jr.

Based on the foregoing, Plaintiff's Complaint should be dismissed.

This motion is and will be supported by the pleadings, the South Carolina Rules of Civil Procedure, and other applicable authority.

Respectfully submitted,



Ransome H. Helmly
SC Bar #78081
Law Office of Ransome H. Helmly, LLC
409 Coleman Blvd., Ste. 200
Mt. Pleasant, SC 29464
p: (843) 884-0184
f: (843) 884-9871
rh@helmlaw.com
Attorney for Defendants

1/25, 2019
Mt. Pleasant, South Carolina

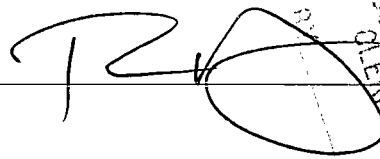
2018 CP.10.5288

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served upon opposing counsel in the following manner:

via US Mail First Class;
 by facsimile transmission; and/or
 by E-MAIL.

this 25 day of January 2019

By: 

FILED
2019 JAN 25 PM 2:06
JULIE V. ARMSTRONGS
CLERK OF COURT

LAW OFFICE OF
RANSOME H. HELMLY, LLC
409 COLEMAN BLVD., SUITE 200
MT. PLEASANT, SC 29464
P: 843-884-0184
F: 843-284-9871
rhh@helmylaw.com

January 25, 2019

Via Hand-Delivery

The Honorable Julie Armstrong
Charleston County Clerk of Court
100 Broad St.
Charleston, SC 29401

Re: Samuel Lopez v. Angel Cajigas, et al
CA No: 2018-CP-10-05288

Dear Julie:

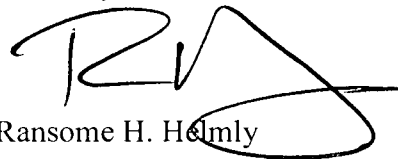
Please find enclosed for filing the original and three copies of Defendants' Motion to Dismiss in the above-referenced matter along with the \$25.00 filing fee. Kindly file the original and return the clocked copies to me.

By way of this correspondence, counsel for the Plaintiff is being served a copy of this motion.

As always, thank you for your assistance. Please do not hesitate to give me a call if you have any questions or concerns.

With kindest regards, I am

Sincerely,



Ransome H. Helmy

cc: J. Stirling Chillico, Esq. (via US Mail)
Angel Cajigas (via email)

enc: as stated