

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

Michael J. Quilling, Receiver)
for Frederick J. Gilliland,)
)
Plaintiff,)
)
v.) **MOTION TO DISMISS**
)
Grand Street Trust, Heartland)
Control Trust, Future Control)
Trust, Marie Margarite Gueco)
Mercado Paquette, Rein Evans)
Sestanovich, L.L.P. f/k/a)
Dressler Rein Evans &)
Sestanovich, L.L.P., Melrose)
Escrow, Inc., and Paul J.)
Cohen,)
)
Defendants.)

Defendant Rein Evans Sestanovich, L.L.P. f/k/a Dressler Rein Evans & Sestanovich, L.L.P. ("Rein Evans"), by and through undersigned counsel, moves the Court pursuant to Rules 12(b)(1), 12(b)(2), and 12(b)6) of the Federal Rules of Civil Procedure to dismiss the complaint for lack of personal jurisdiction over Rein Evans, lack of subject matter jurisdiction, and for failure to state a claim for which relief can be granted.

In support of this Motion, Defendant has filed a Memorandum in Support of Motion to Dismiss and the Affidavit of Peter A. Davidson concurrently herewith.

WHEREFORE, Defendant respectfully prays the Court as follows:

1. That the Plaintiff's Complaint be dismissed with prejudice and forever barred; and
2. For such other and further relief as the Court deems just and proper.

This the 16th day of August, 2004.

RAYBURN COOPER & DURHAM, P.A.

By: 

James B. Gatehouse
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*Attorneys for Defendant Rein Evans
Sestanovich, L.L.P.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing MOTION TO DISMISS was served on this date upon the parties who have appeared in this action, postage prepaid, as follows:

Michael J. Quilling, Esq.
Quilling Selander Cummiskey Lownds
Bryan Tower
2001 Bryan Street, Suite 1800
Dallas, TX 75201

This the 16th day of August, 2004.



James B. Gatehouse