

COMPLAINT FORMAT

DO NOT follow the Complaint format in the Textbook. **You CAN** consider it when looking at the examples of what some of the allegations **might** contain (**changing the allegations depending on your specific fact pattern and your specific counts/causes of action**).

As explained in the Class Lecture, your Complaint should be organized with the following EIGHT OR NINE sections with the individual allegations in each of those sections being written so that you plead and cover the subject areas that I have written in parenthesis below:

- 1) Caption: (This section of your complaint contains the names of the parties, the name of the court, and a line for the case number once assigned);
- 2) Title: (not simply writing the word Complaint, but also identifying the Counts);
- 3) Introductory Paragraph: (commonly referred to as the "Comes Now" paragraph, as it introduces and abbreviates the parties... "Comes now Plaintiff _____, hereinafter " _____ " by and through the undersigned attorney and files...);
- 4) General Allegations: (these allegations must independently cover four areas... Capacity of All Parties, Subject Matter JD, Personal JD of All Defendants; and Venue);
- 5) Common Fact Allegations: (these are the separately pled fact allegations, listing the facts and events common to all counts);
- 6) The Counts: (separately pleading each of the legal elements and each of the supportive facts for each Count---each Count begins with the "incorporation" allegation, where you "re-allege and incorporate by reference" all of your General and Common Fact numbers---then go on to plead the legal elements);
- 7) "Wherefore Clause": (this is the relief sought...damages, jury trial, etc..., and each Count has it's own Wherefore, and is included within each Count);
- 8) Subscription: (this is the attorney signature line, with name, address, phone, fax, and email);
- 9) Verification: (this is only sometimes required, and when it is, this is a line for the Plaintiff to sign and a Notary Public provision as it is signed under oath---this verification is only rarely required).

The text example is okay on caption, counts (except the "incorporation" numbers), the Wherefore content, and the subscription, **BUT WRONG AND/OR INCOMPLETE AND/OR ACTUALLY MISSING** on the sections dealing with: title (location), introductory paragraph, general allegations, common fact allegations, the incorporation allegation is wrong, Wherefore clauses (location), and there is no verification (although verification not necessary for that complaint).

Lastly, remember each sentence is a separately numbered allegation, beginning with your General Allegations. You do **NOT** draft in "giant" multi-sentence paragraphs. Also, your "Wherefore" clause is **NOT** numbered.

CIVIL PROCEDURES Assignment #2B (Part 1)

Client Questionnaire:

Client Information:

1. What is your full name?
2. What is your date of birth?
3. Where do you currently live?
4. What is your current mailing address?
5. What is the best means to contact you? Please provide that information.
6. What is your marital status? If married, what is the name of your spouse?
7. Do you have any children?
8. Are you currently employed? If employed, what is your work address?
9. Have you ever been involved in any sort of litigation? If so, please specify.

Information Relating to Claims:

Premises Liability

10. What was the date of the accident?
11. How were the weather conditions?
12. Can you describe in detail the location of the accident?
13. Describe in detail what happened during the accident.
14. Can you describe what kind of liquid you slipped in?
15. Did you see any warnings, instructions, or signs that gave notice of any dangerous conditions? If so, what did the warning, or instructions say, or what did the sign describe?
16. Were there any witnesses to the accident? If so, can you list the names and addresses of all witnesses to the accident?
17. Do you know if any photographs or films were taken at the scene of the accident? If so, do you have any copies of these films or photographs taken at the scene of the accident?
18. Was an ambulance called? If so, do you know who called, provide their information if possible.
19. Were you hospitalized? If so, can you please list the name and address of the hospital and the charges you incurred.

20. Were there any x-rays or any other laboratory tests performed as a result of the injury? If so, provide the names and locations of these laboratories or facilities.
 21. Can you describe any physical injuries suffered as a result of the accident?
 22. Did you give a statement to a health insurance company or any other person about the accident? If so, when and to whom did you give a statement? Do you have any copies of these statements?
 23. Did you suffer from, or had any injuries prior to the ones you sustained during the accident? If so, could you please describe them.
 24. Were you prevented from working as a result of any injuries you suffered in the accident? If so, how long were you out of work and who advised you to do so?
 25. If you did not lose any time from work as a result from your injuries, did any physician tell you not to work for any period of time? If so, can you identify the physician and the reason they instructed you not to work?
 26. Were there any activities you typically engaged in which you were prevented from doing as a result of the accident? If so, can you describe them?
 27. Are there any household tasks you typically performed which others had to do instead because of any injuries you sustained in the accident?
 28. Have you experienced emotional distress as a result of this accident? If so, could you describe the extent of your physical pain and suffering?
 29. Do you feel pain due to the injuries you sustained during the accident? If there is pain involved, state which part of your body is painful, and describe the severity and frequency of the attacks of pain.
 30. Do you have health insurance? If so, can you provide the name of the insurance and list all medical bills they have paid.
 31. If you do not have health insurance, can you list all the medical treatment and bills you have incurred as a result of the accident.
 32. Do you have to attend physical therapy due to the injuries you sustained? If so, can you provide the location information, the frequency of these visits, and list the charges you incurred.
 33. Can you list any other expenses you have incurred as a result of the accident?
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Product Liability:

34. What was the date of the incident?
 35. Can you describe the location of the incident?
 36. Can you describe in detail how the incident occurred?
 37. Can you describe in detail the product which caused you injury?
 38. Can you describe the conditions you kept the product in prior to using it? Was it exposed to heat, cold, or so on?
 39. Did you at anytime prior to using the product accidentally mishandle it? Perhaps dropped it, cracked it, or anything of the sort.
 40. Had you ever seen or been exposed to the product before you were injured? If so, explain.
 41. Did you purchase the product which injured you? If so, when did you purchase it, from whom, for what purpose and at what price?
 42. Do you know the name of the business that manufactures these products? If so, had you ever heard of it before?
 43. Was the product brand new upon purchase?
 44. Did the product look to be in good condition upon purchase?
 45. Did you receive any instructions or warnings on how to use the product? If so, what were the instructions or warnings, who gave them to you, when were they given, and were they written or oral?
 46. If you were given instructions, do you have any copies of them?
 47. Were you using the product as it was intended to be used?
 48. Were there any witnesses to the incident? If so, could you please provide their name and address.
 49. Was an ambulance called? If so, who called, and can you provide their information and list the charges you incurred.
 50. Were you taken to the hospital? If so, list the name of the hospital involved, and specify the total charges you incurred.
 51. Have you given a statement about the incident to any other person? If so, to whom did you give the statement; when, and where?
 52. Did you suffer from, or had any injuries prior to the ones you sustained during the incident? If so, could you please describe them.
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53. Were you prevented from working as a result of any injuries you suffered in the incident?
If so, how long were you out of work and who advised you to do so?
54. If you did not lose any time from work as a result from your injuries, did any physician tell you not to work for any period of time? If so, can you identify the physician and the reason they instructed you not to work?
55. Does your injury prevent you from engaging in any activity that you could do prior to the incident? If so, please describe the nature of the activity it has interfered with.
56. Do you feel pain due to the injuries you sustained during the incident? If there is pain involved, describe in which part of your body and the severity and frequency of the attacks.
57. Do you have health insurance? If so, provide the name and list all medical bills they have covered.
58. Were you prescribed any medication that you had to purchase, for which you have not been reimbursed yet?
59. Do you have to frequently attend physician visits due to the injuries you sustained? If so, list the frequency of these visits and the charges you incurred.
60. Can you list any other expenses you have incurred as a result of the incident?

Fraud

61. What date was the car purchased?
 62. Where is the location of the dealership?
 63. Who sold you the car? Provide salesman's information.
 64. What price did you pay for the vehicle?
 65. Can you explain what happened? Provide the date of this occurrence as well.
 66. Did you contact the dealership about the situation? If so, whom did you speak with.
 67. Did the dealer at any point provide a statement about the error? If so, explain in detail.
 68. Did the dealer attempt at any point to compensate you for the error that was made?
 69. Did you give a statement to an insurance company or any other person about the situation? If so, when and to whom did you give a statement? Do you have any copies of these statements?
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70. Seeing as you could not drive the vehicle home the day of purchase, who oversaw arranging a delivery date?
 71. Who delivered the vehicle to your home? Provide information if possible.
 72. Were you charged a fee to have the vehicle delivered to your home? If so, were you given a receipt, can you provide a copy of it.
 73. Was there a contract, between you and the dealer under which you bought the car? If so, do you have a copy of it.
 74. Were you provided with the title of the vehicle? If so, can you provide a copy of it.
 75. Did the vehicle have previous owners? If so, do you know their information.
 76. Did the dealer provide a vehicle history report? If so, can you provide a copy of it.
 77. Did the dealer provide you with the vehicle's maintenance record? If so, do you have a copy of it.
 78. Was the vehicle sold "as is" or with a warranty?
 79. Were you informed at any point that the vehicle did not come with an original factory engine?
 80. Were you informed at any point that the vehicle did not have any major system or part replaced?
 81. Were you at any point informed the vehicle had undergone aftermarket modifications?
 82. Was it disclosed to you prior to purchase that the used Porsche would have a Volkswagen engine?
 83. Was the vehicle inspected and certified by the dealer prior to purchase?
 84. Did you ever consider having a pre-purchase independent inspection performed on the vehicle? If so, did the dealer oppose this idea?
 85. Were you in any way inconvenienced by the unexpected change? If so, please explain.
 86. Did the car have any other mechanical problems that were not mentioned prior to purchase? If so, please explain in detail.
 87. Do you feel as though the dealer misrepresented the true condition of the vehicle?
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