

SHORT TITLE: [CLIENT'S NAME] vs. [DEFENDANT'S NAME]	CASE NUMBER:
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4. Plaintiff (*name*):
is doing business under the fictitious name (*specify*):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

- a. **except** defendant (*name*):
- (1) a business organization, form unknown
 - (2) a corporation
 - (3) an unincorporated entity (*describe*):

 - (4) a public entity (*describe*):
 - (5) other (*specify*):

- c. **except** defendant (*name*):
- (1) a business organization, form unknown
 - (2) a corporation
 - (3) an unincorporated entity (*describe*):

 - (4) a public entity (*describe*):
 - (5) other (*specify*):

- b. **except** defendant (*name*):
- (1) a business organization, form unknown
 - (2) a corporation
 - (3) an unincorporated entity (*describe*):

 - (4) a public entity (*describe*):
 - (5) other (*specify*):

- d. **except** defendant (*name*):
- (1) a business organization, form unknown
 - (2) a corporation
 - (3) an unincorporated entity (*describe*):

 - (4) a public entity (*describe*):
 - (5) other (*specify*):

Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

- a. Doe defendants (*specify Doe numbers*): 1 to 20 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. Doe defendants (*specify Doe numbers*): 1 to 20 are persons whose capacities are unknown to plaintiff.

7. Defendants who are joined under Code of Civil Procedure section 382 are (*names*):

8. This court is the proper court because

- a. at least one defendant now resides in its jurisdictional area.
- b. the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
- c. injury to person or damage to personal property occurred in its jurisdictional area.
- d. other (*specify*):

9. Plaintiff is required to comply with a claims statute, **and**

- a. has complied with applicable claims statutes, **or**
- b. is excused from complying because (*specify*):

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10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. Motor Vehicle
- b. General Negligence
- c. Intentional Tort
- d. Products Liability
- e. Premises Liability
- f. Other (*specify*):

11. Plaintiff has suffered

- a. wage loss
- b. loss of use of property
- c. hospital and medical expenses
- d. general damage
- e. property damage
- f. loss of earning capacity
- g. other damage (*specify*):

12. The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. listed in Attachment 12.
- b. as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. **Plaintiff prays** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) compensatory damages
- (2) punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

- (1) according to proof
- (2) in the amount of: \$

15. The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date:

_____ Daniel E. Selarz, Esq.
(TYPE OR PRINT NAME)

▶ _____ *Daniel Selarz*
(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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FIRST CAUSE OF ACTION—Motor Vehicle

(number)

ATTACHMENT TO Complaint Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name): [CLIENT'S NAME], an individual

MV- 1. Plaintiff alleges the acts of defendants were negligent; the acts were the legal (proximate) cause of injuries and damages to plaintiff; the acts occurred

on (date):

at (place):

MV- 2. DEFENDANTS

a. The defendants who operated a motor vehicle are (names):

[DEFENDANT'S NAME], an individual, and

Does 1 to 20

b. The defendants who employed the persons who operated a motor vehicle in the course of their employment are (names):

[DEFENDANT'S NAME], an individual, and

Does 1 to 20

c. The defendants who owned the motor vehicle which was operated with their permission are (names):

[DEFENDANT'S NAME], an individual, and

Does 1 to 20

d. The defendants who entrusted the motor vehicle are (names):

[DEFENDANT'S NAME], an individual, and

Does 1 to 20

e. The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):

[DEFENDANT'S NAME], an individual, and

Does 1 to 20

f. The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are listed in Attachment MV-2f as follows:

Does 1 to 20

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SECOND CAUSE OF ACTION—General Negligence

(number)

ATTACHMENT TO Complaint Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (*name*): [CLIENT'S NAME], an individual

alleges that defendant (*name*): [DEFENDANT'S NAME], an individual

Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (*date*):

at (*place*):

(*description of reasons for liability*):

Rear End: At the time and place stated above, Plaintiff [PLAINTIFF'S NAME] ("Plaintiff") was operating a vehicle traveling [NB/SB/EB/WB] on [Street Name], near [Cross-Street Name]. As Plaintiff was slowing for traffic ahead, Defendant [DEFENDANT'S NAME] ("Defendant"), who was driving at an unsafe speed, in violation of California Vehicle Code Section 22350, behind Plaintiff's vehicle, was unable to stop and rear-ended Plaintiff's vehicle. As a direct result of Defendant's negligence, Plaintiff suffered, and continues to suffer, damages including, but not limited to, wage loss, loss of use of property, hospital and medical expenses, general damage, property damage and loss of earning capacity.

Lane Change: At the time and place stated above, Plaintiff [PLAINTIFF'S NAME] ("Plaintiff") was operating a vehicle traveling [NB/SB/EB/WB] on [Street Name], near [Cross-Street Name]. As Plaintiff was proceeding straight, Defendant [DEFENDANT'S NAME] ("Defendant") suddenly, and without warning, made a negligent lane change, in violation of California Vehicle Code Section 22107, and collided directly into of Plaintiff's vehicle. As a direct result of Defendant's negligence, Plaintiff suffered, and continues to suffer, damages including, but not limited to, wage loss, loss of use of property, hospital and medical expenses, general damage, property damage and loss of earning capacity.

Intersection: At the time and date stated above, Plaintiff [PLAINTIFF'S NAME] ("Plaintiff") was operating a vehicle traveling [NB/SB/EB/WB] on [Street Name], near [Cross-Street Name]. As Plaintiff was proceeding straight on [Street Name] with a green light, Defendant [DEFENDANT'S NAME] ("Defendant"), who was traveling [NB/SB/EB/WB] on [Cross-Street Name] negligently proceeded through the intersection on a red light, in violation of California Vehicle Code Section 22453, and collided directly into Plaintiff's vehicle. As a direct result of Defendant's negligence, Plaintiff suffered, and continues to suffer, damages including, but not limited to, wage loss, loss of use of property, hospital and medical expenses, general damage, property damage and loss of earning capacity.

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THIRD

(number)

CAUSE OF ACTION—Intentional Tort

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ATTACHMENT TO Complaint Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff *(name)*: [CLIENT'S NAME], an individual

alleges that defendant *(name)*: [DEFENDANT'S NAME], an individual

Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff

on *(date)*:

at *(place)*:

(description of reasons for liability):

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FOURTH CAUSE OF ACTION—Premises Liability

(number)

ATTACHMENT TO Complaint Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (*name*): [CLIENT'S NAME], an individual
 alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.
 On (*date*): _____ plaintiff was injured on the following premises in the following
 fashion (*description of premises and circumstances of injury*):

Defendants, and each of them, so negligently and carelessly owned, operated, maintained, controlled and inspected the subject premises so as to create and/or permit the existence of a dangerous condition of the subject premises and/or on the subject premises. The subject premises was in a dangerous condition at the time the injuries and damages were caused, and plaintiff's injuries were caused by this dangerous condition. The dangerous condition consisted of [Describe Dangerous Condition] at the subject premises, located at [Describe Premises]. As a direct result of Defendant's negligence, Plaintiff suffered, and continues to suffer, damages including, but not limited to, wage loss, loss of use of property, hospital and medical expenses, general damage, property damage and loss of earning capacity.

Prem.L-2. **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (*names*):

[DEFENDANT'S NAME], an individual, and

Does 1 to 20

Prem.L-3. **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (*names*):

[DEFENDANT'S NAME], an individual, and

Does 1 to 20

Plaintiff, a recreational user, was an invited guest a paying guest.

Prem.L-4. **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (*names*):

[DEFENDANT'S NAME], a public entity, and

Does 1 to 20

a. The defendant public entity had actual constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.

b. The condition was created by employees of the defendant public entity.

Prem.L-5. a. **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (*names*):

[DEFENDANT'S NAME], an individual, and

Does 1 to 20

b. The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are described in attachment Prem.L-5.b as follows (*names*): DOES 1 to 20

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FIFTH CAUSE OF ACTION—Products Liability

(number)

ATTACHMENT TO Complaint Cross - Complaint
(Use a separate cause of action form for each cause of action.)

Plaintiff (name): [CLIENT'S NAME]

Prod. L-1. On or about (date): _____ plaintiff was injured by the following product:

Prod. L-2. Each of the defendants knew the product would be purchased and used without inspection for defects.

The product was defective when it left the control of each defendant. The product at the time of injury was being

used in the manner intended by the defendants.

used in the manner that was reasonably foreseeable by defendants as involving a substantial danger not readily apparent. Adequate warnings of the danger were not given.

Prod. L-3. Plaintiff was a

purchaser of the product. user of the product.

bystander to the use of the product. other (specify): _____

PLAINTIFF'S INJURY WAS THE LEGAL (PROXIMATE) RESULT OF THE FOLLOWING:

Prod. L- 4. **Count One—Strict liability** of the following defendants who

a. manufactured or assembled the product (names):

Does _____ to _____

b. designed and manufactured component parts supplied to the manufacturer (names):

Does _____ to _____

c. sold the product to the public (names):

Does _____ to _____

Prod. L-5. **Count Two—Negligence** of the following defendants who owed a duty to plaintiff (names):

Does _____ to _____

Prod. L-6. **Count Three—Breach of warranty** by the following defendants (names):

Does _____ to _____

a. who breached an implied warranty

b. who breached an express warranty which was

written oral

Prod. L-7. The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are

listed in Attachment-Prod. L-7 as follows:

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Exemplary Damages Attachment

Page _____

ATTACHMENT TO Complaint Cross - Complaint

EX-1. As additional damages against defendant (*name*):

[DEFENDANT'S NAME], an individual

Plaintiff alleges defendant was guilty of

- malice
- fraud
- oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

EX-3. The amount of exemplary damages sought is

- a. not shown, pursuant to Code of Civil Procedure section 425.10.
- b. \$