

Sample Pleading 1: Breach of Contract

The following is a sample pleading for a very simple breach of contract case involving Paul Plaintiff and Doug Sample.

In this case, Paul Plaintiff loaned \$15,000 to Doug Sample, and the two had a written repayment contract.

Features to notice:

- There are 10 DOES listed as defendants listed in this case. These are unknown defendants, who are added by the Plaintiff in case someone else needs to be named in the lawsuit.
- If there are DOES listed in the Complaint, they MUST also be listed on the Summons.
- Although paragraph CC-1(a) is not used in this complaint, the “Open Book Account” and “Account Stated” are often used by businesses.
 - Open Book Account: The Plaintiff’s business keeps a ledger book (now usually electronic), and every customer has an account in the book or system (i.e. each customer has a paged or pages dedicated to his or her transactions, recording all purchases, payments, etc.), and within the last four years there was activity in the account by the customer, and that there is an amount owed.
 - Account Stated: The Plaintiff’s business sends out monthly statements to customers, there is a means to contest the validity of the statement, and within the last four years a statement was received by the customer in which the amount claimed was on the statement, and the defendant customer did not contest the amount.
- The final page on this Complaint is a “Verification” This is a statement where someone with knowledge of the case affirms under penalty of perjury that the contents of the Complaint are true. If a complaint over \$1,000 is verified, the defendant’s answer must specifically identify the portions of the complaint alleged to be untrue, and the Answer must also be verified.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Paul Plaintiff 123 Anystreet Sacramento, CA 95814 TELEPHONE NO.: 916-555-1212 FAX NO.: ATTORNEY FOR (Name): In Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento STREET ADDRESS: 720 Ninth Street MAILING ADDRESS: 720 Ninth Street CITY AND ZIP CODE: Sacramento, CA 95814 BRANCH NAME: Civil	
CASE NAME: Plaintiff v. Defendant	
CIVIL CASE COVER SHEET <input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input checked="" type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
	CASE NUMBER: JUDGE: DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	Contract <input checked="" type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)	Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20)
Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35)	Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)	Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)
Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): 2
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 5/1/2008

Paul Plaintiff

(TYPE OR PRINT NAME)

Paul Plaintiff
 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO) :**

Doug Defendant;

and DOES 1 to 10

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTA DEMANDANDO EL DEMANDANTE) :

Paul Plaintiff

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DIAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

Sacramento County Superior Court

Civil

720 Ninth Street

Sacramento, CA 95814

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Paul Plaintiff

123 Anystreet

916-555-1212

Sacramento, CA 95814

DATE:

(Fecha)

Clerk, by _____

(Secretario)

Deputy

(Adjunto)

CASE NUMBER:
(Número del Caso):

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify) :
3. on behalf of (specify) :
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify) :
4. by personal delivery on (date) :

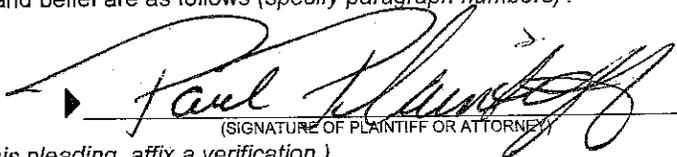
SHORT TITLE: Plaintiff v. Defendant	CASE NUMBER:
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4. (Continued)
- b. The true names of defendants sued as Does are unknown to plaintiff.
- (1) Doe defendants (specify Doe numbers): 1 to 5 were the agents or employees of the named defendants and acted within the scope of that agency or employment.
- (2) Doe defendants (specify Doe numbers): 6 to 10 are persons whose capacities are unknown to plaintiff.
- c. Information about additional defendants who are not natural persons is contained in Attachment 4c.
- d. Defendants who are joined under Code of Civil Procedure section 382 are (names):
5. 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):
6. This action is subject to Civil Code section 1812.10 Civil Code section 2984.4.
7. This court is the proper court because
- a. a defendant entered into the contract here.
- b. a defendant lived here when the contract was entered into.
- c. a defendant lives here now.
- d. the contract was to be performed here.
- e. a defendant is a corporation or unincorporated association and its principal place of business is here.
- f. real property that is the subject of this action is located here.
- g. other (specify):
8. 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):
- Breach of Contract
- Common Counts
- Other (specify):
9. Other allegations:
10. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for
- a. damages of: \$ 15,000.00
- b. interest on the damages
- (1) according to proof
- (2) at the rate of (specify): 10 percent per year from (date): June 15, 2007
- c. attorney's fees
- (1) of: \$
- (2) according to proof.
- d. other (specify):

11. The paragraphs of this pleading alleged on information and belief are as follows (specify paragraph numbers):

Date: 5/1/2008

Paul Plaintiff
(TYPE OR PRINT NAME)


(SIGNATURE OF PLAINTIFF OR ATTORNEY)

(If you wish to verify this pleading, affix a verification.)

SHORT TITLE:
Plaintiff v. Defendant

CASE NUMBER:

First _____ CAUSE OF ACTION-Breach of Contract
(number)

ATTACHMENT TO Complaint Cross-Complaint

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

BC-1. Plaintiff (name): Paul Plaintiff

alleges that on or about (date): May 15, 2007

a written oral other (specify):

agreement was made between (name parties to agreement): Paul Plaintiff, Doug Defendant, DOES 1 to 10

A copy of the agreement is attached as Exhibit A, or

The essential terms of the agreement are stated in Attachment BC-1 are as follows (specify):

BC-2. On or about (dates): June 15, 2007

defendant breached the agreement by the acts specified in Attachment BC-2 the following acts

(specify):

Doug Defendant failed to make his first monthly payment of \$1,067.96, and has failed to render any payment to Paul Plaintiff, despite demand for payment.

BC-3. Plaintiff has performed all obligations to defendant except those obligations plaintiff was prevented or excused from performing.

BC-4. Plaintiff suffered damages legally (proximately) caused by defendant's breach of the agreement

as stated in Attachment BC-4 as follows (specify):

Paul Plaintiff has loaned \$15,000 to Doug Defendant, and is now owed \$15,000 plus interest at 10% annually, from June 15, 2007.

BC-5. Plaintiff is entitled to attorney fees by an agreement or a statute

of \$

according to proof.

BC-6. Other:

SHORT TITLE: Plaintiff v. Defendant	CASE NUMBER:
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Second _____ CAUSE OF ACTION-Common Counts
(number)

ATTACHMENT TO Complaint Cross-Complaint

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

CC-1. Plaintiff (name): Paul Plaintiff

alleges that defendant (name): Doug Defendant; DOES 1 to 10

became indebted to plaintiff other (name):

- a. within the last four years
 - (1) on an open book account for money due.
 - (2) because an account was stated in writing by and between plaintiff and defendant in which it was agreed that defendant was indebted to plaintiff.
- b. within the last two years four years
 - (1) for money had and received by defendant for the use and benefit of plaintiff.
 - (2) for work, labor, services and materials rendered at the special instance and request of defendant and for which defendant promised to pay plaintiff
 - the sum of \$
 - the reasonable value.
 - (3) for goods, wares, and merchandise sold and delivered to defendant and for which defendant promised to pay plaintiff
 - the sum of \$
 - the reasonable value.
 - (4) for money lent by plaintiff to defendant at defendant's request.
 - (5) for money paid, laid out, and expended to or for defendant at defendant's special instance and request.
 - (6) other (specify):

CC-2. \$ 15,000.00 , which is the reasonable value, is due and unpaid despite plaintiff's demand, plus prejudgment interest according to proof at the rate of 10.00 percent per year from (date): June 15, 2007

CC-3. Plaintiff is entitled to attorney fees by an agreement or a statute of \$ according to proof.

CC-4. Other:

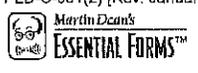


EXHIBIT A

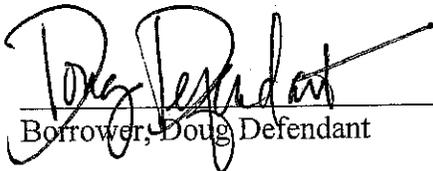
PERSONAL LOAN

This is an agreement for a personal loan to be issued by Paul Plaintiff, and to be repaid by Doug Defendant.

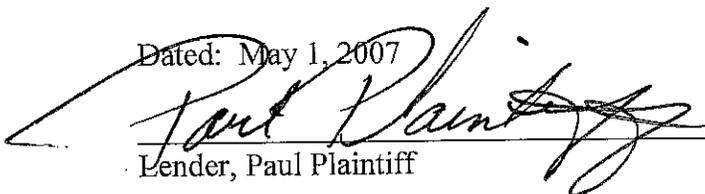
Paul Plaintiff and Doug Defendant agree to the following:

1. Paul Plaintiff will loan to Doug Defendant \$15,000.00 by cashier's check.
2. This loan shall accrue interest at a rate of 10% annually.
3. Doug Defendant agrees to repay Paul Plaintiff by making 15 monthly payments of \$1,067.96 beginning on June 15, 2007, and each 15th of the month until paid in full.
4. In the event that Doug Defendant fails to make his payment within thirty days of its due date, Paul Plaintiff shall be entitled to repayment of the entire outstanding balance, upon demand.

Dated: May 1, 2007


Borrower, Doug Defendant

Dated: May 1, 2007


Lender, Paul Plaintiff

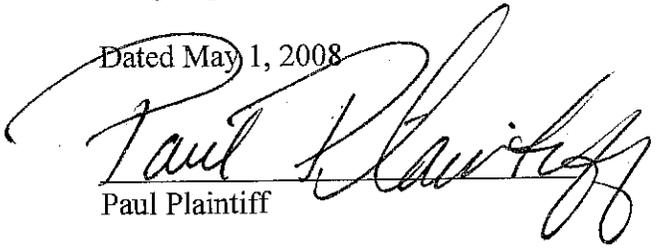
VERIFICATION

I, Paul Plaintiff, have read the foregoing Complaint-Contract, and know its contents.

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated May 1, 2008


Paul Plaintiff

Sample Pleading 2: Motor Vehicle Accident

The following is a sample pleading for a simple motor vehicle accident property damage/personal injury case involving Paul Plaintiff and Doug Sample.

Features to notice:

- The forms for filing a motor vehicle case are very simple. The purpose of the Complaint is simply to notify the defendant what he or she is being sued for, and the basic factual elements alleged that would constitute a cause of action.
- The damages on the Complaint are “according to proof.” Because the complaint does not (and cannot) spell out the amount of damages that are being sought, the Plaintiff must provide notice of the damages to the Defendant, so the maximum requested damages are provided to the Defendant on a Statement of Damages form. This form is not initially filed with the court.
- Please note that pain and suffering damages cannot be awarded in motor vehicle accidents where the recovering plaintiff driver was not insured at the time of the accident.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Paul Plaintiff 123 Anystreet Sacramento, CA 95814 TELEPHONE NO.: 916-555-1212 FAX NO.: ATTORNEY FOR (Name): In Pro Per		FOR COURT USE ONLY	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento STREET ADDRESS: 720 Ninth Street MAILING ADDRESS: 720 Ninth Street CITY AND ZIP CODE: Sacramento, CA 95814 BRANCH NAME: Civil		CASE NUMBER: JUDGE: DEPT.:	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
CASE NAME: Plaintiff v. Defendant			

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input checked="" type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

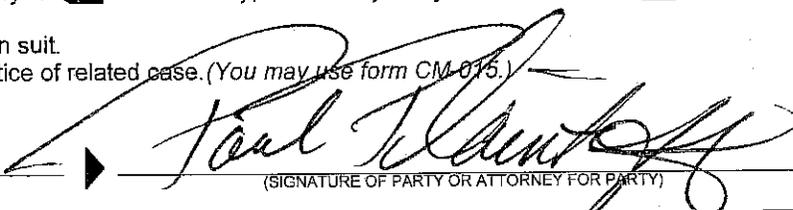
a. <input type="checkbox"/> Large number of separately represented parties b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. <input type="checkbox"/> Substantial amount of documentary evidence	d. <input type="checkbox"/> Large number of witnesses e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court f. <input type="checkbox"/> Substantial postjudgment judicial supervision
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3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): 1

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 5/1/2008
 Paul Plaintiff (TYPE OR PRINT NAME)

 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
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Page 1 of 2

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO) :**
Doug Defendant;

and DOES 1 to 10

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTA DEMANDANDO EL DEMANDANTE) :**
Paul Plaintiff

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

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The name and address of the court is:
(El nombre y dirección de la corte es):
Sacramento County Superior Court
Civil

CASE NUMBER:
(Número del Caso):

720 Ninth Street

Sacramento, CA 95814

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

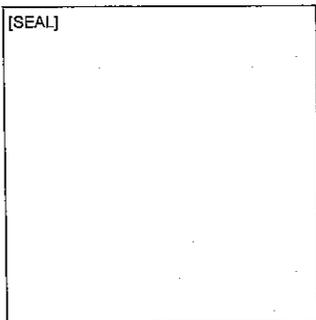
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Paul Plaintiff
123 Anystreet
916-555-1212

Sacramento, CA 95814

DATE: _____ Clerk, by _____, Deputy
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify) :
3. on behalf of (specify) :
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify) :
4. by personal delivery on (date) :

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Paul Plaintiff 123 Anystreet Sacramento, CA 95814 TELEPHONE NO.: 916-555-1212 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): In Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento STREET ADDRESS: 720 Ninth Street MAILING ADDRESS: 720 Ninth Street CITY AND ZIP CODE: Sacramento, CA 95814 BRANCH NAME: Civil	
PLAINTIFF: Paul Plaintiff DEFENDANT: Doug Defendant	
<input checked="" type="checkbox"/> DOES 1 TO 10	
COMPLAINT-Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input checked="" type="checkbox"/> MOTOR VEHICLE <input type="checkbox"/> OTHER (specify): <input checked="" type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):	
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited	CASE NUMBER:

1. Plaintiff (name or names): Paul Plaintiff

 alleges causes of action against defendant (name or names): Doug Defendant

2. This pleading, including attachments and exhibits, consists of the following number of pages: 4
3. Each plaintiff named above is a competent adult
 - a. except plaintiff (name):
 - (1) a corporation qualified to do business in California
 - (2) an unincorporated entity (describe):
 - (3) a public entity (describe):
 - (4) a minor an adult
 - (a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) other (specify):
 - (5) other (specify):

 - b. except plaintiff (name):
 - (1) a corporation qualified to do business in California
 - (2) an unincorporated entity (describe):
 - (3) a public entity (describe):
 - (4) a minor an adult
 - (a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) other (specify):
 - (5) other (specify):

Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

SHORT TITLE: Plaintiff v. Defendant	CASE NUMBER:
-----------------------------------------------	--------------

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*):
- 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*):
- 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*):
- 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*): _____ 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 10 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*):

SHORT TITLE: Plaintiff v. Defendant	CASE NUMBER:
-----------------------------------------------	--------------

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)*):

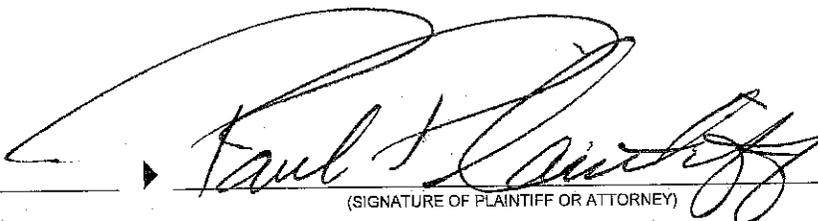
- (1) according to proof
- (2) in the amount of: \$

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

Date: 5/1/2008

Paul Plaintiff

(TYPE OR PRINT NAME)


 (SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE: Plaintiff v. Defendant	CASE NUMBER:
-----------------------------------------------	--------------

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): Paul Plaintiff

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): June 18, 2007
 at (place): Interstate 80 Eastbound 200 feet west of Northgate exit.

MV-2. DEFENDANTS

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

Does 1 _____ to 10 _____

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

Does 1 _____ to 10 _____

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

Does 1 _____ to 10 _____

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

Does 1 _____ to 10 _____

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

Does 1 _____ to 10 _____

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 _____ to _____

- DO NOT FILE WITH THE COURT -
- UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Paul Plaintiff 123 Anystreet Sacramento, CA 95814 ATTORNEY FOR (Name): In Pro Per	TELEPHONE NO.: 916-555-1212	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento STREET ADDRESS: 720 Ninth Street MAILING ADDRESS: 720 Ninth Street CITY AND ZIP CODE: Sacramento, CA 95814 BRANCH NAME: Civil		
PLAINTIFF: Paul Plaintiff DEFENDANT: Doug Defendant		
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)		CASE NUMBER:

To (name of one defendant only): Doug Defendant
Plaintiff (name of one plaintiff only): Paul Plaintiff
seeks damages in the above-entitled action, as follows:

	AMOUNT
1. General damages	
a. <input checked="" type="checkbox"/> Pain, suffering, and inconvenience.....	\$ 250,000.00
b. <input type="checkbox"/> Emotional distress.....	\$
c. <input type="checkbox"/> Loss of consortium.....	\$
d. <input type="checkbox"/> Loss of society and companionship (wrongful death actions only).....	\$
e. <input type="checkbox"/> Other (specify).....	\$
f. <input type="checkbox"/> Other (specify).....	\$
g. <input type="checkbox"/> Continued on Attachment 1.g.	
2. Special damages	
a. <input checked="" type="checkbox"/> Medical expenses (to date).....	\$ 9,452.86
b. <input checked="" type="checkbox"/> Future medical expenses (present value).....	\$ 25,000.00
c. <input checked="" type="checkbox"/> Loss of earnings (to date).....	\$ 35,897.42
d. <input checked="" type="checkbox"/> Loss of future earning capacity (present value).....	\$ 35,000.00
e. <input checked="" type="checkbox"/> Property damage.....	\$ 8,700.00
f. <input type="checkbox"/> Funeral expenses (wrongful death actions only).....	\$
g. <input type="checkbox"/> Future contributions (present value) (wrongful death actions only).....	\$
h. <input type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only).....	\$
i. <input type="checkbox"/> Other (specify).....	\$
j. <input type="checkbox"/> Other (specify).....	\$
k. <input type="checkbox"/> Continued on Attachment 2.k.	

3. **Punitive damages:** Plaintiff reserves the right to seek punitive damages in the amount of (specify) \$ _____ when pursuing a judgment in the suit filed against you.

Date: May 1, 2008

Paul Plaintiff

(TYPE OR PRINT NAME)

(Proof of service on reverse)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

Page 1 of 2

STATEMENT OF DAMAGES
(Personal Injury or Wrongful Death)

Code of Civil Procedure, §§ 411.11, 425.115

www.courtinfo.ca.gov

PLAINTIFF: Paul Plaintiff	CASE NUMBER:
DEFENDANT: Doug Defendant	

PROOF OF SERVICE

(After having the other party served as described below, with any of the documents identified in item 1, have the person who served the documents complete this Proof of Service. Plaintiff cannot serve these papers.)

1. I served the
 - a. Statement of Damages Other (specify) :
 - b. on (name) :
 - c. by serving defendant other (name and title or relationship to person served):
 - d. by delivery at home at business
 - (1) date:
 - (2) time:
 - (3) address:
 - e. by mailing
 - (1) date:
 - (2) place:
2. Manner of service (check proper box) :
 - a. **Personal service.** By personally delivering copies. (CCP § 415.10)
 - b. **Substituted service on corporation, unincorporated association (including partnership), or public entity.** By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP § 415.20(a))
 - c. **Substituted service on natural person, minor, conservatee, or candidate.** By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP § 415.20 (b)) **(Attach separate declaration or affidavit stating acts relied on to establish reasonable diligence in first attempting personal service.)**
 - d. **Mail and acknowledgment service.** By mailing (by first-class mail or airmail, postage prepaid) copies to the person served, together with two copies of the form of notice and acknowledgment and a return envelope, postage prepaid, addressed to the sender. (CCP § 415.30) **(Attach completed acknowledgment of receipt.)**
 - e. **Certified or registered mail service.** By mailing to an address outside California (by first-class mail, postage prepaid, requiring a return receipt) copies to the person served. (CCP § 415.40) **(Attach signed return receipt or other evidence of actual delivery to the person served.)**
 - f. Other (specify code section) :
 additional page is attached.
3. At the time of service I was at least 18 years of age and not a party to this action.
4. Fee for service: \$
5. Person serving:
 - a. California sheriff, marshal, or constable
 - b. Registered California process server
 - c. Employee or independent contractor of a registered California process server
 - d. Not a registered California process server
 - e. Exempt from registration under Bus. & Prof. Code § 22350(b)
 - f. Name, address, and telephone number and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(For California sheriff, marshal or constable use only)

I certify that the foregoing is true and correct.

Date:

(SIGNATURE)

(SIGNATURE)

Sample Pleading 3: Premises Liability

The following is a sample pleading for a simple premises liability case. Paul Plaintiff is the customer in a shop, and Doug Defendant is the sole proprietor of the shop, Happy-Smiley-Mart.

Features to notice:

- Doug Defendant, a sole proprietor, is sued himself, and dba his business.
- The Cause of Action- Premises liability requires more detail than the motor vehicle cause of action. This is so the person being sued knows why he or she is being sued.
- The Statement of Damages is not initially filed with the Complaint.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

FOR COURT USE ONLY

Paul Plaintiff
123 Anystreet
Sacramento, CA 95814
TELEPHONE NO.: 916-555-1212
ATTORNEY FOR (Name): In Pro Per

FAX NO.:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento

STREET ADDRESS: 720 Ninth Street
MAILING ADDRESS: 720 Ninth Street
CITY AND ZIP CODE: Sacramento, CA 95814
BRANCH NAME: Civil

CASE NAME: Plaintiff v. Defendant

CIVIL CASE COVER SHEET

Unlimited (Amount demanded exceeds \$25,000)
Limited (Amount demanded is \$25,000 or less)

Complex Case Designation

Counter Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

JUDGE:

DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

Auto (22)
Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Product liability (24)
Medical malpractice (45)
Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

Business tort/unfair business practice (07)
Civil rights (08)
Defamation (13)
Fraud (16)
Intellectual property (19)
Professional negligence (25)
Other non-PI/PD/WD tort (35)

Employment

Wrongful termination (36)
Other employment (15)

Contract

Breach of contract/warranty (06)
Rule 3.740 collections (09)
Other collections (09)
Insurance coverage (18)
Other contract (37)

Real Property

Eminent domain/Inverse condemnation (14)
Wrongful eviction (33)
Other real property (26)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38)

Judicial Review

Asset forfeiture (05)
Petition re: arbitration award (11)
Writ of mandate (02)
Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

Antitrust/Trade regulation (03)
Construction defect (10)
Mass tort (40)
Securities litigation (28)
Environmental/Toxic tort (30)
Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

Enforcement of judgment (20)

Miscellaneous Civil Complaint

RICO (27)
Other complaint (not specified above) (42)

Miscellaneous Civil Petition

Partnership and corporate governance (21)
Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties
b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. Substantial amount of documentary evidence
d. Large number of witnesses
e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): 1

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 5/1/2008

Paul Plaintiff (TYPE OR PRINT NAME)

Handwritten signature of Paul Plaintiff

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
File this cover sheet in addition to any cover sheet required by local court rule.
If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO) :**

Doug Defendant, individually and dba Happy-Smile-Mart

and DOES 1 to 10

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTA DEMANDANDO EL DEMANDANTE) :

Paul Plaintiff

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DIAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

Sacramento County Superior Court
Civil

720 Ninth Street

Sacramento, CA 95814

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Paul Plaintiff

123 Anystreet

916-555-1212

Sacramento, CA 95814

DATE:

(Fecha)

Clerk, by _____, Deputy
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify) :
3. on behalf of (specify) :
under:

<input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify) :	
4. by personal delivery on (date) :

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Paul Plaintiff 123 Anystreet Sacramento, CA 95814 TELEPHONE NO.: 916-555-1212 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): In Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento STREET ADDRESS: 720 Ninth Street MAILING ADDRESS: 720 Ninth Street CITY AND ZIP CODE: Sacramento, CA 95814 BRANCH NAME: Civil	
PLAINTIFF: Paul Plaintiff DEFENDANT: Doug Defendant, individually and dba Happy-Smiley-Mart	
<input checked="" type="checkbox"/> DOES 1 TO 10 COMPLAINT-Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Premises Liability <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):	
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited	CASE NUMBER:

1. Plaintiff (name or names): Paul Plaintiff

alleges causes of action against defendant (name or names): Doug Defendant, individually and dba Happy-Smiley-Mart;
 DOES 1 to 10

2. This pleading, including attachments and exhibits, consists of the following number of pages: 4

3. Each plaintiff named above is a competent adult

a. except plaintiff (name):

- (1) a corporation qualified to do business in California
- (2) an unincorporated entity (describe):
- (3) a public entity (describe):
- (4) a minor an adult
 - (a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) other (specify):
- (5) other (specify):

b. except plaintiff (name):

- (1) a corporation qualified to do business in California
- (2) an unincorporated entity (describe):
- (3) a public entity (describe):
- (4) a minor an adult
 - (a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) other (specify):
- (5) other (specify):

Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

SHORT TITLE: Plaintiff v. Defendant	CASE NUMBER:
-----------------------------------------------	--------------

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): _____ 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 10 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):

SHORT TITLE: Plaintiff v. Defendant	CASE NUMBER:
-----------------------------------------------	--------------

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.

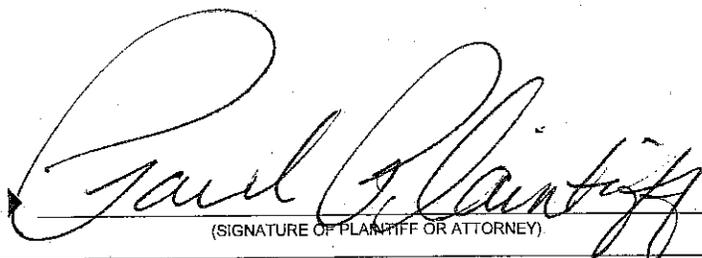
14. **Plaintiff prays** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for
- a. (1) compensatory damages
 - (2) punitive damages
- The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):
- (1) according to proof
 - (2) in the amount of: \$

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

Date: 5/1/2008

Paul Plaintiff

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE: Plaintiff v. Defendant	CASE NUMBER:
----------------------------------------	--------------

First CAUSE OF ACTION - Premises Liability Page 4
(number)

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

Prem.L-1. Plaintiff (name): Paul Plaintiff
alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.
On (date): June 18, 2008 plaintiff was injured on the following premises in the following
fashion (description of premises and circumstances of injury):
Paul Plaintiff was a customer at Doug Defendant's business, Smiley-Happy-Mart, a small grocery store. While shopping, the shelving unit next to Paul Plaintiff toppled, falling on top of Paul Plaintiff, pinning him to the ground, breaking his right arm, spine, and two ribs.

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

Does 1 to 10

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): Doug Defendant

Does 1 to 10
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):

- Does _____ to _____
- 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):

- Does _____ to _____
- 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):

- DO NOT FILE WITH THE COURT -
- UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Paul Plaintiff 123 Anystreet Sacramento, CA 95814 ATTORNEY FOR (Name): In Pro Per	TELEPHONE NO.: 916-555-1212	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento STREET ADDRESS: 720 Ninth Street MAILING ADDRESS: 720 Ninth Street CITY AND ZIP CODE: Sacramento, CA 95814 BRANCH NAME: Civil		
PLAINTIFF: Paul Plaintiff DEFENDANT: Doug Defendant		
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)		CASE NUMBER:

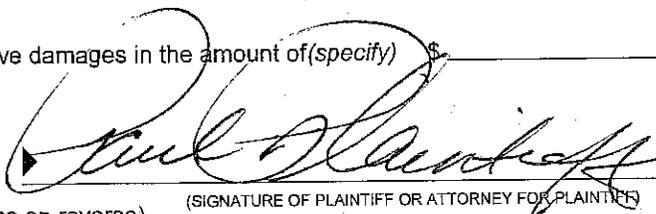
To (name of one defendant only): Doug Defendant
Plaintiff (name of one plaintiff only): Paul Plaintiff
seeks damages in the above-entitled action, as follows:

	AMOUNT
1. General damages	
a. <input checked="" type="checkbox"/> Pain, suffering, and inconvenience.....	\$ 250,000.00
b. <input type="checkbox"/> Emotional distress.....	\$
c. <input checked="" type="checkbox"/> Loss of consortium.....	\$ 25,000.00
d. <input type="checkbox"/> Loss of society and companionship (wrongful death actions only).....	\$
e. <input type="checkbox"/> Other (specify).....	\$
f. <input type="checkbox"/> Other (specify).....	\$
g. <input type="checkbox"/> Continued on Attachment 1.g.	
2. Special damages	
a. <input checked="" type="checkbox"/> Medical expenses (to date).....	\$ 280,900.36
b. <input checked="" type="checkbox"/> Future medical expenses (present value).....	\$ 350,000.00
c. <input checked="" type="checkbox"/> Loss of earnings (to date).....	\$ 35,897.42
d. <input checked="" type="checkbox"/> Loss of future earning capacity (present value).....	\$ 1,500,000.00
e. <input type="checkbox"/> Property damage.....	\$
f. <input type="checkbox"/> Funeral expenses (wrongful death actions only).....	\$
g. <input type="checkbox"/> Future contributions (present value) (wrongful death actions only).....	\$
h. <input type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only).....	\$
i. <input type="checkbox"/> Other (specify).....	\$
j. <input type="checkbox"/> Other (specify).....	\$
k. <input type="checkbox"/> Continued on Attachment 2.k.	

3. **Punitive damages:** Plaintiff reserves the right to seek punitive damages in the amount of (specify) \$ _____
when pursuing a judgment in the suit filed against you.

Date: May 1, 2008

Paul Plaintiff
(TYPE OR PRINT NAME)


(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

(Proof of service on reverse)

STATEMENT OF DAMAGES
(Personal Injury or Wrongful Death)

PLAINTIFF: Paul Plaintiff	CASE NUMBER:
DEFENDANT: Doug Defendant	

PROOF OF SERVICE

(After having the other party served as described below, with any of the documents identified in item 1, have the person who served the documents complete this Proof of Service. Plaintiff cannot serve these papers.)

1. I served the
 - a. Statement of Damages Other (specify) :
 - b. on (name) :
 - c. by serving defendant other (name and title or relationship to person served):
 - d. by delivery at home at business
 - (1) date:
 - (2) time:
 - (3) address:
 - e. by mailing
 - (1) date:
 - (2) place:
2. Manner of service (check proper box) :
 - a. **Personal service.** By personally delivering copies. (CCP § 415.10)
 - b. **Substituted service on corporation, unincorporated association (including partnership), or public entity.** By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP § 415.20(a))
 - c. **Substituted service on natural person, minor, conservatee, or candidate.** By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP § 415.20 (b)) **(Attach separate declaration or affidavit stating acts relied on to establish reasonable diligence in first attempting personal service.)**
 - d. **Mail and acknowledgment service.** By mailing (by first-class mail or airmail, postage prepaid) copies to the person served, together with two copies of the form of notice and acknowledgment and a return envelope, postage prepaid, addressed to the sender. (CCP § 415.30) **(Attach completed acknowledgment of receipt.)**
 - e. **Certified or registered mail service.** By mailing to an address outside California (by first-class mail, postage prepaid, requiring a return receipt) copies to the person served. (CCP § 415.40) **(Attach signed return receipt or other evidence of actual delivery to the person served.)**
 - f. Other (specify code section) :
 additional page is attached.
3. At the time of service I was at least 18 years of age and not a party to this action.
4. Fee for service: \$
5. Person serving:
 - a. California sheriff, marshal, or constable
 - b. Registered California process server
 - c. Employee or independent contractor of a registered California process server
 - d. Not a registered California process server
 - e. Exempt from registration under Bus. & Prof. Code § 22350(b)
 - f. Name, address, and telephone number and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date:

(For California sheriff, marshal or constable use only)
I certify that the foregoing is true and correct.
Date:

(SIGNATURE)

(SIGNATURE)



Sample Pleading 4: Product Liability

The following is a sample pleading for a product liability case. Paul Plaintiff is purchased an allegedly defective piece of equipment from Mega-Big-Mart, Inc., which was manufactured by Super-Happy, Inc.

Features to notice:

- Both Defendants are corporations. This is reflected in paragraph 5.
- There are handwritten corrections in the caption, paragraph 1, and paragraph 11 of the Complaint. This is acceptable; however, the defendants' copies of the Complaint must also have those changes in them as well.
- This Complaint is asking for punitive damages, and has an exemplary damages attachment. Punitive damages can be awarded only for "malice," "fraud," or "oppression," as they are defined in Civil Code section 3294. Because these words have a very specific legal meaning, it is strongly recommended that you read this section of the Civil Code before requesting punitive damages.
- Each defendant has a separate Statement of Damages.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Paul Plaintiff 123 Anystreet Sacramento, CA 95814 TELEPHONE NO.: 916-555-1212 FAX NO.: ATTORNEY FOR (Name): In Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento STREET ADDRESS: 720 Ninth Street MAILING ADDRESS: 720 Ninth Street CITY AND ZIP CODE: Sacramento, CA 95814 BRANCH NAME: Civil	
CASE NAME: Plaintiff v. Super-Happy, Inc. et al.	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited <input type="checkbox"/> Limited (Amount demanded exceeds \$25,000) (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
	CASE NUMBER: JUDGE: DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

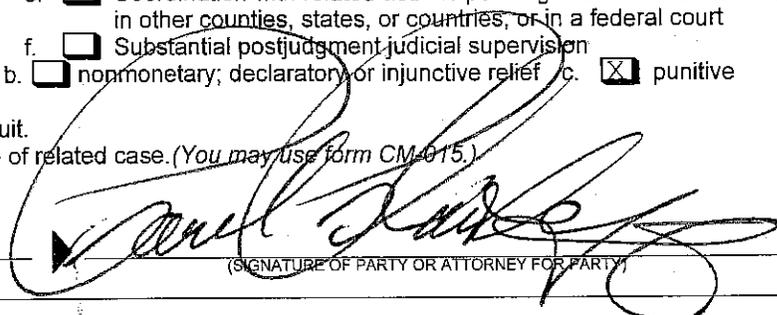
1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input checked="" type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): 1
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 5/1/2008

Paul Plaintiff (TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)-Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability *(not asbestos or toxic/environmental)* (24)
Medical Malpractice (45)
Medical Malpractice-Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice *(not medical or legal)*
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract *(not unlawful detainer or wrongful eviction)*
Contract/Warranty Breach-Seller Plaintiff *(not fraud or negligence)*
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case-Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage *(not provisionally complex)* (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ-Administrative Mandamus
Writ-Mandamus on Limited Court Case Matter
Writ-Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal-Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment *(non-domestic relations)*
Sister State Judgment
Administrative Agency Award *(not unpaid taxes)*
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint *(not specified above)* (42)
Declaratory Relief Only
Injunctive Relief Only *(non-harassment)*
Mechanics Lien
Other Commercial Complaint Case *(non-tort/non-complex)*
Other Civil Complaint *(non-tort/non-complex)*

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition *(not specified above)* (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief from Late Claim
Other Civil Petition

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO) :**

Super-Happy, Inc.;
Mega-Big-Mart, Inc.;
and DOES 1 to 50

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTA DEMANDANDO EL DEMANDANTE) :**

Paul Plaintiff

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DIAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):
Sacramento County Superior Court

Civil
720 Ninth Street

Sacramento, CA 95814

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Paul Plaintiff
123 Anystreet
916-555-1212

Sacramento, CA 95814

DATE:

(Fecha)

Clerk, by _____,

(Secretario)

, Deputy

(Adjunto)

CASE NUMBER:
(Número del Caso):

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify) :
3. on behalf of (specify) :
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify) :
4. by personal delivery on (date) :

[SEAL]

SHORT TITLE: Plaintiff v. Super-Happy, Inc.	CASE NUMBER:
-------------------------------------------------------	--------------

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) :

Super-Happy, Inc.

- (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) :

Mega-Big-Mart, Inc.

- (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 25 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): 26 to 50 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):

SHORT TITLE:
Plaintiff v. Super-Happy, Inc.

CASE NUMBER:

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)):

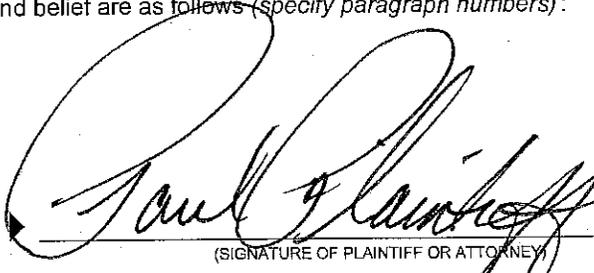
- (1) according to proof
- (2) in the amount of: \$

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

Date: 5/1/2008

Paul Plaintiff

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE: Plaintiff v. Super-Happy, Inc.	CASE NUMBER:
------------------------------------------------	--------------

First _____

CAUSE OF ACTION- Products Liability

Page 4 _____

(number)

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

Plaintiff (name): Paul Plaintiff

Prod. L-1. On or about (date): June 18, 2007 plaintiff was injured by the following product:
Super-Happy Widget Weaver Model WW-501

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 a 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.
- bystander to the use of the product.
- user 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):
Super-Happy, Inc.

Does 1 _____ to 50 _____

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

Does 1 _____ to 50 _____

- c. sold the product to the public (names):
Mega-Big-Mart, Inc.

Does 1 _____ to 50 _____

Prod. L-5. **Count Two-Negligence** of the following defendants who owed a duty to plaintiff (names):
Super-Happy, Inc.; Mega-Big-Mart, Inc.

Does 1 _____ to 50 _____

Prod. L-6. **Count Three-Breach of warranty** by the following defendants (names):
Super-Happy, Inc.

Does 1 _____ to 50 _____

- 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:

SHORT TITLE: Plaintiff v. Super-Happy, Inc. et al	CASE NUMBER:
------------------------------------------------------	--------------

Exemplary Damages Attachment

Page 5ATTACHMENT TO Complaint Cross-ComplaintEX-1. As additional damages against defendant (*name*):Super-Happy, Inc.;
Mega-Big-Mart, Inc.;

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:

Plaintiff purchased from Mega-Big-Mart, Inc., a Super-Happy Widget Weaver Model WW-501 from Mega-Big-Mart, Inc. on May 8, 2007.

While using the Super-Happy Widget Weaver in its intended manner on June 18, 2007, it exploded, causing flaming widgets to stick to Plaintiff's hands, arms, and torso, causing numerous third and second degree burns requiring skin grafts.

Paul Plaintiff seeks punitive damages against Supper-Happy, Inc. and Mega-Big-Mart, Inc. for the following reasons:

1. Super-Happy knew that the Widget Weaver Model WW-501 was designed in such a manner that some of the units were likely to explode, causing flaming widgets to be ejected. This was well-established because other companies manufacturing widget weavers, such as Slightly-Peppy, Inc., which had a similar design five years earlier, had similar explosions and subsequently modified their design to substantially reduce the risk of exploding widgets, and contain a secondary containment unit to prevent flaming widgets from being ejected at the user.
2. Despite knowing that their product posed an explosion risk far in excess of competing products, Super-Happy advertised their Widget Weaver Model WW-501, by stating "Enjoy safest, quietest, widget weaving experience ever with the Widget Weaver Model WW-501."
3. Mega-Big-Mart, Inc. continued to sell and promote the Widget Weaver Model WW-501 despite several incidents of customers being injured by the Widget Weaver Model WW-501 in similar incidents.
4. Super-Happy, Inc. has a total value of \$4.9 Billion, and Mega-Big-Mart, Inc. has a total value of \$215 Billion. The damages the Paul Plaintiff has experienced are inconsequential to them, and they are likely to continue to manufacture, market, and sell this exceptionally dangerous product to others, unless punitive damages are assessed.

EX-3. The amount of exemplary damages sought is

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

- DO NOT FILE WITH THE COURT -
- UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Paul Plaintiff 123 Anystreet Sacramento, CA. 95814 ATTORNEY FOR (Name) In Pro Per	TELEPHONE NO.: 916-555-1212	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento STREET ADDRESS: 720 Ninth Street MAILING ADDRESS: 720 Ninth Street CITY AND ZIP CODE: Sacramento, CA 95814 BRANCH NAME: Civil		
PLAINTIFF: Paul Plaintiff DEFENDANT: Super-Happy, Inc.;		
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)		CASE NUMBER

To (name of one defendant only): Super-Happy, Inc.
Plaintiff (name of one plaintiff only): Paul Plaintiff
seeks damages in the above-entitled action, as follows:

	AMOUNT
1. General damages	
a. <input checked="" type="checkbox"/> Pain, suffering, and inconvenience.....	\$ 25,000.00
b. <input type="checkbox"/> Emotional distress.....	\$
c. <input type="checkbox"/> Loss of consortium.....	\$
d. <input type="checkbox"/> Loss of society and companionship (wrongful death actions only).....	\$
e. <input type="checkbox"/> Other (specify).....	\$
f. <input type="checkbox"/> Other (specify).....	\$
g. <input type="checkbox"/> Continued on Attachment 1.g.	
2. Special damages	
a. <input checked="" type="checkbox"/> Medical expenses (to date).....	\$ 147,680.00
b. <input type="checkbox"/> Future medical expenses (present value).....	\$
c. <input checked="" type="checkbox"/> Loss of earnings (to date).....	\$ 8,700.46
d. <input type="checkbox"/> Loss of future earning capacity (present value).....	\$
e. <input type="checkbox"/> Property damage.....	\$
f. <input type="checkbox"/> Funeral expenses (wrongful death actions only).....	\$
g. <input type="checkbox"/> Future contributions (present value) (wrongful death actions only).....	\$
h. <input type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only).....	\$
i. <input type="checkbox"/> Other (specify).....	\$
j. <input type="checkbox"/> Other (specify).....	\$
k. <input type="checkbox"/> Continued on Attachment 2.k.	

3. **Punitive damages:** Plaintiff reserves the right to seek punitive damages in the amount of (specify) \$ As Court Sees Fit
when pursuing a judgment in the suit filed against you.

Date: 5/1/2008

Paul Plaintiff

(TYPE OR PRINT NAME)

(Proof of service on reverse)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

Page 1 of 2

PLAINTIFF: Paul Plaintiff	CASE NUMBER:
DEFENDANT: Super-Happy, Inc.;	

PROOF OF SERVICE

(After having the other party served as described below, with any of the documents identified in item 1, have the person who served the documents complete this Proof of Service. Plaintiff cannot serve these papers.)

1. I served the
 - a. Statement of Damages Other (specify):
 - b. on (name):
 - c. by serving defendant other (name and title or relationship to person served):
 - d. by delivery at home at business
 - (1) date:
 - (2) time:
 - (3) address:
 - e. by mailing
 - (1) date:
 - (2) place:
2. Manner of service (check proper box):
 - a. **Personal service.** By personally delivering copies. (CCP § 415.10)
 - b. **Substituted service on corporation, unincorporated association (including partnership), or public entity.** By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP § 415.20(a))
 - c. **Substituted service on natural person, minor, conservatee, or candidate.** By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP § 415.20 (b)) **(Attach separate declaration or affidavit stating acts relied on to establish reasonable diligence in first attempting personal service.)**
 - d. **Mail and acknowledgment service.** By mailing (by first-class mail or airmail, postage prepaid) copies to the person served, together with two copies of the form of notice and acknowledgment and a return envelope, postage prepaid, addressed to the sender. (CCP § 415.30) **(Attach completed acknowledgment of receipt.)**
 - e. **Certified or registered mail service.** By mailing to an address outside California (by first-class mail, postage prepaid, requiring a return receipt) copies to the person served. (CCP § 415.40) **(Attach signed return receipt or other evidence of actual delivery to the person served.)**
 - f. Other (specify code section):
 additional page is attached.
3. At the time of service I was at least 18 years of age and not a party to this action.
4. Fee for service: \$
5. Person serving:
 - a. California sheriff, marshal, or constable
 - b. Registered California process server
 - c. Employee or independent contractor of a registered California process server
 - d. Not a registered California process server
 - e. Exempt from registration under Bus. & Prof. Code § 22350(b)
 - f. Name, address, and telephone number and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(For California sheriff, marshal or constable use only)

I certify that the foregoing is true and correct.

Date:

(SIGNATURE)

(SIGNATURE)



- DO NOT FILE WITH THE COURT -
- UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Paul Plaintiff 123 Anystreet Sacramento, CA 95814 ATTORNEY FOR (Name): In Pro Per	TELEPHONE NO.: 916-555-1212	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento STREET ADDRESS: 720 Ninth Street MAILING ADDRESS: 720 Ninth Street CITY AND ZIP CODE: Sacramento, CA 95814 BRANCH NAME: Civil		
PLAINTIFF: Paul Plaintiff DEFENDANT: Super-Happy, Inc.;		
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)		CASE NUMBER:

To (name of one defendant only): Mega-Big-Mart, Inc.
Plaintiff (name of one plaintiff only): Paul Plaintiff
seeks damages in the above-entitled action, as follows:

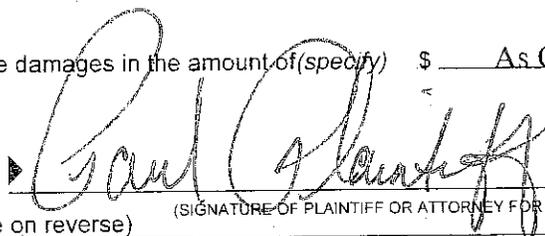
	AMOUNT
1. General damages	
a. <input checked="" type="checkbox"/> Pain, suffering, and inconvenience.....	\$ 25,000.00
b. <input type="checkbox"/> Emotional distress.....	\$
c. <input type="checkbox"/> Loss of consortium.....	\$
d. <input type="checkbox"/> Loss of society and companionship (wrongful death actions only).....	\$
e. <input type="checkbox"/> Other (specify).....	\$
f. <input type="checkbox"/> Other (specify).....	\$
g. <input type="checkbox"/> Continued on Attachment 1.g.	
2. Special damages	
a. <input checked="" type="checkbox"/> Medical expenses (to date).....	\$ 147,680.00
b. <input type="checkbox"/> Future medical expenses (present value).....	\$
c. <input checked="" type="checkbox"/> Loss of earnings (to date).....	\$ 8,700.46
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f. <input type="checkbox"/> Funeral expenses (wrongful death actions only).....	\$
g. <input type="checkbox"/> Future contributions (present value) (wrongful death actions only).....	\$
h. <input type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only).....	\$
i. <input type="checkbox"/> Other (specify).....	\$
j. <input type="checkbox"/> Other (specify).....	\$
k. <input type="checkbox"/> Continued on Attachment 2.k.	
3. <input checked="" type="checkbox"/> Punitive damages: Plaintiff reserves the right to seek punitive damages in the amount of (specify) \$ <u>As Court Sees Fit</u> when pursuing a judgment in the suit filed against you.	

Date: 5/1/2008

Paul Plaintiff

(TYPE OR PRINT NAME)

(Proof of service on reverse)



(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

Page 1 of 2

STATEMENT OF DAMAGES
(Personal Injury or Wrongful Death)

PLAINTIFF: Paul Plaintiff

CASE NUMBER:

DEFENDANT: Super-Happy, Inc.;

PROOF OF SERVICE

(After having the other party served as described below, with any of the documents identified in item 1, have the person who served the documents complete this Proof of Service. Plaintiff cannot serve these papers.)

1. I served the

a. Statement of Damages Other (specify):

b. on (name):

c. by serving defendant other (name and title or relationship to person served):d. by delivery at home at business

(1) date:

(2) time:

(3) address:

e. by mailing

(1) date:

(2) place:

2. Manner of service (check proper box):

a. **Personal service.** By personally delivering copies. (CCP § 415.10)b. **Substituted service on corporation, unincorporated association (including partnership), or public entity.** By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP § 415.20(a))c. **Substituted service on natural person, minor, conservatee, or candidate.** By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP § 415.20 (b)) **(Attach separate declaration or affidavit stating acts relied on to establish reasonable diligence in first attempting personal service.)**d. **Mail and acknowledgment service.** By mailing (by first-class mail or airmail, postage prepaid) copies to the person served, together with two copies of the form of notice and acknowledgment and a return envelope, postage prepaid, addressed to the sender. (CCP § 415.30) **(Attach completed acknowledgment of receipt.)**e. **Certified or registered mail service.** By mailing to an address outside California (by first-class mail, postage prepaid, requiring a return receipt) copies to the person served. (CCP § 415.40) **(Attach signed return receipt or other evidence of actual delivery to the person served.)**f. Other (specify code section): additional page is attached.

3. At the time of service I was at least 18 years of age and not a party to this action.

4. Fee for service: \$

5. Person serving:

- a. California sheriff, marshal, or constable
- b. Registered California process server
- c. Employee or independent contractor of a registered California process server
- d. Not a registered California process server
- e. Exempt from registration under Bus. & Prof. Code § 22350(b)

f. Name, address, and telephone number and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(For California sheriff, marshal or constable use only)

I certify that the foregoing is true and correct.

Date:

(SIGNATURE)

(SIGNATURE)