

Elements of a Civil Complaint

Certain sections of a complaint tend to be boilerplate language (for example, the greeting, damages, jury demand, prayer for relief). When looking at a complaint, sections are separate and in this order:

- **Case caption** - tells which court you are in and who the parties are. Leaves room for the court clerk to stamp a case number onto. Don't put this information in column format. The Dole case forgot the close-quotes down the middle to cordon off the names from the court space. See the Viacom case for a proper case caption.
- **Title of the pleading** - the title here would be Complaint. In some jurisdictions, it is called a Petition.
- **Short introduction** - a typical introduction might state, "Comes Now the plaintiff, Justin King, by and through his attorney, and alleges:" (It can be just this short)
- **Parties** - who the parties are and where they reside to show the court it has personal jurisdiction over the parties.
- **Jurisdiction and Venue** - what statute or statutes give the court authority to hear the subject matter of the case and that the chosen courthouse is the correct one (this is venue).
- **Allegations or Statement of Facts** - what happened. Tell the story of the accident. Tell the story in the most succinct way possible. Don't skip around. Try to keep the flow so it is convincing. This is why we LOVE computers because you can cut and paste and rearrange paragraphs to make our client's story more cohesive and enrapture our audience (the judge) to want to give us what we are asking for.
- **Causes of Action** - what legal theories are you asserting? What duty did the defendant have towards plaintiff? How did defendant breach that duty? How was plaintiff hurt by the breach? Each cause of action is listed separately. See

Chapter 4 in the book for the facts needed to be alleged for each cause of action.

- **Damages** - what is plaintiff asking for? Take a look at the damages request from the Dole case. It is a general damages request, and a lot of attorneys use just that wording in every complaint pleading they draft. Remember some lawyers consider this boilerplate language and cut from an old complaint pleading to paste into a new complaint pleading. (As you can tell, been there, done that to make life a little easier.) BUT keep in mind that depending on the causes of action you may need to be a lot more specific in your damages demand.
- **Jury Demand** - If you want a jury, you have to ask for it.
- **Prayer for Relief** - Ask the court nicely to help the plaintiff. Commonly considered boiler plate and the Dole E.coli case is a really good example.
- **Date when the complaint is submitted to the court**
 - this is especially important because there will always be a statute of limitation, a statute of repose, etc., and time matters to the law.
- **Attorney information and signature** - this is usually done single spaced, not double spaced. Need to remember the attorney's bar number, street address, city, state and zip, phone number, and fax number. Also, who does the attorney represent?