

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

PLAINTIFF

VS

CAUSE NO.

DEFENDANT

COMPLAINT FOR DAMAGES AND DECLARATORY JUDGMENT

COMES NOW , Plaintiff, in the above styled and numbered cause, and for his/her cause of action against the Defendant, , would show as follows:

1. That the Plaintiff is an actual adult resident citizen of County, Mississippi, residing at .

2. That the Defendant, , is a non-resident of the State of Mississippi, whose street and Post Office address is, ; and, that by entering into a contract within the State of Mississippi, and by committing a tort within the State of Mississippi, and more specifically within County, Mississippi, he/she has subjected himself/herself to the jurisdiction of this Court.

3. That Defendant is not to be found within the State of Mississippi, after diligent search and inquiry, and may be served with process of this Court by certified mail pursuant to Rule 4 of the Mississippi Rules of Civil Procedure.

4. That on or about the day of , , Defendant mailed to Plaintiff's employer, , the original of the photocopied letter attached hereto as Exhibit A.

5. That the debt referred to in Exhibit A, as modified by the agreement of the parties, had been fully satisfied by the Plaintiff, prior to , , and Defendant was aware of the same at the time he/she mailed the letter in question.

6. That the statements contained in Exhibit A, as to Plaintiff's alleged delinquency, are false and Defendant knew them to be false, at the time the letter was mailed to Plaintiff's employer.

7. That Defendant knew at the time he/she mailed the letter that, because of the nature of 's business activities, Plaintiff's employer actively discourages conduct of the type alleged in the letter, and that the receipt of the letter would adversely affect Plaintiff's relationship with his/her employer, and would jeopardize his/her employment by .

8. Defendant also knew at the time he/she mailed the letter in question that the statements made therein would be read by third persons, including Plaintiff's superiors, colleagues and subordinates.

9. That as a direct and proximate result of the statements made in Exhibit A and the dissemination of the same to Plaintiff's co-workers, Plaintiff's reputation and character have been irreparably damaged, and his/her business relationship with his/her employer has likewise been irreparably damaged.

10. The publication of the false and misleading statements contained in Exhibit A has also caused the Plaintiff severe emotional and psychological distress, and was deliberately calculated to produce such effects.

WHEREFORE, Plaintiff brings this action against the Defendant, _____, and prays that non-resident process be issued to Defendant as required by the Mississippi Rules of Civil Procedure, and that upon a full and complete hearing herein, the Court would enter judgment as follows:

A. A money judgment against _____ in the full amount of \$ _____ for actual damages for libel, intentional interference with a business relationship, and intentional infliction of severe emotional and psychological distress; and,

B. A judgment for punitive damages in the amount of \$ _____; and,

C. A declaratory judgment pursuant to Rule 56 of the Mississippi Rules of Civil Procedure, finding that the debt alleged by Defendant in Exhibit A has been fully and completely satisfied; and,

D. A judgment for Plaintiff's reasonable attorney's fees.

Respectfully submitted,

Attorney for

Of counsel:

Telephone:
MSB #
Attorney for