

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

and PLAINTIFFS

VS. CIVIL ACTION NO.

DEFENDANT

COMPLAINT

Come now plaintiffs and husband, , and bring this action for damages against the defendant , and in support hereof would respectfully show unto the Court the following facts and matters, to-wit:

1. Plaintiffs are husband and wife and are adult non-residents of the State of Mississippi, whose address is .
2. Defendant is an adult resident of the State of Mississippi, residing in the Judicial District of County at , , Mississippi. Said defendant may be found for the service of process at his law office located at , , Mississippi, which is located in County, Mississippi. Further, the cause of action which is the subject of this suit occurred and accrued in County, Mississippi.
3. In and , defendant undertook to provide legal services for plaintiffs in connection with plaintiffs' adoption of a child. At all times defendant held himself/herself out as an expert in the field of adoption.
4. In the course of handling the adoption matter for the plaintiffs, defendant negligently, intentionally and/or fraudulently made representations to plaintiffs concerning the adoption of a certain child from a particular birth mother. In reliance upon these representations, plaintiffs gave to defendant a substantial amount of money for the sole purpose of procuring said adoption.
5. Plaintiffs aver that defendant was negligent and/or committed malpractice, in the following regard:
 - (1) By failing to explain to the non-resident plaintiffs that out of state persons seeking to adopt children from the state of Mississippi must comply with Inter-State Compact Regulations;

(2) By representing to the non-resident plaintiffs that they could establish residency in the state of Mississippi by giving the defendant monies to procure an apartment for the sole purpose of avoiding Inter-State Compact Regulations;

(3) By holding himself/herself out as the attorney for both the non-resident adoptive parents and the natural birth mother at a time when it was apparent that the interests of both parties were adverse.

(4) By taking large sums of money under the guise of "non-refundable" retainers without any accounting therefore.

(5) By representing to the non-resident plaintiffs that the adoption could be finalized in the state of Mississippi without adherence to the Inter-State Compact Regulations.

(6) By failing to explain the residence requirement with reference to adoptions in the state of Mississippi and the effect of the Inter-State Compact Regulations thereon.

(7) By failing to keep the plaintiffs informed of the position of the birth mother at all times and by continuing to take funds from the plaintiffs under the guise that the adoption would proceed at a time when defendant knew that it would not take place.

6. In addition to the negligence and/or malpractice committed by the defendant as mentioned in the above paragraph, defendant fraudulently induced the plaintiffs to pay him large sums of money by making representations regarding the adoption which were untrue.

7. In addition to the negligence and/or malpractice and fraudulent inducement on the part of defendant, defendant intentionally inflicted emotional distress on the plaintiffs by leading them to believe that an adoption would take place at a time when the defendant knew that it would not, and by allowing plaintiffs to continue to part with funds in the belief that they would soon have a child when in fact defendant knew they would not.

8. As a direct and proximate result of defendant's negligence and/or malpractice, fraudulent inducement, and intentional infliction of emotional distress, plaintiffs sustained actual damages in the amount of \$ _____.

9. By virtue of the defendant's gross negligence, intentional and fraudulent conduct, and reckless disregard for the rights of adoptive parents in general and plaintiffs in particular, plaintiffs are entitled to an award of punitive damages against the defendant in the amount of \$ _____ each.

WHEREFORE, PREMISES CONSIDERED, plaintiffs hereby demand judgment of and from the defendant in the amount of \$ _____ in compensatory damages, plus \$ _____ in punitive damages for each plaintiff, together with pre-judgment and post-judgment interests and all cost accrued herein.

Respectfully submitted,

Attorney for

Of Counsel:

Telephone:
MSB #
Attorney for