

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI
PLAINTIFFS

VS.

NO.

DEFENDANTS

AMENDED COMPLAINT

COMES NOW THE PLAINTIFFS, and files this their complaint and for grounds would show the following:

1.

The estate of is properly filed in the Court of County, .
is a bona fide adult resident citizen of County, and husband/wife of the deceased.
 , by and through his/her best friend, , is a resident citizen of County,
and the son/daughter of the deceased. , by and through his/her best friend, is a resident
citizen of County, .

During the period , and the son/daughter of the deceased. is a bona
fide, adult resident citizen of County, and of the deceased. is a bona
fide adult resident citizen of County, and to the deceased. is a bona
fide adult resident citizen of the State of and of the deceased. is a bona fide
adult resident citizen of County, and of the deceased. is a bona fide
resident citizen of County, and of the deceased. is a bona fide adult
resident citizen of County, and of the deceased. is a bona fide adult
resident citizen of County, and of the deceased.

Defendants , and doing business as the and now as the
and/or and/or , are adult resident citizens of County, and can be
served with process of this Court at their business which is located at , , and
 , doing business as the and now as the and/or and/or are
believed to be residents of the State of or the State of and can be served at their
business address of , , .

JURISDICTION

2.

Jurisdiction of this Court is raised as this action is in excess of \$ and several of the
Plaintiffs, including decedent's estate, reside in County, .

FACTS

3.

On or about _____, 20_____, _____ and a co-worker registered as a guests of the defendant _____ by signing the guest register and prepaying the room rent. _____ and the co-worker placed their bags in the room and then went to eat. They returned to the room and discovered that the air conditioning did not work. They reported this to the motel management which told them that they would dispatch someone to examine the air conditioning unit. Someone knocked on the door, _____, believing it was someone from the motel maintenance answered the door. The person at the door was a prostitute that offered _____ a 'date'. _____ refused the proposal and as he was closing the door, three men charged through the door, viciously attacking _____. _____'s attackers robbed both he and his co-worker and then viciously shot and killed _____.

_____ immediately preceding the attack on Plaintiff, serious crimes were committed on the premises of the motor lodge, including armed robbery, numerous burglaries and other serious crimes. The details of which will be offered into evidence at the trial of this action. Defendants were aware of the criminal activity which was taking place in and about the motor lodge but took no steps to safeguard their guests from violent attack or to warn them that their lives and property would be risked by accepting accommodations at the motor lodge. The failure of defendants to make provision for the safety of their guests and to warn their guests of the danger involved in accepting accommodations at the motor lodge amounted to gross negligence and defendants' omissions in this regard infer a conscious indifference to the welfare of their guests, including plaintiff, which justifies the imposition of punitive damages.

4.

On _____, 20_____, _____, and for a long period of time prior thereto, defendants knew or with the exercise of reasonable care, should have known that:

- a) By leaving the motor lodge open, unlocked and accessible to anyone who cared to enter onto the premises;
- b) By failing to have adequate security guard protection at the motor lodge at the time Plaintiff became a guest of the motor lodge;
- c) By failing to have adequate security guard protection at the motor lodge on a regular and continuing basis during the months immediately prior to _____, 20_____, to deter the commission of crimes which had been regularly occurring on the premises of the motor lodge;
- d) By failing to install a closed circuit TV monitoring system designed to scan the public areas of the motor lodge complex, including public areas of buildings where guests are lodged;
- e) By failing to establish and enforce standards for the operation of the lodge which would protect guests from physical attack and their property from theft;

f) By failing to take affirmative action to discover a dangerous condition on the premises of the motor lodge, to-wit: the commission of serious crimes on said premises on a regular and continuing basis immediately prior to ;

g) By failing to design and construct the motor lodge in a manner that would protect guests of the lodge from physical attack and that would protect the property of guests from loss by theft, specifically, but not limited to not having a peep hole in the door of the room in which the deceased, was checked into;

h) By failing to warn Plaintiff, before he/she accepted accommodations at the motor lodge, that criminal acts had been taking place on the premises of the motor lodge regularly for many months prior to the date Plaintiff was attacked and injured and that this criminal activity would or might constitute a threat to Plaintiff's safety if he accepted accommodation at the motor lodge.

5.

Plaintiff alleges that the assault and battery upon his person occurred as the proximate result of Defendants' negligence and breach of their legal duties and obligations to Plaintiff as hereinabove set forth.

6.

Plaintiff alleges that prior to , 20 , Defendants knew that crimes were being committed in and around the motor lodge with great frequency and regularity and that the guests of the motor lodge were in great jeopardy because of Defendants' conscious failure to provide safeguards that would prevent physical attacks upon their guests.

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs requests that this Court grant unto the Plaintiff, Estate of the loss of earnings in the amount \$, pain and suffering damages in the amount of \$, the loss of the enjoyment of life damages in the amount of \$; Plaintiff , the loss of companionship and society of the deceased in the amount of \$; Plaintiff , the loss of society and companionship and guidance from deceased in the amount of \$; Plaintiff the loss of society and companionship and guidance from the deceased in the amount of \$; and punitive damages in the amount of \$.

Respectfully submitted,

Attorney for

Of Counsel:

Telephone:
MSB #
Attorney for