

IN THE CIRCUIT COURT OF COUNTY,

and , INDIVIDUALLY, AND AS
GUARDIANS AND NEXT FRIENDS
OF , PLAINTIFFS

V.

CIVIL ACTION NO.:

, DEFENDANT

COMPLAINT

Plaintiffs, and , individually and as next friends of , file this their
Complaint against Defendant, , and allege the following:

1.

Plaintiffs are resident citizens of County, .

2.

Defendant is an adult resident citizen of County, , who may be served with
process at , , .

3.

On , , while on in County, , Defendant caused or
allowed his/her 's vehicle to collide with the vehicle being driven by Plaintiff, .

4.

Defendant failed to yield the right of way to Plaintiffs' vehicle, thereby causing the
resulting collision.

5.

As a direct, proximate consequence of the collision caused by Defendant, Plaintiff, ,
suffered personal injuries and attendant mental and emotional anguish. Plaintiff, , incurred
medical expenses associated with her treatment for said injuries.

6.

On _____, _____, and immediately preceding said collision, Plaintiff, _____, departed the office location of her obstetrician, wherein she learned, for the first time, that she was _____ weeks pregnant with Plaintiffs' first child.

7.

On _____, _____, and immediately following said collision, Plaintiff, _____, learned for the first time that his wife was _____ weeks pregnant through a nurse attending to his wife's injuries.

8.

Plaintiffs' excitement and joy over the announcement of their pregnancy was completely marred and destroyed by the irresponsible, negligent, wanton, reckless and destructive act of the Defendant as described above. Plaintiffs were concerned throughout the remainder of the pregnancy, which was completely clouded by the very real fears and concerns for their unborn child's health and safety. Plaintiffs' fears, concerns, and deep emotional anguish over the safety and welfare of their child were the direct, proximate result of the Defendants negligence, recklessness and wantonness in causing said collision. Said fears, concerns and deep emotional anguish are continuing and will continue throughout the formative years of Plaintiff, _____'s development.

9.

As a direct, proximate consequence of the Defendant's negligence, recklessness and wantonness in causing said collision and in causing the resulting injuries to Plaintiff, _____, Plaintiff, _____, was caused to suffer a loss of his wife's services and society, loss of consortium, and was required to attend to responsibilities in his wife's behalf and for which compensation is required.

10.

As a direct, proximate consequence of the Defendant's negligence, recklessness, and wanton conduct in causing said collision, Plaintiff, _____, sustained personal injury and suffered mental and emotional trauma.

11.

As a direct, proximate consequence of the Defendant's negligence, recklessness, and wanton conduct in causing said collision, Plaintiffs sustained a loss of use of their vehicle for a period of _____ (_____) days during which time Plaintiffs' vehicle was under repair and for which loss of use Plaintiffs are entitled to compensation in an amount which reflects the fair rental value of a vehicle substantially similar to Plaintiffs' vehicle throughout said _____ day period.

12.

As a direct, proximate consequence of the Defendant's negligence, recklessness, and wanton conduct in causing said collision, Plaintiffs suffered a diminution in the fair value of their vehicle and for which compensation is required.

COUNT ONE

13.

Plaintiffs adopt and allege the allegations contained in paragraphs 1 through 12 herein and incorporate same as if fully set out.

14.

On _____, _____, Defendant acted negligently in proximately causing said collision as follows:

- a. Failing to yield the right-of-way to Plaintiff, _____;
- b. Failing to keep his/her _____'s vehicle under control;
- c. Failing to see that in front of him/her which he/she reasonably should have seen;
- d. Failing to observe the posted speed limit;
- e. Failing to obey a traffic signal;
- f. Entering the intersection at a point in time when said intersection was already occupied by Plaintiff, _____;
- g. Driving the front of his/her _____'s vehicle into the driver's side door of Plaintiffs' vehicle; and,
- h. Such other and further acts of negligence which subsequent discovery may reveal.

COUNT TWO

15.

Plaintiffs adopt and allege the allegations contained in paragraphs 1 through 12 herein and incorporate same as if fully set out.

16.

Defendant acted in a grossly negligent, wanton, reckless and intentional manner in proximately causing the collision and Plaintiffs' resulting personal injuries, emotional anguish and damages as set forth above in that he/she, with reckless disregard for the safety and welfare of Plaintiff, , operated his/her 's vehicle in excess of the posted speed limit.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs demand judgment of and from Defendant as follows:

- A. \$ for Plaintiffs' loss of use of their vehicle;
- B. \$ for the diminution in value of Plaintiffs' vehicle;
- C. Compensatory damages sufficient to adequately and fully compensate Plaintiffs individually and on behalf of their child for personal injuries, mental and emotional anguish, medical expenses, loss of services and society, and loss of consortium;
- D. Punitive damages in an amount sufficient to punish Defendant for his gross negligence, wanton, reckless and intentional conduct as described above, and sufficient to deter said conduct in the future;
- E. Such other and further relief to which Plaintiffs may be entitled.

Respectfully Submitted,

AND , INDIVIDUALLY
AND AS NEXT FRIEND OF

(MSB No.)
(MSB No.)
ATTORNEYS FOR PLAINTIFFS

OF COUNSEL:

Phone:
Fax: