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**Attorneys for Plaintiff**

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**JOHN DOE, Administrator Ad  
Prosequendum and General Administrator  
of the Estate of James Doe, Deceased,  
and JOHN DOE, Individually,**

**Plaintiff,**

**vs.**

**THE ESTATE OF JANE SMITH,**

**Defendant.**

**SUPERIOR COURT OF NEW  
JERSEY, MONMOUTH COUNTY  
LAW DIVISION**

**DOCKET NO.: \_\_\_\_\_**

**Civil Action**

**COMPLAINT**

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**Plaintiff, John Doe residing at [insert address], by way of Complaint against the  
Defendant alleges and says:**

**JURISDICTION**

1. On or about [insert date], Letters of Administration Ad Prosequendum were granted by the Surrogate of the County of Monmouth, New Jersey, to the Plaintiff John Doe for the purpose of prosecuting a claim on behalf of his deceased son, James Doe, against the Defendant as hereinafter mentioned. A true copy of the Letter of Administration Ad Prosequendum issued to John Doe is appended hereto as Exhibit 1 and incorporated herein by reference.
2. As it relates to this action the Plaintiff is the duly acting and qualified administrator of the Estate of James Doe (hereinafter Decedent), who at the time of death was a resident of the County of [insert], State of [insert].
3. Decedent's death occurred on [insert date] and this action was commenced within two years of the Decedent's death.

**COUNT ONE - WRONGFUL DEATH**

**(N.J.S.A. 2A:31-1 et seq.)**

4. On [insert date] Jane Smith was operating a motor vehicle which she owned in a [insert accident information].
5. At the aforesaid time and place, Decedent was riding as a passenger in the automobile

operated and owned by Jane Smith.

6. While so proceeding, Jane Smith approached and entered a portion of the roadway which, just outside of the roadway, contained two trees.
7. Jane Smith failed to negotiate the roadway so as avoid colliding and crashing her vehicle into these trees and in fact struck them.
8. As a result of the aforesaid collision the Decedent was killed.
9. The aforesaid collision resulted from the careless and negligent operation of the aforesaid motor vehicle by Jane Smith in causing and operating her motor vehicle at an excessively rapid, dangerous and careless rate of speed without having her vehicle under proper control and management, and without maintaining a proper outlook to see and avoid objects alongside the roadway.
10. Additionally, the aforesaid collision and resulting loss of life was caused by Jane Smith operating her motor vehicle while intoxicated and under the influence of alcohol in violation of legal limits permitted by law. As a direct and proximate result of Jane Smith=s intoxication, which rendered her unable to avoid causing the aforesaid collision, the Decedent was killed.
11. The Decedent=s death was not caused or contributed to in any way from the Decedent=s own negligence.
12. The Decedent is survived by John Doe and Jane Doe, his father and mother, as well as [insert number of siblings and their names], all of whom were dependent on the Decedent's advice, counsel, companionship, and future support.
13. At the time of his death, the Decedent was [insert] years of age, in good health, able-bodied, holding an expectation of a substantial earning power, having a substantial life expectancy, and, residing with his parents who were entitled to his services and earnings as well as to the care, comfort and support which the Decedent was, and would have been able to furnish to them.
14. By reason of the negligence of Jane Smith and by the Estate of Jane Smith the Plaintiff, as the father of the Decedent, has been deprived of the services, support, care and attention of the Decedent during his lifetime and the Plaintiff has also incurred hospital, medical and funeral expenses on behalf of the Decedent, all to the Plaintiff's damage.

15. Additionally, the Plaintiff has suffered a pecuniary loss of guidance, advice and counsel as a direct and proximate result of the Decedent's death which includes but is not limited to lost guidance, advice and counsel pertaining to medical care, career decisions, family and social relationships and interactions, as well as that pertaining to the Plaintiff's outlook on life in general.

WHEREFORE, the Plaintiff, John Doe, demands judgment against the Defendant as follows:

- a. Awarding the Plaintiff compensatory damages;
- b. Awarding the Plaintiff costs of suit, interest, and attorney's fees; and
- c. Ordering such other relief as may be just.

COUNT TWO - SURVIVAL AND PAIN AND SUFFERING

(N.J.S.A. 2A:15-3)

16. The Plaintiff repeats the allegations contained in the First Count of this Complaint as if they were fully set forth herein and repeated at length.
17. As a direct and proximate result of the Defendant's negligence and the negligence of Jane Smith in causing the collision described above, the Decedent experienced extreme pain and suffering. Specifically, the Decedent sustained mortal injuries to his head, back, and neck, each of which caused the Decedent extreme pain and suffering.
18. Additionally, as a result of the foregoing injuries and pain and suffering, the Decedent suffered hedonic damages; i.e., loss of enjoyment of life.
19. As a direct and proximate result of the Defendant's negligence and the negligence of Jane Smith in causing the collision described above, funeral services were held in memory of the Decedent and he was buried. Substantial and reasonable expenses were incurred for the Decedent's funeral and burial.

WHEREFORE, the Plaintiff, John Doe, demands judgment against the Defendant as follows:

- a. Awarding the Plaintiff compensatory damages;
- b. Awarding the Plaintiff costs of suit, interest, and attorney's fees; and
- c. Ordering such other relief as may be just.

DESIGNATION OF TRIAL COUNSEL

JOHN LAWYER, ESQUIRE, is hereby designated as trial counsel in this matter.

DEMAND FOR JURY TRIAL

The Plaintiff hereby demands trial by jury as to all issues in the above matter.

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

Pursuant to New Jersey Court Rule 4:10-2(b), demand is made that Defendant disclose to the Plaintiff's attorney whether or not there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or indemnify or reimburse for payments made to satisfy the judgment and provide the Plaintiff's attorney with true copies of those insurance agreements or policies, including, but not limited to, any and all declaration sheets. This demand shall include and cover not only primary coverage, but also any and all excess, catastrophe and umbrella policies.

CERTIFICATION

I hereby certify, pursuant to Rule 4:5-1, that this matter is not the subject of any other action pending in any Court or of a pending arbitration proceeding, and that there exist, to the best of my knowledge and belief, no other parties that need to be joined to this action.

DATED:

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JOHN LAWYER