

**JOHN LAWYER, ESQ.**  
**12 MAIN STREET**  
**ANYWHERE, USA**  
Attorneys for *Plaintiffs*

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JAMES DOE AND JANE DOE,

Plaintiffs,

vs.

JOHN SMITHt/a ABC CONSTRUCTION  
COMPANY, JOHN DOE, (a fictitious  
name) and 123 Companys I & II (fictitious  
names),

Defendant.

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SUPERIOR COURT OF NEW JERSEY  
[insert] COUNTY  
LAW DIVISION

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

**CIVIL ACTION**

COMPLAINT, JURY DEMAND AND  
DESIGNATION OF TRIAL COUNSEL

Plaintiffs, James Doe and Jane Doe, residing at [insert address], by way of complaint  
against the defendants state:

**FIRST COUNT**

1. On [insert date], plaintiffs, James and Jane Doe entered into a contract with John  
Smith t/a ABC Construction Company to construct a deck to the rear of their home located at  
[insert address].

2. Upon information and belief, ABC Construction Company is not a corporation,  
but a trade name under which defendant Smith does business.

3. On [insert] plaintiff, James Doe, went to take a look at the progress of the deck  
being constructed, which had been partially completed.

4. While walking on the deck, one of the floor joists gave way causing plaintiff to  
fall approximately 8 feet to the ground.

5. Defendant failed to properly install, maintain, repair, warn of danger, or otherwise  
keep free from defects and unreasonable risks of harm, said property. This failure created an

unreasonable risk of harm to the plaintiff.

6. As a result of the accident, plaintiff, James Doe, incurred painful and severe physical injuries, which required medical treatment. Said injuries have caused him great pain and suffering, will continue to do so in the future, and are permanent in nature.

WHEREFORE, Plaintiffs demand judgment against the defendant, John Smith t/a ABC Construction Company on the First Count of the complaint for damages, interest and costs of suit.

### SECOND COUNT

1. Plaintiffs, repeat the allegations of the Second Count.

2. As a result of the injuries suffered by her husband, James Doe, plaintiff, Jane Doe has and will in the future suffer the loss of usual services and consortium of her husband has been and will be required to provide special services and care for him.

WHEREFORE, Plaintiffs demand judgment against the defendant, John Smith, t/a ABC Construction Company, on the Second Count of the complaint for damages, interest and costs of suit.

### THIRD COUNT

1. Plaintiffs repeat the allegations of the Second Count.

2. An employee or subcontractor of the defendant, John Doe, was sent to plaintiff=s home to perform the work on the deck.

3. John Doe was negligent when he failed to properly secure the floor joist into place, without posting any signs to warn of the danger.

4. John Doe was negligent because he caused a dangerous condition to exist.

5. Because of the negligence of John Doe, Plaintiff was caused to suffer and sustain

severe and disabling injuries and has been and will in the future be caused to obtain medical treatment; has been and will in the future be caused to lose time from her work; and has been and will in the future be caused to refrain from her normal pursuits.

WHEREFORE, Plaintiff demands judgment against Defendant, John Doe on the Third Count of the Complaint together with interest and costs of suit.

FOURTH COUNT

1. Plaintiffs repeat the allegations of the Third Count.

2. Defendants, 123 Companys represent presently unknown partnerships, corporations or other entities responsible for the construction of the deck where plaintiff was injured when the floor joist collapsed from under him.

3. Because of the negligence of defendant, 123 Companys, Plaintiff was caused to suffer and sustain severe and disabling injuries and has been and will in the future be caused to obtain medical treatment; has been and will in the future be caused to lose time from her work; and has been and will in the future be caused to refrain from her normal pursuits.

WHEREFORE, Plaintiff demands judgment against Defendant, 123 Company I & II on the Fourth Count of the Complaint together with interest and costs of suit.

Dated:

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JOHN LAWYER

JURY DEMAND

The Plaintiffs, James Doe and Jane Doe hereby demands trial by a jury on all triable issues of this Complaint.

DESIGNATION OF TRIAL COUNSEL

Pursuant to rule 4:25-4, John Lawyer, is hereby designated as trial counsel for Plaintiffs, James Doe and Jane Doe, in the above matter.

CERTIFICATION OF NO OTHER ACTION

Pursuant to rule 4:5-1, it is hereby stated that the matter in controversy is not the subject of any other action pending in any other Court or of a pending Arbitration Proceeding to the best of my knowledge or belief. Also, to the best of my belief, no other action or Arbitration Proceeding is contemplated. Further, other than the parties set forth in this pleading, we know of no other parties that should be joined in the above action. In addition, we recognize the continuing obligation of each party to file and serve on all parties and the Court an amended Certification if there is a change in the facts stated in this original Certification.

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JOHN LAWYER