

**IN THE CIRCUIT COURT
OF _____ COUNTY**

NAME OF PLAINTIFF _____)	
)	
V.)	NO. _____
)	
)	
NAME OF DEFENDANT _____)	
)	

JURY TRIAL DEMANDED

SECOND AMENDED COMPLAINT

This is an action to recover actual and punitive damages for gross negligence, alternatively, for assault. The Plaintiff shows the Court the following:

I.

Plaintiff, _____, is an adult resident citizen of _____, _____.

Defendant, _____, is a corporation, which may be served with process by service upon its registered agent, _____ at _____, _____, _____.

Defendant, _____, at all relevant times was an employee of Defendant as a physical therapist acting in the course and scope of his employment. _____ may be served with process by service upon him at his place of employment at _____, _____.

Defendant, _____, is a corporation, which may be served with process by service upon its registered agent, _____, at _____, _____, _____ and by service upon _____.

II.

As of _____, Defendant _____ acting in the course and scope of his employment for Defendant _____, was in the process of rendering physical therapy services to Plaintiff. Acting either through gross negligence, or deliberately, Defendant _____, in a rough and hazardous fashion raised Plaintiff's left leg above his shoulder. The raising of the leg was not done as part of any necessary physical therapy treatment, but was done to harass Plaintiff, and there was no need for the leg to be raised in such a fashion in order to afford treatment.

III.

Plaintiff immediately felt excruciating pain. He was required to have a total hip replacement as a direct and proximate result of the grossly negligent or intentional acts of Defendant _____, acting in the course and scope of his employment by Defendant _____.

IV.

As a result of the injury inflicted by Defendants, Plaintiff has developed a permanent limp.

V.

Plaintiff has suffered extreme mental anxiety and stress, as well as physical pain, as a result of the assault done upon him by Defendants.

VI.

Plaintiff is entitled to damages for his physical pain and suffering, as well as punitive damages because of the gross negligence and willful indifference of Defendants toward his rights.

VII.

Defendant _____ is an insurance carrier, which has paid certain medical bills in this case and should be made a party to this litigation. Should _____ assert a claim, it should be realigned as a party plaintiff. On the other hand, should _____ not assert a claim, all claims it has should be dismissed and quieted forever.

VIII.

Copies of medical records documenting the injury inflicted by Defendant are attached hereto as Exhibit.

PRAYER

Plaintiff prays for actual and punitive damages against Defendants _____'s and _____. Should Defendant _____ assert a claim in this case, the Court should pay its claim out of any recover from Defendants _____ and _____. However, Plaintiff's attorney should be entitled to a lien for their work in obtaining payment of the claim of Defendant _____.

Respectfully submitted,
