

IN THE _____ COURT OF (County), (State)

PLAINTIFF

(Name of Plaintiff)

V.

CAUSE NO. _____, _____

DEFENDANT

(Name of Defendant)

Complaint

COMES NOW _____ (Name of Plaintiff), Plaintiff in the above-styled and numbered cause, by and through his attorney, and files this his Complaint against Defendant, _____ (Name of Defendant), and in support thereof would show unto the Court the following matters and facts:

1.

Plaintiff is an adult resident citizen of

_____ (city, county, state).

2.

Defendant is a corporation organized and existing under the laws of the state of _____, with its principal office located at _____

_____ (street address, city, state, zip code).

3.

Defendant is now, and at all times mentioned was and is engaged in the business of operating a public swimming pool located at _____

_____ (street address, city, state, zip code).

4.

On _____ (date), at approximately _____ (time), Plaintiff was using the pool and facility provided by Defendant corporation and its officers and directors, after having paid the usual, customary, and required price of admission. While Plaintiff was engaged in such usage, Plaintiff entered the pool by diving into it, but due to the extreme shallowness of the water at the place of Plaintiff's entry into the pool, Plaintiff struck his head on the bottom of the pool with such force and violence that Plaintiff was seriously and permanently injured, as more fully described below in this Complaint.

5.

As a direct and proximate result of the negligence and carelessness of Defendant in failing to provide for the care, safety, and well-being of the general public in creating and maintaining dangerous and hazardous conditions in and about its swimming pool, Plaintiff was caused to be injured, such carelessness and negligence being in the following respects:

A. There was no rope or line stretched crosswise across the swimming pool as a line of demarcation separating the shallow from deep water, and Plaintiff entered the pool at or near the diving board, but at the place of Plaintiff's entry into the pool the water was too shallow;

B. While using the pool, Plaintiff was not able to see the bottom because the pool water was murky and unclear, which condition was the result of Defendant's failure to properly maintain water quality on the pool;

C. The pool was so negligently and improperly constructed in that Defendant failed to provide a proper depth at the side of the pool that is commonly used for the purpose of diving into the pool;

D. The pool was so negligently and improperly constructed that the deep portion was in the center or middle of the pool far removed from and of no benefit to Plaintiff and others who entered the water from the sides of the pool, in that there was no rope or line of demarcation whatever where Plaintiff entered the pool;

E. Defendant failed to post a marker or adequate signs to show the depth of the water at the point where Plaintiff entered the pool;

F. Defendant failed to provide a proper depth at the diving board end of the pool which is normally the "deep end," and which is commonly used for the purpose of diving into the pool; and

G. Defendant negligently and carelessly failed and omitted to post warning signs of the danger and hazard of diving from the side of the swimming pool, and negligently and carelessly failed to provide lifeguards and personnel to warn persons of the danger of diving where the water was too shallow for safe diving.

6.

As a direct and proximate result of the negligence of Defendant, Plaintiff suffered **(describe injuries and set out damages)** _____

WHEREFORE, Plaintiff requests judgment against Defendant for the following:

1. General damages in the amount of \$_____;
2. Damages for medical and related expenses in the amount of \$_____;

3. Damages for loss of earnings in the amount of \$ _____;
4. Interest according to law;
5. Costs of this action; and
6. Such other and further relief as the court deems just and proper.

Respectfully submitted,

(Name of Plaintiff)

By: _____
(Name of Plaintiff's Attorney)
State Bar No. _____

His Attorney

OF COUNSEL:

(Name of Plaintiff's Attorney)
Post Office Box _____

(City, State, Zip Code)
Telephone: _____