

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 an adult resident citizen of \_\_\_\_\_ (city, county, state).
3. On \_\_\_\_\_ (date), Plaintiff instituted the above numbered and entitled cause for (type of suit and basis for cause of action) \_\_\_\_\_

4. (Explanation of Controversy) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

5. \_\_\_\_\_ (Name), an Attorney at Law, duly licensed to practice law in the State of \_\_\_\_\_ (name of state), with offices at \_\_\_\_\_ (street address, city, state, zip code), made an appearance in this action on behalf of Defendant by filing a denial of Plaintiff's allegations as to (summarize) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

which he signed as attorney for Defendant.

6. \_\_\_\_\_ (Name), acting as Attorney and as Agent for Defendant herein, and with Defendant's authority, made an offer in writing to settle all issues in controversy in the above numbered and entitled cause, which offer was contained in a letter dated \_\_\_\_\_

(**date**), a copy of which, marked **Exhibit A**, is attached to and made a part of this Complaint by reference for all purposes.

7. \_\_\_\_\_ (**Name of Plaintiff**), by and through his Attorney \_\_\_\_\_ (**Name of Attorney**) agreed to said offer of settlement and both \_\_\_\_\_ (**Name of Plaintiff**) and \_\_\_\_\_ (**Name of Defendant**), executed a Settlement Agreement, a copy of which is attached hereto as **Exhibit B** and made a part of this Complaint.

8. On the basis of said Settlement Agreement, a Joint Motion for Dismissal was filed by the parties and this Action was dismissed by this Honorable Court on \_\_\_\_\_ (**date**). A copy of said Judgment of Dismissal is attached hereto as **Exhibit C** and made a part hereof.

9. On \_\_\_\_\_ (**date**), \_\_\_\_\_ (**Name**), acting as Attorney for Defendant, advised \_\_\_\_\_ (**Name**), Attorney for Plaintiff, by letter dated \_\_\_\_\_ (**date**), that said Defendant did not intend to comply with the Settlement Agreement. A copy of said letter is attached hereto as **Exhibit D** and made a part hereof.

10. Plaintiff, through his Attorney, \_\_\_\_\_ (**name**), made demand on said Defendant, individually and through his Attorney, \_\_\_\_\_ (**Name**), for performance of the Settlement Agreement.

11. Said Defendant has failed and refused, and continues to fail and refuse, to perform the Settlement Agreement.

12. Plaintiff brings this action to enforce performance of the said Settlement Agreement.

13. The acts described above and complained of were willfully, intentionally, unlawfully, and maliciously done by Defendant, and, as result of which acts, Plaintiff is entitled to exemplary or punitive damages in the amount of \$\_\_\_\_\_.

WHEREFORE, Plaintiff prays for a Judgment against Defendant as follows:

1. That Defendant be required to perform the Settlement Agreement;
2. That Defendant be ordered to pay Plaintiff exemplary or punitive damages in the amount of \$\_\_\_\_\_;
3. That Defendant be ordered to pay all costs of this suit; and
4. 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: \_\_\_\_\_