

**IN THE UNITED STATES DISTRICT COURT
FOR THE _____ DISTRICT OF _____
_____ DIVISION**

PLAINTIFF
VS **CIVIL ACTION NO.** _____

DEFENDANT

**COMPLAINT
(Jury Trial Requested)**

COMES NOW _____, Plaintiff, by and through his attorneys, and files this his Complaint against _____, and would show as follows:

I.

This action arises under the Federal Tort Claims Act, Sections _____ through _____ of Title ____ of the United States Code. This Court is vested with jurisdiction pursuant to Section _____(b) of Title ____ of the United States Code.

II.

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

III.

On _____, 20____, Plaintiff was an outpatient at the _____ in _____, _____ (A_____@), which is operated by the _____, an agency of the Defendant United States of America, in order to receive a _____. After this procedure, Plaintiff was moved to the recovery area.

IV.

From the recovery area, Plaintiff was taken by wheelchair to a dressing room. In spite of the fact that Plaintiff is ____ years old, and was still under the influence of anesthesia, he was left alone by a Nurse on staff at

the _____, in his wheelchair, to dress. There was no handrail or any other device to aid Plaintiff in standing and moving around while dressing. As a result, he fell and sustained a _____ that required surgery. This injury could have been prevented if a nurse, nurse=s aid, orderly or some other employee had stayed to help Plaintiff. A family member also could have been asked to help. They were in the waiting room on the same floor.

V.

After sustaining this injury, Plaintiff and his family had to wait over two hours before receiving **any** medical attention. Plaintiff was in great pain during this time, which was worsened by the careless way a nurse swung his legs while getting him back in his wheelchair. Despite the severe pain that Plaintiff was suffering, he did not receive any pain medication for eight hours after his accident. Such a delay is grossly negligent, particularly since it was obvious to all around Plaintiff that he was in significant pain during this eight-hour period.

VI.

The negligence of Defendant's employees in failing to adequately supervise, care for, and otherwise prevent Plaintiff from falling was the proximate cause of Plaintiff's fall and of the resulting injuries sustained from such fall.

VII.

As a result of Plaintiff's fall, Plaintiff suffered serious and permanent personal injuries that have caused and will continue to cause great pain and will cause Plaintiff to incur substantial medical and nursing care expenses.

VIII.

On _____, 20____, a claim was filed with the _____, on behalf of Plaintiff, and the _____ has neither accepted nor rejected the claim and, pursuant to 28 U.S.C.A. ' _____(a), Plaintiff elects to consider the failure to act as a final denial of the claim.

WHEREFORE, Plaintiff requests judgment against Defendant as follows:

Because of the negligence of the hospital staff as described above,
_____ should be liberally compensated in the amount of
\$_____.

WHEREFORE, Plaintiff requests judgment against
_____ as follows:

1. Damages in the amount of \$_____;
2. Plaintiff's costs of suit; and
3. Such other and further relief as the Court may deem just and proper.

THIS THE ____ DAY OF _____, 20____.

Respectfully submitted,

_____, Plaintiff

By: _____

OF COUNSEL:

MSB# _____

Telephone _____
Facsimile _____