

IN THE CIRCUIT COURT OF _____ COUNTY, _____

NAME OF PLAINTIFF

V.

NAME OF DEFENDANT

NO. _____

COMPLAINT

_____, individually and as Administrator of the Estate of _____, files this Complaint against _____ and in support would show the following:

I. PARTIES.

1. _____, an adult resident of the State of _____, is the only child of _____, deceased. _____ is the duly appointed administrator of the Estate of _____, which has been opened in _____ County, _____.

2. _____ is a corporation organized and existing under the laws of the State of _____ with its principal place of business in _____ County, _____. _____ sold _____ a mobile home on or about _____, 20____. _____ later delivered and installed that mobile home for _____. The above transaction and installation occurred within _____ County, _____.

3. _____'s agent for service of process is _____ who may be served at _____.

II. FACTS.

4. This Court has jurisdiction over this cause and venue is proper.

5. _____ sold _____ a mobile home on or about _____, 20____. As part of that transaction, _____ also delivered and installed the mobile home.

6. Installation of the mobile home included, among other things, constructing and setting up stairs leading to the front and back doors of the mobile home.

7. _____ installed the front stairs on _____ mobile home so that one would walk up the stairs beside and parallel to the home rather than perpendicular to and facing the home. Installation of the stairs in this way left a large "gap" at the top of the stairs which one had to jump over in order to enter the mobile home. A photograph accurately depicting the way in which _____ installed the stairs is attached hereto as Exhibit 1.

8. As a result of the improper construction and installation of the stairs, _____ fell from the stairs and sustained severe injuries.

III. CLAIM ONE - NEGLIGENCE.

9. _____ had a duty to exercise due care in installing the stairs to the mobile home of _____. _____ breached that duty in the manner in which they installed the stairs and as a proximate result, _____ sustained severe injury.

IV. CLAIM TWO - WRONGFUL DEATH

10. Pursuant to _____ Code Ann. Sec. _____, _____ is a statutory beneficiary and entitled to bring this claim against _____ for the wrongful death of _____. As a direct and proximate result of the aforementioned negligent, wanton and reckless conduct of _____, _____ sustained severe injuries which proximately resulted in his death. Thus, pursuant to _____ Code Ann. Sec. _____, a cause of action for wrongful death exists and _____, as the only child of _____, is entitled to damages.

V. CLAIM THREE - PUNITIVE DAMAGES.

11. The manner in which _____ constructed and installed the stairs to the mobile home of _____ evidenced a willful, wanton and/or reckless disregard for the rights of _____ and entitles the plaintiffs to receive punitive damages in an amount sufficient to punish _____ for such conduct and deter it from committing similar acts in the future.

VI. RELIEF.

12. _____ demands the following relief from _____:

(a) actual damages including, without limitation, medical expenses, pain and suffering, and all other damages sustained by the deceased;

(b) punitive damages in an amount sufficient to punish _____ and deter similar conduct in the future;

(c) any and all other damages, costs or other charges which the Court deems appropriate.

Respectfully submitted,

OF COUNSEL:
