

IN THE CIRCUIT COURT OF _____ COUNTY, _____

NAME OF PLAINTIFF

V.

NAME OF DEFENDANT

NO. _____

COMPLAINT

COMES NOW the Plaintiff, _____, by and through its attorney of record, and brings this action against the Defendants, _____ and _____, and alleges the following:

I.

The Plaintiff is a _____ corporation whose address is _____, and is engaged in the business of mechanical contracting.

II.

Defendant _____, herein referred to as defendant contractor, is a _____ corporation which may be served with process of this Court by service upon its registered agent, _____, at _____.

III.

Defendant _____, hereinafter referred to as defendant surety, is a corporation duly authorized to transact an insurance and bonding business in the State of _____, and may be served with process of this court.

IV.

On or about _____, 20____, Defendant contractor executed and delivered to the Governor's Office of General Services its bond, a copy of which is attached hereto as Exhibit "A" and incorporated fully herein by reference, to guarantee payments for labor and materials furnished in the construction of the project. Defendant _____ was named as surety thereon.

V.

On or about _____, 20____, in performance of the contract, Defendant contractor entered into a subcontract with Plaintiff, the specifications and terms of which were set down in a written Standard Form of Agreement Between Contractor and Subcontractor, a copy of which is attached hereto as Exhibit "B" and incorporated fully herein by reference.

VI.

That the Plaintiff has performed each and every thing, deed, or act required of it by said Agreement in a timely manner.

VII.

That the defendant contractor has failed to make the final payment due unto Plaintiff for the work performed under the terms of said Agreement in the principal amount of \$_____ and is in breach thereof; that said sum is now past due and owing to the Plaintiff, together with interest thereon in the amount of \$_____ through _____, 20_____.

VIII.

That Plaintiff performed additional work at the request of defendant contractor as follows:

Item #1 - Remove and reinstall four (4) electric fountains at a cost of \$_____.

Item #4 - Repaired leaks on lavatories and commode in Hall Bath at a cost of \$_____.

Item #5 - Repaired faucet in ladies bath South Wing hall area at a cost of \$_____.

Item #6 - Repaired leaks on commode and swapped out lavatory in Room N-100 at a cost of \$_____.

Item #7 - Repaired leaks on lavatory in upper floor hall bath at a cost of \$_____.

Item #8 - Replaced vacuum breaker on surgical linen room at a cost of \$_____.

Item #9 - Furnished and installed filters in units two (2) times at a cost of \$_____.

Item #10 - Installed filters furnished by sink in soiled four (4) A/H defendant contractor three (3) times at a cost of \$_____.

That defendant contractor has failed to make payment for said work performed in the principal amount of \$_____; that said sum is now past due and owing to the Plaintiff, together with interest thereon in the amount of \$_____ through _____, 20_____.

IX.

That, additionally, Plaintiff has incurred extended overhead costs for non-payment of the contract debt from _____, 20____ through _____ 20__ in the amount of \$_____.

X.

That, additionally, Plaintiff has incurred "ripple" damages (loss of income/cash flow/bonding capacity) for non-payment of the contract debt from _____, 20__ through _____, 20__ in the amount of \$ _____.

XI.

That Plaintiff has incurred additional costs of financing.

XIV.

That the Plaintiff has duly informed defendant surety on numerous occasions in writing of defendant contractor's failure to pay his obligations and demanded of defendant surety that it meet its obligation as surety on the bond, but defendant surety has also failed and refused to pay the amount due.

WHEREFORE, Plaintiff is entitled to and demands judgment against the Defendants, _____ and _____, in the total amount of at least \$_____, plus additional interest, extended overhead costs, ripple costs and financing costs for loss of earnings from _____, 20__ until paid in full, reasonable attorney's fees and all costs of court.

Respectfully submitted,
