

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY  
STATE OF \_\_\_\_\_

\_\_\_\_\_  
)  
)  
)  
)  
Petitioner/Plaintiff, )  
)  
Vs. ) NO. \_\_\_\_\_  
)  
)  
\_\_\_\_\_  
)  
Respondent/Defendant )  
)

**COMPLAINT**

COME NOW Plaintiffs \_\_\_\_\_ and \_\_\_\_\_,  
by and through counsel, \_\_\_\_\_, and file this Complaint against  
\_\_\_\_\_ and \_\_\_\_\_, and in support thereof set forth the  
following:

1. \_\_\_\_\_ is an adult resident citizen of \_\_\_\_\_  
County, \_\_\_\_\_, residing at \_\_\_\_\_.

2. \_\_\_\_\_ is an adult resident citizen of \_\_\_\_\_  
County, \_\_\_\_\_, residing at \_\_\_\_\_.

3. Defendant \_\_\_\_\_ is a \_\_\_\_\_ Corporation,  
licensed and doing business in the State of \_\_\_\_\_, who may be served with  
process through its agent, \_\_\_\_\_, at  
\_\_\_\_\_, \_\_\_\_\_.

4. Defendant \_\_\_\_\_ was the agent, servant and employee of  
Defendant \_\_\_\_\_

5. During all the times herein mentioned Defendant \_\_\_\_\_ was the owner of an eighteen wheel Mack truck, herein after "truck", which at the time of the accident hereinafter described was being driven by \_\_\_\_\_, an employee of Defendant \_\_\_\_\_, during the course and scope of his employment for \_\_\_\_\_ with the express permission and consent and for the benefit of \_\_\_\_\_.

6. As a result, Defendant \_\_\_\_\_ is responsible both for \_\_\_\_\_ actions and conduct pursuant to the doctrine of respondeat superior and for any negligence of its own.

7. On \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at about \_\_\_\_\_ a.m./p.m., the Plaintiff \_\_\_\_\_ was operating an automobile owned by him/her in a \_\_\_\_\_ direction on \_\_\_\_\_ road/highway in \_\_\_\_\_ County, \_\_\_\_\_, approaching \_\_\_\_\_.

8. As Plaintiff \_\_\_\_\_ approached \_\_\_\_\_, it \_\_\_\_\_ and Plaintiff \_\_\_\_\_.

9. Defendant \_\_\_\_\_ approached the Plaintiff's car from behind and failed to stop, suddenly and violently striking the Plaintiff's car from the rear.

10. Said collision was the proximate cause of property damage to Plaintiff \_\_\_\_\_'s car, temporary injuries to Plaintiff and serious and permanent injuries to Plaintiff \_\_\_\_\_.

11. Plaintiff \_\_\_\_\_ at all times during the occurrence hereinbefore set forth used due care and caution and was completely free from any and all negligence in any manner contributing to her injuries and damages as herein complained of.

12. Said collision was due to Defendant \_\_\_\_\_'s negligence in that he/she was not keeping a reasonable lookout, did not have his truck under proper control, and was otherwise guilty of carelessness and negligence in the operation of that motor vehicle.

13 Plaintiffs allege that the proximate cause of the aforementioned collision was the negligence of Defendant \_\_\_\_\_, for which negligence he must stand during the course and scope of his employment for \_\_\_\_\_, with the express permission and consent and for the benefit of \_\_\_\_\_.

14. Plaintiffs allege that the proximate cause of the aforementioned collision was the negligence of Defendant \_\_\_\_\_, for which negligence he must stand responsible together with his employer and its liability carrier, jointly and severally, said negligence including, but not limited to, the following acts and omissions:

- a. Failure to keep a proper lookout;
- b. Failure to maintain a safe speed;
- c. Any and all other negligent acts and/or omissions which may be shown during the course of these proceedings.

15. Plaintiffs allege that the proximate cause of the aforesaid collision was the negligence of Defendant \_\_\_\_\_, and for which negligence it must stand responsible together with its liability carrier, jointly and severally, said negligence including, but not limited to, the following acts and omissions:

- a. Negligent entrustment of an oversized motor vehicle; and
- b. Any and all other negligent acts and/or omissions which may be shown during the course of these proceedings.

16. As a result of the aforesaid collision, Plaintiff \_\_\_\_\_ suffered physical injuries requiring medical treatment, and Plaintiff \_\_\_\_\_ suffered temporary total disability and partial permanent disability.

17. As a result of the aforesaid collision, Plaintiff \_\_\_\_\_ suffered emotional trauma and distress and incurred expenses and lost income.

18. As a result of the aforesaid collision, Plaintiff \_\_\_\_\_ will continue to suffer the aforesaid damages and, further, will continue to incur medical expenses in the future.

19. Because of the injuries suffered in the collision by his wife, Plaintiff \_\_\_\_\_ has lost and been deprived of the services of his wife, including loss of society, companionship, consortium, and he will continue to be permanently so deprived of as a result of the injuries suffered by Plaintiff \_\_\_\_\_.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendants, \_\_\_\_\_ and \_\_\_\_\_ each be served with process of this Court, to appear and answer same, and that after due proceedings be had there be judgment herein in favor of Plaintiffs and against Defendants, jointly and severally, in the amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) with interest from the date of judicial demand until paid, for all costs of these proceedings and for any and all other legal and equitable relief to which they may be entitled.

And, Plaintiffs pray for general relief

Respectfully submitted,

Dated: \_\_\_\_\_

Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Address:  
Address:  
City, State, Zip:  
Phone:  
Fax:  
E-Mail:  
Attorney No.:

**CERTIFICATE OF SERVICE**

I, \_\_\_\_\_, do hereby certify that I have this day mailed,  
U.S. Mail, postage prepaid, a true and correct copy of the above and foregoing to  
\_\_\_\_\_, at the following address;  
\_\_\_\_\_

THIS the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_