

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

_____	)	
	)	
	)	
<b>Petitioner/Plaintiff,</b>	)	
	)	
<b>Vs.</b>	)	<b>NO.</b> _____
	)	
_____	)	
<b>Respondent/Defendant</b>	)	
	)	

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**SECOND AMENDED COMPLAINT**

This is an action to recover actual and punitive damages for gross negligence, alternatively, for assault. The Plaintiff shows the Court the following:

I.

1. Plaintiff, \_\_\_\_\_, is an adult resident citizen of \_\_\_\_\_ County, \_\_\_\_\_.
2. Defendant, \_\_\_\_\_, is a corporation, which may be served with process by service upon its registered agent, \_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_.
3. Defendant, \_\_\_\_\_, at all relevant times was an employee of Defendant as a physical therapist acting in the course and scope of his employment. \_\_\_\_\_ may be served with process at his place of employment at \_\_\_\_\_, \_\_\_\_\_.

4. Defendant, \_\_\_\_\_, is a corporation which may be served with process by service upon its registered agent, \_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_ and by service upon \_\_\_\_\_.

II.

5. On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, Defendant \_\_\_\_\_, acting in the course and scope of his employment for Defendant \_\_\_\_\_, was in the process of rendering physical therapy services to Plaintiff. Acting either through gross negligence, or deliberately, Defendant \_\_\_\_\_, in a rough and hazardous fashion raised Plaintiff's left leg above his shoulder. The raising of the leg was not done as part of any necessary physical therapy treatment, but was done to harass Plaintiff, and there was no need for the leg to be raised in such a fashion in order to afford treatment.

III.

6. Plaintiff immediately felt excruciating pain. He was required to have a total hip replacement as a direct and proximate result of the grossly negligent or intentional acts of Defendant \_\_\_\_\_, acting in the course and scope of his employment by Defendant \_\_\_\_\_.

IV.

7. As a result of the injury inflicted by Defendants, Plaintiff has developed a permanent limp.

V.

8. Plaintiff has suffered extreme mental anxiety, stress, as well as physical pain as a result of the assault done upon him by Defendants.

VI.

9. Plaintiff is entitled to damages for his physical pain and suffering, as well as punitive damages because of the gross negligence and willful indifference of Defendants toward his rights.

VII.

10. Defendant \_\_\_\_\_ is an insurance carrier, which has paid certain medical bills in this case and should be made a party to this litigation. Should \_\_\_\_\_ assert a claim, it should be realigned as a party plaintiff. On the other hand, should \_\_\_\_\_ not assert a claim, all claims it has should be dismissed and quieted forever.

VIII.

11. Copies of medical records documenting the injury inflicted by Defendant are attached hereto as Exhibit "A".

WHEREFORE, Plaintiff prays for actual and punitive damages against Defendants \_\_\_\_\_ and \_\_\_\_\_. Should Defendant \_\_\_\_\_ assert a claim in this case, the Court should pay its claim out of any recover from Defendants \_\_\_\_\_ and \_\_\_\_\_. However, Plaintiff's attorney should be entitled to a lien for their work in obtaining payment of the claim of Defendant \_\_\_\_\_.

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\_\_\_\_.

\_\_\_\_\_