

COMPLAINT FOR ASSAULT AND BATTERY

Sample Only
Use At Your Own Risk



INSTRUCTIONS: The following is a “cause of action” to be inserted after the heading of the complaint and common allegations. Include as many other causes of action as you have claims such as fraud, accounting, etc. Your “prayer” (request for relief) comes after your causes of action and must describe the relief you are seeking for each cause of action.

FIRST CAUSE OF ACTION

(Battery Against ____)

1. Plaintiff is an individual and is now, and at all times mentioned in this complaint was, a resident of _____ County, California.

2. Defendant is an individual and is now, and at all times mentioned in this complaint was, a resident of _____ County, California.

3. On or about _____ [date], at approximately _____ [time], plaintiff was in _____ [his or her] home reading when he heard very loud music. The music was so loud that it disturbed plaintiff's quiet enjoyment of the evening.

4. Plaintiff went to the window at the front of _____ [his or her] home to determine the source of the music, and saw defendant, who is plaintiff's neighbor, and several strangers leaning against defendant's car which was parked in front of plaintiff's home. A large portable stereo, or "boom box" as they are popularly known, sat on the hood of defendant's car and appeared to be the source of the loud music.

5. Plaintiff walked out to where defendant and _____ [his or her] companions were standing and politely asked if defendant would lower the volume of the music.

6. Defendant refused and plaintiff again asked defendant to turn down the

volume or _____ [he or she] would call the police. Defendant again refused and plaintiff turned and started back toward _____ [his or her] home.

7. Defendant then called plaintiff's name and plaintiff turned and faced defendant. _____ [Describe defendant's threatening conduct, such as: Defendant stood very close to plaintiff, shook _____ (his or her) fist in plaintiff's face, and, using very foul language, threatened to strike plaintiff if _____ (he or she) called the police.]

8. Plaintiff began to back away from defendant, moving toward his front door, when defendant struck plaintiff in the face with _____ [his or her] fist. Plaintiff returned the blow and plaintiff and defendant battled until they were separated by other persons. During the course of the altercation defendant struck and kicked plaintiff numerous times.

9. Defendant intended to cause and did cause a harmful contact with defendant's person.

10. Plaintiff did not consent to defendant's act.

11. As a direct and proximate result of defendant's conduct plaintiff suffered _____ [describe plaintiff's injuries]. Plaintiff has also suffered extreme mental anguish and physical pain. _____ [If applicable, add: Plaintiff is informed and believes, and on that basis alleges, that plaintiff has suffered a permanent disability.] These injuries have caused plaintiff to suffer general damages in _____ [the amount of \$__ or, if the action is brought in superior court, an amount to be determined by proof at trial].

12. As a direct and proximate result of defendant's conduct, plaintiff was required to obtain medical services and treatment in _____ [the amount of \$__ or, if the action is brought in superior court, an amount to be determined by proof at trial] _____ [if applicable, add: and will, in the future, be compelled to incur additional obligations for medical treatment in an amount to be determined by proof at

trial].

13. _____ [If applicable, add one of the following allegations, as appropriate]

[EITHER]

<>. As a further direct and proximate result of defendant's conduct, plaintiff was unable to work for a period of _____ [weeks or months or as the case may be] and, accordingly, lost wages in _____ [the amount of \$__ or, if the action is brought in superior court, an amount to be determined by proof at trial].

[OR]

<>. As a further direct and proximate result of defendant's conduct, plaintiff has been, and continues to be, unable to work since the events described in this complaint and has suffered a loss of earnings in an amount which has not yet been determined, but which will be added by amendment when it is ascertained.

[CONTINUE]

14. Defendant's act was done knowingly, willfully, and with malicious intent, and plaintiff is entitled to punitive damages in an amount to be determined by proof at trial.

SECOND CAUSE OF ACTION

(Assault Against _____)

15. Plaintiff incorporates by reference paragraphs 1-7 inclusive, and paragraphs 11-14,

inclusive, of the First Cause of Action as if fully set forth.

16. Defendant intended to cause and did cause plaintiff to suffer apprehension of an immediate harmful contact.

WHEREFORE, plaintiff demands judgment against defendant, as follows:

1. General damages in _____ [the amount of \$__ or an amount to be determined by proof at trial];

2. Medical and related expenses in _____ [the amount of \$__ or an amount to be determined by proof at trial];

3. Past and future lost earnings in _____ [the amount of \$__ or an amount to be determined by proof at trial];

4. Impairment of earning capacity in _____ [the amount of \$__ or an amount to be determined by proof at trial];

5. Punitive damages;

6. Costs of this action;

7. Any other and further relief that the court considers proper.

Date: _____

_____ [Plaintiff's name]
Plaintiff *In Pro Per*

Gene Kinsey Kinsey Law Offices 1198 Pacific Coast Hwy., Suite 353 Seal Beach, CA 90740	Phone: (562) 596-8177 Email: KinseyE@ix.netcom.com Web: www.kinseylaw.com www.realpropertypartition.com
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