

## CROSS-COMPLAINT FOR INDEMNITY AND CONTRIBUTION

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.

### PRELIMINARY ALLEGATIONS

<>. Cross- Defendant \_\_, \_\_ is \_\_, and at all times herein mentioned was \_\_, a resident \_\_ of the City of \_\_, County of \_\_, State of California.

<>. Cross-Defendant \_\_, \_\_, is \_\_, and at all times herein mentioned, was \_\_ a Corporation organized and existing under the laws of the State of California with principle offices located at \_\_, in the City of \_\_, County of \_\_.

<>. The true names and capacities, whether individual, corporate, associate or otherwise, of the cross-defendants named herein as DOES 1 through 50, inclusive, are unknown to cross-complainant who therefore sues said cross-defendants by such fictitious names. Cross-Complainant \_\_ will seek leave to amend his \_\_ cross-complaint to show their true names and capacities when the same have been ascertained.

<>. Cross-Complainant \_\_ is \_\_ informed and believes and on such information and belief alleges \_\_ that at all times herein pertinent, the individual cross-defendant \_\_ named herein are \_\_ or were \_\_ residents of \_\_ county in the State of California.

<>. Cross-Complainant \_\_ is \_\_ informed and believes \_\_ and on such information and belief alleges that at all times herein mentioned, cross-defendants, and

each of them, were the agents, servants, representatives and employees of the other cross-defendants, and each of them, and in doing the things herein alleged, were acting within the course and scope of such agency and employment.

<>. Cross-Complainant \_\_\_ is \_\_\_ informed and believes \_\_\_ and thereon alleges \_\_\_ that each of the cross-defendants designated herein as a DOE is responsible in some manner for the happenings and events hereinafter alleged and negligently or otherwise caused the losses and/or damages as herein alleged.

### **FIRST CAUSE OF ACTION**

(Implied Indemnity Against \_\_\_\_\_)

< >. Cross-complainant \_\_\_ refers \_\_\_ to Paragraph \_\_\_ through \_\_\_ of his \_\_\_ First Cause of Action and incorporates \_\_\_ the same herein by reference as though fully set forth at length at this point

<>. A Complaint entitled \_\_\_\_\_ was filed on or about \_\_\_\_, 19\_\_\_, alleging damages arising as a result of an alleged incident. Said complaint, for purposes of its allegations only, is incorporated by reference herein as though fully set forth at length.

<>. Cross-complainant \_\_\_ is \_\_\_ incurring and has \_\_\_ incurred attorney's fees, court costs, investigative costs and other costs in connection with defending said complaint, the exact amount of which is unknown at this time. when the same has been ascertained, cross-complainant \_\_\_ will seek leave of court to amend this cross-complaint to set forth the true nature and amount of said costs and expenses.

<>. If cross-complainant \_\_\_ is \_\_\_ held liable and responsible to plaintiff for damages as alleged in \_\_\_ Complaint, it will be solely due to the conduct of cross-defendants, and each of them, as herein alleged. Therefore, cross-complainant \_\_\_ is \_\_\_ entitled to be indemnified by said cross-defendants, and each of them should such liability arise.

<>. If cross-complainant \_\_\_ is \_\_\_ held liable or responsible to the plaintiffs \_\_\_ for damages, said liability will be vicarious only and said liability will be the direct and proximate result of the active and affirmative conduct on the part of cross-defendants, and each of them.

<>. Cross-complainant \_\_\_ is \_\_\_ entitled to complete indemnification by said cross-defendants, and each of them for any sum or sums for which he may be adjudicated liable to plaintiffs, with costs of defense, costs of suit, and reasonable attorney's fees incurred therefrom.

## **SECOND CAUSE OF ACTION**

(Comparative Indemnity Against \_\_\_\_\_)

<>. Cross-complainant \_\_\_ refers \_\_\_ to Paragraph \_\_\_ through \_\_\_ of his \_\_\_ First Cause of Action and incorporates \_\_\_ the same herein by reference as though fully set forth at length at this point

<>. Cross-complainant \_\_\_ contends \_\_\_ that he \_\_\_ is in no way legally responsible for the events giving rise to the plaintiff's causes of action, or legally responsible in any other manner for the damages allegedly sustained by the plaintiff. However, if as a result of the matters alleged in plaintiff's complaint, this \_\_\_ cross-complainant \_\_\_ is \_\_\_ held liable for all or any part of the claim or damages asserted against him \_\_\_ by the plaintiff \_\_\_, cross-defendants, and each of them, to the extent that their fault was a proximate cause of plaintiff's \_\_\_ damages and/or losses, are responsible for said damages and/or losses in proportion to each cross-defendants' comparative negligence and this cross-complainant is entitled to a determination of several liability.

<>. By reason of the foregoing, cross-complainant \_\_\_ is \_\_\_ entitled to indemnity from cross-defendants, and each of them, for all costs, fees, expenses, settlements and

judgments paid by and incurred by cross-complainant in connection with this litigation.

### **THIRD CAUSE OF ACTION**

(Declaratory Relief Against \_\_\_\_\_)

<>. Cross-Complainant\_\_ refers\_\_ to Paragraphs \_\_\_ through \_\_\_ of his \_\_\_ First Cause of Action and by this reference incorporates the same herein as though set forth in full.

<>. An actual controversy has arisen between cross-complainant\_\_\_ and cross-defendants, and each of them, with respect to the rights, obligations and duties of the parties: (a) cross-complainant\_\_\_ contends\_\_\_ that he\_\_\_ is\_\_\_ without fault, responsibility or blame for any of the damages which the plaintiff\_\_\_ may have suffered. If there is any \_\_\_\_\_, these acts were committed by the cross-defendants and not the cross-complainant. Cross-Complainant contends that he\_\_\_ is entitled to indemnity from cross-defendants, and each of them. (b) Cross-complainant\_\_\_ is\_\_\_ informed and believes\_\_\_ and thereon alleges\_\_\_ that the cross-defendants, and each of them contend to the contrary.

### **FOURTH CAUSE OF ACTION**

(Equitable Indemnity Against \_\_\_\_\_)

<>. Cross-complainant refers\_\_\_ to Paragraphs \_\_\_ through \_\_\_ of the First Cause of Action and by this reference incorporates the same herein as though set forth at length.

<>. Cross-complainant alleges\_\_\_ that he\_\_\_ is in no way legally responsible for the events giving rise to Plaintiff's\_\_\_ action no legally responsible in any manner for the damages allegedly sustained by said plaintiffs\_\_\_. If, contrary to the foregoing allegations, cross-complainant\_\_\_ herein is held to be liable for all or any part of the

claim for damages asserted against cross-complainant \_\_\_ by the plaintiffs, then cross-complainant is informed and believes, and based upon such information and belief, alleges that cross-defendants, and each of them, \_\_\_\_\_ [---i.e. were negligent, misrepresented certain facts, breached fiduciary duties, and breached contracts and/or agreements.-----]. Cross-complainant \_\_\_ is \_\_\_ informed and believes at this time that the above acts of the cross-defendants, and each of them, were the proximate cause of the damages and/or losses to Plaintiff \_\_\_.

<>. By reason of the foregoing, cross-defendants, and each of them, are responsible and liable for any such damages in direct proportion to the extent of their \_\_\_\_\_ [---allege acts done---] in bringing about said damages. If cross-complainant \_\_\_ is \_\_\_ found to be responsible for any of the damages of the plaintiffs, then cross-complainant \_\_\_ is \_\_\_ entitled to judgment over and against cross-defendants, and each of them in an amount proportionate to the amount of cross-complainant's \_\_\_ financial responsibility for such damages that exceed his \_\_\_ portion of responsibility, if any.

### **FIFTH CAUSE OF ACTION**

(Contribution Against \_\_\_\_\_)

<>. Cross-complainant \_\_\_ refers \_\_\_ to Paragraphs \_\_\_ through \_\_\_ of his \_\_\_ First Cause of Action and by this reference incorporates \_\_\_ the same herein as though set forth in full.

<>. Cross-complainant \_\_\_ contends that he \_\_\_ is in on way legally responsible for the damages alleged in plaintiff's \_\_\_ complaint. However, if as a result of the matters alleged in plaintiff's \_\_\_ complaint, cross-complainant \_\_\_ is \_\_\_ held liable for all or any part of plaintiff's \_\_\_ alleged damages, cross-defendants herein, and each of them, to the extent that their fault is determined by the court, are obligated to reimburse and are liable to cross-complainant for all or any liability so assessed by way of contribution, and

cross-complainant accordingly asserts herein such right to contribution.

WHEREFORE, cross-complainant\_\_\_ prays\_\_\_ for judgment as follows:

1. For a declaration of cross-complainant's\_\_\_ rights and duties;
2. For an order of the court declaring the percentage of fault, if any, between cross-complainant and cross-defendants, and each of them, for damages and losses allegedly caused to plaintiff\_\_\_;
3. For an order of the court awarding judgment in favor of cross-complainant\_\_\_ against cross-defendants, and each of them, based upon the relative percentage of fault of each party including the plaintiff\_\_\_;
4. For an order of this court that the cross-complainant\_\_\_ is\_\_\_ entitled to be fully indemnified by cross-defendant, and each of them, for any and all settlements or compromises and/or judgments entered into by cross-complainant\_\_\_ as a result of this action;
5. For attorney's fees, court costs, investigative costs and other expenses incurred in the defense of the complaint according to proof; and
6. For such other and further relief as the court may deem just and proper.

Date: \_\_\_\_\_  
\_\_\_\_\_ [Plaintiff's name]  
Plaintiff *In Pro Per*

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