

## COMPLAINT FOR DAMAGES & INJUNCTION FOR NUISANCE

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.

### \_\_\_\_\_ CAUSE OF ACTION

(Nuisance Against \_\_\_\_\_)

5. Commencing on or about \_\_\_\_\_ [date], defendants \_\_\_\_\_ [allege in detail facts indicating condition on or use of defendants' property that constituted a nuisance, such as: and their invitees engaged in and promoted rehearsals, between the hours of midnight and 6 a.m., of the heavy metal music group \_\_\_\_\_ (name), which rehearsals featured electrically amplified guitars, organs, drums, and human and animal voices, as well as excessively boisterous yelling, whistling, clapping, and foot-stomping noises].

6. Defendants' use and maintenance of the property, as described in paragraph 5, constitutes a nuisance under Civil Code section 3479. It is injurious to plaintiff's health and offensive to plaintiff's senses, so as to obstruct the free use of plaintiff's property, and interferes with plaintiff's comfortable enjoyment of life.

7. On or about \_\_\_\_\_ [date], plaintiff gave notice to defendants \_\_\_\_\_ [names] to abate the nuisance by \_\_\_\_\_ [sending to each such defendant by certified mail return receipt requested a letter requesting the abatement of the nuisance], but defendants, and each of them, have failed to reply to the letter or to abate the nuisance. Copies of these letters are attached as Exhibits \_\_\_ through \_\_\_ and are incorporated by reference.

### [EITHER]

8. As a proximate result of the nuisance created and maintained by defendants, as described in paragraph 5, plaintiff has been damaged in the amount of \$\_\_\_

\_\_\_\_\_ [specify elements of damage, such as: representing the cost of installation of sound-proofing material to plaintiff's property].

**[AND/OR]**

8. Plaintiff's property has been diminished in value as a \_\_\_\_\_ [further and] proximate result of the nuisance created by defendants in the amount of \$\_\_. Unless the nuisance created by defendants is abated, plaintiff's property will continue to diminish in value.

**[AND/OR]**

8. As a \_\_\_\_\_ [further and] proximate result of the nuisance created by the defendants, plaintiff has suffered extreme mental anguish and had to be placed under the care of a physician. \_\_\_\_\_ [Describe any physical manifestations of plaintiff's mental suffering.] Accordingly, plaintiff has suffered general damages in an amount to be determined by proof at trial.

**[AND/OR]**

8. As a \_\_\_\_\_ [further and] proximate result of the nuisance created by the defendants, plaintiff was required to obtain medical services and treatment in 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]. \_\_\_\_\_ [Add, if applicable: Plaintiff is informed and believes, and on the basis of this information and belief alleges that \_\_\_\_\_ (he or she) has suffered permanent hearing loss as a proximate result of the nuisance created by defendants.]

**[AND/OR]**

8. As a \_\_\_\_\_ [further and] proximate result of the nuisance created by the defendants, plaintiff's past and present earning capacity has been impaired in an amount to be determined by proof at trial.

9. Plaintiff is informed and believes, and on the basis of this information and belief alleges, that unless restrained or enjoined by order of this court, defendants will

continue to engage in and promote the activity constituting the nuisance described in paragraph 5. Such conduct will result in irreparable harm to plaintiff, in that \_\_\_\_\_ [describe irreparable nature of injury, for example plaintiff's hearing will continue to be damaged]. The threat of such irreparable and permanent damage justifies the issuance by this court of an injunction, as well as an award of money damages, as expressly authorized in Code of Civil Procedure sections 526 and 731.

10. Plaintiff has no adequate remedy at law for the injuries which plaintiff has suffered and will continue to suffer in the future.

11. \_\_\_\_\_ [If appropriate, allege facts indicating fraud, malice, or oppression to provide basis for recovery of punitive damages.]

Wherefore, plaintiff requests judgment against defendants, and each of them, for the following:

1. A \_\_\_\_\_ [preliminary and] permanent injunction enjoining defendants from \_\_\_\_\_ [state conduct to be enjoined with sufficient specificity for injunction to issue];
2. General damages \_\_\_\_\_ [in the amount of \$\_\_ or according to proof];
3. \_\_\_\_\_ [Specify special damages, if any;]
4. \_\_\_\_\_ [If appropriate, add: Punitive damages;]
5. Costs of suit; and
6. Any other and further relief that the court considers proper.

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

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