

COMPLAINT RE DOG BITE

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

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

<>. 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 __.

<>. Plaintiff __ is __ ignorant of the true names and capacities of defendants sued herein as DOES I through X, inclusive, and therefore sues __ these defendants by such fictitious names. Plaintiff __ will amend this complaint to allege their true names and capacities when ascertained.

<>. Plaintiff __ is __ informed and believes __ and thereon alleges __ that, at all times herein mentioned, each of the defendants sued herein was the agent and employee of each of the remaining defendants and was at all times acting within the purpose and scope of such agency and employment.

FIRST CAUSE OF ACTION

(Strict Liability Against ___)

<>. Plaintiff ___ incorporate ___ in this Cause of Action Paragraphs ___ through ___ herein the same as though fully set out in this Cause of Action at length.

<>. At all times herein mentioned defendant ___ was ___, and still is ___ the owner of a certain ___ [breed] dot, which caused the injuries and damage hereinafter complained of. This dog had a vicious nature, disposition, and propensity, which was known or should have been known by defendant.

<>. On or about ___, 19 ___, at about ___ .M., the dog was ___ [location]. The dog was not under any form of restraint or control of a competent person. The area is traveled by pedestrians and business people. At this time and place, plaintiff proceeded to ___ was suddenly and with no warning viciously attacked by the dog. The dog ___ and severely bit the Plaintiff about the ___.

<>. As a proximate result of the actions of defendant's dog, plaintiff sustained the following injuries, all to his damage in the sum of \$_____.

<>. As a further proximate result of the actions of defendant's dog, plaintiff was required to and did employ physicians and surgeons to examine, treat, and care for ___ and incurred additional medical expenses for hospital bills and other incidental medical expenses in the approximate amount of \$_____ to date.

<>. Plaintiff is informed and believes, and on such information and belief alleges, that ___ will incur some additional medical expenses, the exact amount of which is unknown. Plaintiff will ask leave of court to amend ___ complaint to insert the correct amount of such medical expenses when the same has been ascertained.

<>. As a further proximate result of the actions of defendant's dog, plaintiff has suffered a loss of income and earnings, and ___ earning ability is, and will remain, impaired and diminished by reason thereof, and ___ will continue to suffer a further loss

of earnings and income for an indefinite period of time, and plaintiff prays leave to amend this complaint and insert the true amounts when the same shall be ascertained.

SECOND CAUSE OF ACTION

(Negligence Against ____)

<>. Plaintiff__ incorporate__ in this Cause of Action Paragraphs ____ through ____ herein the same as though fully set out in this Cause of Action at length.

<>. Defendant__ negligently failed to have the dog under restraint or to take any other precautions to prevent the dog from attacking plaintiff or other persons. Defendant was also negligent in that ____ failed to post a sign or take other measures to warn of the presence of a vicious dog.

WHEREFORE, plaintiff prays judgment as follows:

1. For general damages in the sum of \$_____.
2. For medical and incidental expenses according to proof.
3. For damages for loss of income and earnings and impairment of earning ability according to proof.
4. For costs of suit herein incurred.
5. For such other and further relief as the court may deem 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