

COMPLAINT FOR LOSS OF CONSORTIUM

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

(Negligence Against ____)

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

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

3. The true names and capacities, whether individual, corporate, associate, or otherwise, of defendants DOES 1 through 50, inclusive, are unknown to plaintiff at this time. Plaintiff sues those defendants by such fictitious names pursuant to Code of Civil Procedure section 474 and will amend this complaint to show their true names and capacities when they have been ascertained. Plaintiff is informed and believes, and based on that information and belief alleges, that each of the defendants designated as a DOE is negligently or otherwise legally responsible for the events and happenings referred to in this complaint, and negligently or otherwise unlawfully caused the injuries and damages to plaintiff alleged in this complaint.

4. Plaintiff is informed and believes, and based on that information and belief alleges, that at all times mentioned in this complaint, defendants were the agents and employees of their codefendants, and in doing the things alleged in this complaint were acting within the course and scope of such agency and employment.

5. On _____ [date of injury], and at all times mentioned in this complaint, plaintiff and plaintiff's spouse were husband and wife.

6. _____ [Specify facts showing that defendant owed a duty, such as the duty of reasonable care, to plaintiff's spouse at the time of the injury.]

7. On _____ [date], _____ [name of plaintiff's spouse] was injured _____ [physically or mentally] when _____ [describe defendant's negligent conduct which injured spouse, for example: defendant negligently and carelessly drove _____ (his or her) automobile in the wrong direction on a one- way street and struck the oncoming car of plaintiff's spouse].

8. As a direct and proximate result of defendant's negligent conduct, plaintiff's spouse suffered _____ [describe injuries in detail, for example: spinal cord injuries which caused _____ (him or her) to become completely paralyzed from the mid-chest down and in one arm].

9. Before suffering these injuries, plaintiff's spouse was able to and did perform all the duties of a _____ [husband or wife] and did perform all these duties, including assisting in maintaining the home, and providing love, companionship, affection, society, sexual relations, moral support, and solace to plaintiff. _____ [Specify any particular duties the injured spouse performed which he or she is now unable to perform.] As a direct and proximate result of the injuries, plaintiff's spouse@ has been unable to perform the duties of a _____ [husband or wife] in that _____ [specify duties injured spouse can no longer perform, for example: _____ (_____ (he or she) can no longer assist with housework, have sexual intercourse, _____ (become pregnant and bear a child or father a child), participate in family, recreational, or social activities with plaintiff, or contribute to the household income. Due to the nature of the injuries sustained by plaintiff's spouse and the severe physical and psychological strains they cause _____ (him or her), plaintiff's spouse is no longer able to provide plaintiff with love, companionship,

affection, society, moral support, and solace.)] Because of these injuries, plaintiff's spouse will be unable to perform these duties in the future. Plaintiff is therefore deprived and will be permanently deprived of _____ [his or her] spouse's consortium, all to plaintiff's damage, in a total amount to be established by proof at trial.

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

1. General damages according to proof;
2. Special damages according to proof;
3. Prejudgment interest according to law
4. Costs of suit; and
5. Any other and further relief that the court considers proper.

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

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