

INSTRUCTIONS FOR PREPARING A COMPLAINT IN A NEVADA DISTRICT OR JUSTICE COURT (Generic)

If you have already properly evaluated and researched your case, you have decided who to sue, and you know whether you are suing in a Nevada "district" or "justice" court, then drafting your complaint might be the next step. Complaints must be filed within the applicable statute of limitations, or time periods. The Nevada statute of limitations can be found in Nevada Revised Statutes § 11.010.

WARNING: The initiation of a case and the filing of a Complaint is a very serious matter and affects your legal rights. In some situations, filing a complaint could even get you into trouble. The information contained in this packet is only intended to be a brief guide and is not a substitute for competent legal advice. For more information, you should contact an attorney licensed to practice in the State of Nevada.

PREPARING YOUR COMPLAINT

A civil case is a court case that involves disputes between people or businesses over money or injury to personal rights. A civil case usually begins when one person or business (the "plaintiff") claims to have been harmed by the actions of another person or business (the "defendant"). The plaintiff starts a court case by filing a "complaint," which is the document that outlines the plaintiff's facts and legal theories ("claims"). In the complaint, the plaintiff must also make a request for relief, which is the legal remedy or solution to the plaintiff's claim. Plaintiff might ask for the following kinds of "relief":

- "Damages," meaning money to pay the plaintiff for any harm suffered; and/or
- An "injunction," which is a court order to prevent the defendant from doing something or to require the defendant to do something; and/or
- A "declaratory judgment," meaning a court order stating the parties' rights under a contract or statute.

Because there are so many varieties of civil cases, **there are no form complaints**. Your complaint is your story, and because every story is different, every complaint is different. Exhibit 1 is a *Sample Complaint* that will give you an idea of what a complaint looks like. You should look at sample complaints at your local law library or find examples in the court's online records for samples that match your situation. Based on your particular facts, you might want to research complaints based on the following common types of claims:

- **Tort claims.** A "tort" is a wrongful act (sometimes called a "tortious" act) that causes injury to someone's person, property, reputation, or the like, for which the injured person is entitled to payment. Cases involving personal injury, battery, negligence, defamation, medical malpractice, fraud, and many others, are all examples of tort claims.

- **Breach of contract claims.** A breach of contract case usually results from a person's failure to perform some term of a contract, whether the contract is written or verbal, without some legitimate legal excuse. Examples include lawsuits for not completing a job, not paying in full or on time, failing to deliver goods sold or promised, and many others.
- **Equitable claims.** An "equitable claim" usually asks the court to order a party to take some action or stop some action. It might be joined with a claim for money. Cases for a court order to stop the destruction of property, the sale of land, or the marketing to a business' customers are examples.

Again, these are just examples of common types of claims; there are too many types of claims to mention. You will have to decide what your claims are. Once you know what types of claims you have, you will need to write your own complaint if you want to represent yourself in a district or justice court civil case. If you are filing in a Nevada court, you must include in your complaint:

1. **A caption.** This is a heading that includes the name of the court and county you are suing in, the parties to the case, and their roles in the case (*i.e.* "plaintiff" or "defendant"), the case number (if you have one), and the title of the document.
2. **A short and plain statement of the claim showing that the plaintiff is entitled to relief.** This means that your complaint must state sufficient facts to establish all the elements of the claim for relief you are asserting. Your statement of claim should be broken into numbered paragraphs, so that each paragraph has a single thought or set of circumstances. You might need to include more information depending on what type of claim you are making. For example, if you are making a claim for fraud, you have to be more specific with your facts.
3. **A demand for judgment that states the relief you want.** In the district court, just say you are seeking "damages in excess of \$15,000." In justice court, state the exact dollar amount you are seeking, but it must be less than \$15,000. As a general rule, if you do not ask for it, you are not going to get it. So demand all the types of relief you are seeking.
4. **Your signature, your address, telephone number, and e-mail address.** If you're filing in the New River Justice Court, you must include in this statement above your signature line: "I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct."

You are not required to attach exhibits to your complaint. If you think it will help your case in some way, you can attach exhibits, but anything you attach to your complaint becomes part of your complaint.

AFTER YOU HAVE PREPARED YOUR COMPLAINT

When your complaint is ready, you will need to fill out a "summons" for the court in which you are filing, as well as a cover sheet if the court requires it. You will file the complaint, summons, and cover sheet at the clerk's office for the court where you want your case decided. You will have to pay a filing fee unless the court approves the waiver of your filing fees. Once the complaint is filed and the summons is signed by the court clerk, the complaint and summons will need to be served on the defendants.

CASE NO.:

DEPT. NO.:

Leave the case number and the department number blank. The case number and department number will be assigned by the court clerks after you file a complaint.

These blocks and the text together are what's called the case "caption". The SEVENTH JUDICIAL DISTRICT COURT caption contains the name of the Court; it identifies the plaintiff(s) and defendant(s). Every document filed with the Court should have a case caption.

SEVENTH JUDICIAL DISTRICT COURT
WHITE PINE COUNTY, NEVADA

This is the name of the court where you are filing.

Jane Doe,

Plaintiff,

This is the title of the document. A complaint can be for many things, including damages or declaratory relief.

vs.

COMPLAINT

John Smith, BigBox Store, Inc.;
DOES I through X, inclusive, and ROE
Business Entities I through X, inclusive,

Sometimes it is a good idea to list DOES and ROES (unnamed parties) as defendants if you think there are other parties that might be involved, but you're not sure who they are yet.

Defendants.

This is the introductory paragraph, where you tell the court what you are filing.

Plaintiff, JANE DOE, in proper person, complains against Defendants, JOHN SMITH; BIGBOX STORE, INC.; DOES I through X, inclusive; and ROE Business Entities I through X, inclusive, as follows:

Remember to number your paragraphs.

I. PARTIES

This section is where you identify who the parties are in the case, where they live and lived during the case events, or where they are incorporated.

1. Plaintiff, JANE DOE, (hereinafter "Plaintiff") is an individual who is currently, and was at all relevant times herein, a resident of the State of Nevada, County of White Pine, City of Ely.

Identify each plaintiff and where that plaintiff lives or lived at the time of the event(s) on which the case is based took place.

2. Defendant, JOHN SMITH (hereinafter "Defendant Smith") is an individual who is currently, and was at all relevant times herein, a resident of the State of Nevada, County of White Pine, City of Ely.

Identify each defendant and where that defendant lives or lived at the time of the event(s) on which the case is based took place.

3. Defendant, BigBox Store, Inc. (hereinafter "BigBox Store") is a corporation organized and existing by virtue of the laws of the State of Nevada, and may be served with process by service upon its registered agent, Reza Resident, 1234 Aultman St, Ely, NV 89301.

This information can be obtained from the Nevada Secretary of State website (www.nvsos.gov). Sole proprietorships and other types of business entities that are not required to designate a registered agent can be served at their normal place of business.

4. All of the acts and/or failures to act alleged herein were duly performed by and/or are attributable to defendants, individually or acting by and through their agents and employees. Said acts and/or failures to act were within the scope of any agency or employment, or were ratified by defendants.

5. The names and capacities, whether individual, corporate, associate or otherwise, of defendants and/or their alter egos sued herein as DOES I through X, and ROE Business Entities I through X, inclusive, are presently unknown, and Plaintiff will amend this complaint to insert the name(s) when ascertained.

II. FACTS

6. Plaintiff is the owner of a cookie baking company called "Jane's Cookies."

7. Defendant Smith is the owner of a grocery store called BigBox Store, located at 1234 Aultman St, Ely, NV 89301.

8. On or about February 1, 2016, Plaintiff met Defendant Smith at a networking function in downtown Ely, Nevada.

Nevada law only requires a short and plain statement showing that you are entitled to relief. Be detailed enough that you demonstrate how and why you are entitled to relief under the law, but this is not the place to talk about things that do not matter to a judge, like how angry you are. The allegations in a complaint should give fair notice to the defendants of claims and the relief you are requesting. *Vacation Village v. Hitachi America*, 110 Nev. 481, 874 P.2d 744 (1994).

9. At that February 1, 2016 meeting, Defendant Smith made an offer to Plaintiff where Plaintiff would have the exclusive rights to a kiosk at the BigBox Store where Plaintiff could market and sell her cookies.

10. Defendant Smith further promised that BigBox Store would sell no other brands of cookies at the store or allow for the sale of cookies by anyone else within 100 yards of the store.

11. In return, Plaintiff or her employees/representatives would be present at the store at least four days a week at the kiosk to market the cookies, including handing out samples to customers of BigBox Store.

You can attach exhibits to your complaint, and if you do, the exhibits will become part of your complaint.

12. Plaintiff and Defendant Smith, on behalf of BigBox Store, entered into a written contract on February 10, 2016 regarding this agreement, which is attached as **Exhibit 1**.

13. On or about January 1, 2017, Plaintiff arrived at BigBox Store to begin setting up her kiosk as she had for the previous 10 months. It was then that Plaintiff noticed that Tollhouse cookies were being sold in the eighth aisle of BigBox Store.

14. Plaintiff stepped around the kiosk to examine the Tollhouse cookies on the shelf, when she slipped on a puddle of liquid and fell on her back.

15. When an employee of BigBox Store approached Plaintiff upon seeing her on the ground, the employee stated, "I'm so sorry! We've been meaning to clean that juice spill up for hours now!"

16. Plaintiff was rushed off in an ambulance and stayed in the hospital for three days.

17. Plaintiff sustained severe and permanent physical injury to her shoulders and back as a result of the fall. She also suffered anxiety, worry and fear related to her permanent injuries.

18. Because of her injuries, Plaintiff required physicians, surgeons, and other health care providers to examine, treat, and care for her, and she has incurred significant medical and incidental expenses as a result.

19. Also, during the time that Plaintiff was hospitalized and for several months after she was not able to focus on and continue to run her business. As a result, Plaintiff's business lost many sales and clients for a period of at least 6 months.

III. CLAIMS FOR RELIEF

A. Breach of Contract

20. Plaintiff and defendants entered into a valid and existing contract set forth above.

21. Plaintiff performed her obligations under the contract or was excused from doing so.

22. Defendants breached the contract as set forth above.

23. As a result of Defendants' breach, Plaintiff sustained damages in an amount in excess of \$15,000.00, which will be proven at trial.

B. Negligence

24. Defendants have a duty to maintain their store premises in a reasonably safe condition for the public.

25. Defendants breached their duties as set forth above.

26. Defendants' breach directly and proximately caused injury to Plaintiff and to her business as set forth above.

Claims for relief are your claims, under specific laws, as to why you believe you are entitled to the relief you are asking for. This sample complaint is a complaint under the laws on "breach of contract" and "negligence." Each of these laws used in the sample complaint has certain elements assigned to it under Nevada law. In order to prove that a violation of a law occurred, the plaintiff has to show that each element was met. For example, the Nevada Supreme Court identified the elements of a breach of contract as: (1) Plaintiff and defendant entered into a valid and existing contract; (2) Plaintiff performed or was excused from performance; (3) Defendant breached; and (4) Plaintiff sustained damages as a result of the breach. *Collway v. City of Reno*, 116 Nev. 250 (2000). Some laws are established in cases, some are in statutes. For your complaint, you have to find and know the laws that you're suing under, then apply your own facts to the elements of those laws. Your paragraphs under the claims for relief section should identify the laws and show how your facts meet the elements.

You can have more than one claim for relief, but you should list out each claim separately.

27. Plaintiff's injuries have resulted in damages in excess of \$15,000, which will be proven at trial.

III. PRAYER FOR RELIEF

The Prayer for Relief is where you ask the judge for what you want. In the Seventh Judicial District Court, if you are looking for money damages, you can ask for "damages in excess of \$15,000." In Ely Justice Court, you have to ask for the exact amount you want.

WHEREFORE, Plaintiff prays for the following relief:

1. For compensatory damages for medical costs and expenses, for past, present, and future in excess of \$15,000;
2. For general damages for past, present, and future pain and suffering, and other damages in excess of \$15,000;
3. For interest at the statutory rate; and
4. For such other and further relief as this court deems just and equitable.

DATED this 1st day of March, 2017.

Make sure you date and sign your complaint and include your contact information.

Jane Doe
123 Plaintiff Place
Ely, NV 89301
Telephone: (775) 555-0000
pplaintiff@mail.com
Plaintiff, in Proper Person