

COMPLAINT FOR EMOTIONAL DISTRESS

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

(Intentional Infliction of Emotional Distress against _____)

<>. 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.

<>. ____ [---Allege facts showing relationship of parties giving rise to defendant's duty to exercise due care towards plaintiff or, if action arises out of defendant's breach of contract with plaintiff, allege execution and relevant terms of contract----]

<>. ___[---Allege defendant's act or omission to act constituting breach of duty or breach of contract---]

<>. ___[---Allege intent to cause emotional distress, e.g., Defendant ___'s conduct was intentional and malicious and done for the purpose of causing Plaintiff to suffer humiliation, mental anguish, and emotional and physical distress.----]

<>. As a proximate result of defendant's ___[---act or omission ---], ___[---specify consequences of breach support claim----].

<>. As a further proximate result of defendant ___ ___[---specify act---] and the consequences proximately caused by it, as hereinabove alleged , plaintiff suffered severe humiliation, mental anguish, and emotional and physical distress, and has been injured in mind and body as follows: _____, all to ___ damage in the sum of \$_____.

<>. [---Continue, alleging in this and subsequent paragraphs each item of special damages, if any, suffered by plaintiff, including any loss of wages and medical and related expenses incurred or paid.----]

FIRST CAUSE OF ACTION

(Negligent Infliction of Emotional Distress against ___)

<>. ___[---Allege facts showing relationship of parties giving rise to defendant's duty to exercise due care towards plaintiff or, if action arises out of defendant's breach of contract with plaintiff, allege execution and relevant terms of contract----]

<>. Defendant ___ knew, or should have known, that ___ failure to exercise due care in the performance of ___[---act to be done or terms of the contract---] would cause plaintiff ___ severe emotional distress.

<>. ___[---Allege defendant's act or omission to act constituting breach of duty or breach of contract---]

<>. As a proximate result of defendant's ___[---act or omission ---], ___[---

specify consequences of breach support claim----].

<>. As a further proximate result of defendant____ ____ [---specify act---] and the consequences proximately caused by it, as hereinabove alleged , plaintiff suffered severe emotional distress and mental suffering, all to ___ damage in the sum of \$_____.

<>. [---Continue, alleging in this and subsequent paragraphs each item of special damages, if any, suffered by plaintiff, including any loss of wages and medical and related expenses incurred or paid.----]

WHEREFORE, plaintiff prays judgment against defendant as follows:

1. For general damages for severe emotional distress and mental suffering in the sum of \$_____;
2. [---For medical and related expenses in the sum of \$____ [---or according to proof---];
3. [---For lost wages in the sum of \$____ ---];
4. [---For _____ ---]
5. For costs of suit herein incurred; and
6. For such other and further relief as the court may deem proper.

Date: _____

[Plaintiff's name]
Plaintiff *In Pro Per*

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