

List of Common Forms Used for Filing Civil Complaints in the Superior Court

GENERAL INFORMATION REGARDING ALL COMPLAINTS

1. Each complaint filed with the court must include at least one **cause of action**. A **cause of action** is a legal theory upon which your lawsuit is based. Even though the form you use says “Complaint” on it, without at least one separate **cause of action** attached, it will be defective. Forms for different causes of action commonly used for different types of cases are listed below.
2. Each complaint must have a **summons** with it. The **summons** is the document used to “summon” the defendant to court. The court cannot get jurisdiction over a defendant unless he, she or it has been served with a copy of the issued **summons** and complaint. The **summons** form used for the civil complaints listed below is Judicial Council form # SUM-100.
3. Each complaint must include three cover sheets. These are the **Civil Case Cover Sheet** (Judicial Council Form # CM-010); **Case Information Sheet** (Local Form # VN 010); and the **Declaration for Court Assignment** (Local Form # VN 027).

COMPLAINTS FOR PERSONAL INJURY OR PROPERTY DAMAGE

If you are suing to recover money for injury or damage to you or your property, the following forms can generally be used:

1. **Complaint – Personal Injury, Property Damage, Wrongful Death** (Judicial Council Form # 982.1(1)).
2. **Cause of Action – General Negligence** (Judicial Council Form # 982.1(3)).

If the complaint arose out of a **car accident** the following additional cause of action can be added:

3. **Cause of Action – Motor Vehicle** (Judicial Council Form # 982.1(2)).

If the person who caused your injury or property damage intended to hurt you, as opposed to accidentally, or was driving under the influence of alcohol or drugs when he or she caused the accident, then you can add the following cause of action:

4. **Cause of Action - Intentional Tort** (Judicial Council Form # 982.1(4)). You can also add an **Exemplary Damages Attachment** form (Judicial Council Form # 982.1(13)) if you want to seek **punitive damages** against the person who intentionally hurt you.

If you were injured on someone else's property because of the property owner's failure to maintain the premises, you can use the following cause of action:

5. **Cause of Action – Premises Liability** (Judicial Council Form # 982.1(5)).

If you were injured because of a defective product you bought or used, you can use the following cause of action:

6. **Cause of Action – Products Liability** (Judicial Council Form # 982.1(6)).

COMPLAINTS BASED ON CONTRACTS OR AGREEMENTS

If you are suing someone for money he or she owes you based on an agreement or contract you had, the following forms may generally be used:

- A. **Contract Complaint** (Judicial Council Form # 982.1(20)).

If you had an actual contract with someone and that person **breached** the contract by not doing what he or she agreed to do, you can use the following cause of action form:

B. Cause of Action – Breach of Contract (Judicial Council Form # 982.1(21)).

If you did not necessarily have a contract or clear understanding about what each side was supposed to do, but you did loan money or provide services to someone for which he or she agreed to pay, you may choose to use the following cause of action form:

C. Cause of Action – Common Counts (Judicial Council Form # 982.1(22)).

If the person with whom you had the agreement was dishonest with you, and that dishonesty caused you to enter into the agreement that you otherwise would not have entered into, you may want to attach the following cause of action based on fraud:

D. Cause of Action - Fraud (Judicial Council Form #982.1(23)). If the misrepresentation or false promise was made to you with the intent to deceive you, you can choose to add an **Exemplary Damages Attachment** form (Judicial Council Form # 982.1(13)). This form lets you request **punitive damages** against the person who intentionally deceived you.

WARNING

THERE MAY BE OTHER CAUSES OF ACTION OR LEGAL THEORIES UPON WHICH YOU CAN BASE YOUR LAWSUIT. MANY DIFFERENT COMPLAINTS AND CAUSES OF ACTION HAVE NO JUDICIAL COUNCIL FORMS, BUT MUST BE SELF-DRAFTED. IT IS ALWAYS IMPORTANT TO CONSULT WITH A PRIVATE ATTORNEY TO ASSESS THE MERITS OF YOUR CASE, AND TO DETERMINE THE PROPER LEGAL THEORIES AND CAUSES OF ACTION. YOU ARE STRONGLY URGED TO TALK WITH A PRIVATE

ATTORNEY, IF POSSIBLE, TO EVALUATE THE FACTS AND LAW OF YOUR CASE AND ADVISE YOU BEFORE FILING YOUR COMPLAINT. YOU CAN GET A 30-MINUTE PRIVATE CONSULTATION WITH AN ATTORNEY FOR A \$30.00 FEE BY CALLING THE VENTURA COUNTY BAR ASSOCIATION AT (805) 650-7599.