

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 or visit the Civil Law Self-Help Center at www.civillawselfhelpcenter.org.

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 Las Vegas 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. For these forms and for more information on filing and serving, visit www.civillawselfhelpcenter.org.

Each document you file should contain a document code at the top left of the document. The code for complaint in the Eighth Judicial District Court is "COMP," but you will need to check with the court you are filing in for its codes (for example, clarkcountycourts.us for the codes for Eighth Judicial District Courts; las vegasjusticecourt.us for the codes for Las Vegas Justice Court).

1 **COMP**

2 Jane Doe
3 123 Plaintiff Place
4 Las Vegas, NV 89101
5 Telephone: (702) 555-0000
6 pplaintiff@mail.com
7 Plaintiff, in Proper Person

The person filing a document with the court should always include his/her contact information here. The person filing the complaint is the Plaintiff, "in proper person," which means representing yourself in court.

8 These blocks and the text together are what's called the case "caption." The caption contains the name of the court; it identifies the plaintiff(s) and defendant(s); and it lists the case number and department number. Every document filed with the court should have a case caption.

9 **EIGHTH JUDICIAL DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

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

11 Jane Doe,

12 Plaintiff,

13 vs.

14 John Smith, BigBox Store, Inc.;
15 DOES I through X, inclusive, and ROE
16 Business Entities I through X, inclusive,
17 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.

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.

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

COMPLAINT

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

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

21 Remember to number your paragraphs.

22 **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.

23 1. Plaintiff, JANE DOE, (hereinafter "Plaintiff") is an individual who is currently,
24 and was at all relevant times herein, a resident of the State of Nevada, County of Clark, City of
25 Las Vegas.

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.

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

4 10. Defendant Smith further promised that BigBox Store would sell no other brands
5 of cookies at the store or allow for the sale of cookies by anyone else within 100 yards of the
6 store.
7

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

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

11 12. Plaintiff and Defendant Smith, on behalf of BigBox Store, entered into a written
12 contract on February 10, 2016 regarding this agreement, which is attached as **Exhibit 1**.
13

14 13. On or about January 1, 2017, Plaintiff arrived at BigBox Store to begin setting up
15 her kiosk as she had for the previous 10 months. It was then that Plaintiff noticed that Tollhouse
16 cookies were being sold in the eighth aisle of BigBox Store.
17

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

20 15. When an employee of BigBox Store approached Plaintiff upon seeing her on the
21 ground, the employee stated, "I'm so sorry! We've been meaning to clean that juice spill up for
22 hours now!"
23

24 16. Plaintiff was rushed off in an ambulance and stayed in the hospital for three
25 days.
26
27
28

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

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

7
8 19. Also, during the time that Plaintiff was hospitalized and for several months after
9 she was not able to focus on and continue growing her business. As a result, Plaintiff's business
10 lost many sales and clients for a period of at least 6 months.

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. *Calloway 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.

11 **III. CLAIMS FOR RELIEF**

12 **A. Breach of Contract**

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

14 21. Plaintiff performed her obligations under the contract or was excused from doing
15 so.
16

17 22. Defendants breached the contract as set forth above.

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

20 **B. Negligence**

21 24. Defendants have a duty to maintain their store premises in a reasonably safe
22 condition for the public.
23

24 25. Defendants breached their duties as set forth above.

25 26. Defendants' breach directly and proximately caused injury to Plaintiff and to her
26 business as set forth above.
27
28

