

IN THE SUPERIOR COURT OF THE STATE OF MAJOR
IN AND FOR THE COUNTY OF JAMNER

GRETCHEN and HANS SUMMERS)	
Individually and as Administrators,)	No.: 20XX 01234 9
Personal Representatives of the)	
Estate of BRUNO SUMMERS, deceased,)	COMPLAINT FOR
And as guardians for)	DAMAGES*
AMANDA and RONNIE SUMMERS;)	
RONNIE SUMMERS, individually and)	
DEBORAH SUMMERS, individually,)	
)	
)	
Plaintiffs,)	
)	
vs.)	
EDWARD TAYLOR HARD; M.C. DAVOLA)	
And JANE DOE DAVOLA, his wife;)	
TOM DONALDSON; MARY APPLE; and)	
JOHN DOE and MARY DOE, his wife,)	
And the DOE CORPORATION, d/b/a)	
THE GARAGE)	
)	
)	
Defendant)	

COMES NOW the plaintiffs herein and for causes of action allege and complain:

1. Plaintiffs GRETCHEN and HANS SUMMERS are the personal representatives and the duly appointed, qualified, and acting Administrators of the estate of BRUNO SUMMERS, deceased, who died on or about September 7, 20XX.

2. Plaintiffs GRETCHEN and HANS SUMMERS are also the duly appointed guardians for the minors, AMANDA and RONNIE SUMMERS. Plaintiffs bring this action for the benefit of decedent’s estate, and for the benefit of themselves individually, decedent’s surviving wife, DEBORAH, and minor children, AMANDA and RONNIE.

* Review for critique purposes only. This document is not intended as a model complaint.

3. DEBORAH SUMMERS, surviving wife of BRUNO SUMMERS brings this action pursuant to paragraph 2 and individually and on behalf of herself.

4. Plaintiffs DEBORAH SUMMERS, the widow of BRUNO SUMMERS, AMANDA and RONNIE SUMMERS, the minor children of BRUNO SUMMERS, and HANS and GRETCHEN SUMMERS, parents of BRUNO SUMMERS, are residents of Jamner County, in the State of Major.

5. Defendant EDWARD T. HARD is a resident of the State of Major.

6. Defendants M.C. DAVOLA and JANE DOE DAVOLA, his wife, are residents of the State of Major.

7. Defendant TOM DONALDSON is a resident of the State of Major.

8. Defendant MARY APPLE is a resident of the State of Major.

9. Defendant DOE CORPORATION is a corporation duly incorporated under the laws of Major, and with M.C. DAVOLA and JANE DOE DAVOLA, his wife, or with JOHN DOE and MARY DOE, is doing business in the State of Major as The Garage.

10. Defendants M.C. DAVOLA, MARY APPLE, and TOM DONALDSON are lawful employees of the Garage and/or of M.C. DAVOLA and/or of DOE CORPORATION and/or of JOHN and MARY DOE.

11. On or about the 7th of September, 20XX, at The Garage, 1130 Broadway Ave., Ruston, Jamner County, State of Major, decedent BRUNO SUMMERS was shot and did subsequently die by a handgun negligently, willfully, wantonly, and recklessly discharged by EDWARD T. HARD.

12. The herein above-described prior incident was proximately caused by the negligent acts of TOM DONALDSON, MARY APPLE, and M.C. DAVOLA in that they unlawfully failed to use reasonable care in serving liquor to EDWARD T. HARD on September 3, 20XX; failed to protect BRUNO SUMMERS from foreseeable injury at the hands of EDWARD T. HARD.

13. Plaintiffs repeat and re-allege each and every allegation contained herein in paragraphs 1 through 12, and for a second claim herein allege that the prior above-described incident was proximately caused by the willful, wanton, malicious, and reckless acts of defendants TOM DONALDSON, MARY APPLE, and M.C. DAVOLA in that they unlawfully

failed to observe reasonable care in serving liquor to EDWARD T. HARD; failed to perform the duties imposed by the lawful and duly promulgated laws, regulations, and codes of the State of Major.

14. Plaintiffs repeat and re-allege each and every allegation contained herein in paragraphs 1 through 12, and for a third claim herein allege that the above-described incident was proximately caused by the willful, violent, and negligent acts of defendant EDWARD T. HARD, an ex-felon, in that by unlawfully possessing and concealing a pistol, having been convicted of crimes of violence, to wit, rape, he knowingly failed to conform his conduct to that which is prescribed by law, for persons convicted of such violent crimes in that defendant reasonably failed to avoid confrontation with BRUNO SUMMERS; provoked such confrontation; and in that defendant failed to use reasonable care in handling the pistol that wounded BRUNO SUMMERS.

15. Plaintiffs repeat and re-allege each and every allegation contained herein in paragraphs 1 through 14, and for a fourth claim herein allege that the above-described incident was proximately caused by the willful, wanton, malicious, and reckless acts of defendant EDWARD T. HARD.

16. Plaintiffs repeat and re-allege each and every allegation contained herein in paragraphs 1 through 14, and for a fifth claim, herein allege that the prior above-described shooting and killing was proximately caused by the negligent, willful, wanton, malicious, and reckless acts of defendant M.C. DAVOLA, in that defendant failed reasonably to protect a patron, plaintiffs' decedent, BRUNO SUMMERS, from foreseeable harm at the hands of EDWARD T. HARD, by failing to instruct employees of the Garage to take precautions to prevent violent confrontations between defendant EDWARD T. HARD and plaintiffs' decedent BRUNO SUMMERS.

17. Plaintiffs repeat and re-allege each and every allegation contained herein in paragraphs 1 through 14, and for a sixth claim, herein allege that by reason of the aforesaid acts, failure or omission to act, by the said defendants, plaintiffs DEBORAH, HANS, GRETCHEN,

RONNIE, and AMANDA SUMMERS have individually suffered negligent and intentional infliction of emotional distress.

18. At the time of his death, plaintiffs' decedent, who was age 30, had a life expectancy of 60 years. Decedent was a devoted husband and father, constantly interested in the welfare of his wife and children. He was in excellent physical health, worked hard and regularly, and devoted his earnings to the care, support, and maintenance of his wife and children. By reason of the death of plaintiffs' decedent, plaintiffs' decedent's surviving parents, spouse, and minor children have been deprived of support, comfort, society, counsel, and services, all to their damage in amounts to be determined at trial.

19. By reason of the injury and death of plaintiff's decedent, BRUNO SUMMERS, his estate has become liable for funeral expenses in an amount to be determined at trial.

20. By reason of the injury and death of plaintiffs' decedent, decedent's estate has been deprived of accumulations to the estate during his life, in an amount to be determined at trial.

21. Plaintiffs DEBORAH SUMMERS, individually, and AMANDA and RONNIE SUMMERS, the minor children of the deceased, and plaintiffs HANS and GRETCHEN SUMMERS repeat and re-allege each and every allegation contained in paragraphs 1 through 19.

WHEREFORE, PLAINTIFFS GRETCHEN, HANS, RONNIE, and AMANDA SUMMERS, INDIVIDUALLY and as PERSONAL REPRESENTATIVES, and as ADMINISTRATORS OF THE ESTATE OF BRUNO SUMMERS, and as GUARDIANS AD LITEM of AMANDA and RONNIE SUMMERS, the minor children of plaintiffs' decedent, BRUNO SUMMERS; and DEBORAH SUMMERS as the surviving spouse of BRUNO SUMMERS, and individually, PRAY JUDGMENT for the damages heretofore described, and for such other sums as the COURT deems proper by way of exemplary or punitive damages, for costs of suit, attorneys fees, and for such other relief as the COURT deems proper in the premises, in an amount to be determined at trial.

Entry 35: Complaint (for critique only)-5 of 5

DATED this 1~~st~~ day of November, 20XX

By: 
Attorney for Plaintiffs
F.C. Fank, MBA #7136