

How to draft a complaint to file in the Massachusetts district court.

7 September 2016

There are many considerations and requirements when drafting a complaint. (Keep in mind, we are discussing the district court, not small claims.) Some are very basic, such as using a legal caption, numbered paragraphs, an acceptable font size, and a logical format. The order typically goes: an introduction (optional), followed by the parties, followed by jurisdiction (and maybe venue), followed by facts, followed by the counts/claims, and ending with the prayer or request for relief (what you want/demand.). Sometimes there are exhibits, sometimes you may want it to be a “verified” complaint which means each paragraph is made under oath, and sometimes there is an affidavit attached, depending on your goals, etc.

There are also the documents in addition to the complaint that must be filed or obtained. A statement of damages form must be completed and you must purchase a summons from the court for each defendant to be served.

Some say the complaint is the most important document you will file in the case and there are many different issues that can lurk in the shadows that cause much trouble if it is not done right.

On that note, and before you decide you can handle the case *pro se*, a cautionary tale is in order. In the case of *Jabaily v. Cullen*, the defendant was previously convicted of raping the plaintiff. 18 Mass. App. Ct. 943 (1984). After the plaintiff filed suit, the defendant, not surprisingly, defaulted. Getting to the point, the plaintiff was awarded approximately \$550K initially. But even though the defendant defaulted, he was later able to have the award lowered to \$100K because the plaintiff made a mistake. She had only prayed for/demanded \$100K in her complaint. So according to Mass. R. Civ. P. 54(c), one of the many rules a plaintiff should be aware of, she could not be awarded more than what she prayed for/demanded in her complaint. The bottom line is that a litigation mistake in drafting the complaint cost the plaintiff over \$440K in the end.

Understand that this is what happened under these circumstances and it is not to say a plaintiff should always pray for/demand an outrageous amount as to never shoot too low. (That way has its own problems.) The point is that there are many traps for the unwary for those that are venturing into district court, especially a *pro se* plaintiff.

In the event that you are seeking to pursue a claim in the Massachusetts district court and you want to consider engaging counsel to help, feel free to give our office a call.

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