

6.01 | DRAFTING THE COMPLAINT (FIRST STEP)

Every civil case starts with a complaint. A complaint outlines a problem or reason for the lawsuit, which is also known as a claim or cause of action. A complaint (and all other documents filed with the court) needs to be on 8 ½" x 11" paper, double-spaced, and typed using certain typefaces required by the Local Rules. A judge may allow you to file a handwritten document. Here are the things that must be in a complaint and with a complaint.

- **Caption.** A complaint, a motion, a notice, and a similar document filed with the court must have a caption that includes the court's name and division (Fort Myers, Jacksonville, Ocala, Orlando, or Tampa), the parties' names and designations (plaintiff or defendant), the case number if known, and a descriptive title, such as "Complaint". Here is an example of a caption you would see at the top of a complaint:

United States District Court Middle District of Florida Jacksonville Division		
JOHN SMITH		
Plaintiff,		
v.		Case No. 3:13-cv-5555-J-34PDB
SHERIFF OF DUVAL COUNTY,		
Defendant.		
Complaint and Demand for Jury Trial		

- **Subject-Matter Jurisdiction.** A complaint must include a short statement of the basis for subject-matter jurisdiction, which is what gives the court, as a federal court, the authority to hear and resolve your claims. As explained in the above section, "Is This the Right Court to Decide My Dispute," your action must involve a right in the United States Constitution, a federal law, the United States of America or one of its agencies as a party, or a dispute between citizens of different states with an amount in controversy that is more than \$75,000. You must tell the court which category matches your case's facts and how it matches those facts so the court knows that it can hear and resolve your claim.



- **Claim or Claims.** A complaint must include a short statement of the claim or claims showing you are entitled to relief. In this section, you must include the core facts that support each element of your claim. When you write your claim, you must explain what happened by stating facts, not conclusions or what relief you want. For example, do this, "The Commissioner of the Social Security Administration issued a final decision denying my claim for disability benefits on July 27, 1997"; not this, "The Commissioner of the Social Security Administration denied me my right to benefits."

- **Demand for Relief.** A complaint must include a demand for judgment stating the relief sought, such as damages (money), a court order, and possibly a jury trial (you usually must ask for one in your complaint if you want one).

If you are seeking a temporary restraining order (an immediate order prohibiting the other side from doing something or requiring the other side to do something), you must follow the Local Rules and Federal Rules of Civil Procedure addressing a temporary restraining order. If you are seeking a preliminary injunction (an order at the beginning of the action prohibiting a party from doing something or requiring a party to do something pending resolution), you must follow the Local Rules and Federal Rules of Civil Procedure addressing a preliminary injunction. A request for a temporary restraining order, a preliminary injunction, or an injunction must be in the complaint. A request for a temporary restraining order and a preliminary injunction also must be in a motion.

- **Signature Block.** A complaint (and other documents filed with the court, except for exhibits) must include a signature block for each person filing it. A signature block must include a signature, name, address, and phone number. If you change your name, phone number, or address, you must update your information with the court.

- **Attachments.** Any written document referenced in a complaint (a contract or a right-to-sue notice, for example) may be attached to a complaint.

- **Civil Cover Sheet.** A complaint must come with a civil cover sheet. You can get the form from the clerk's office or from the court's website:



Civil Cover Sheet Form JS 44

www.uscourts.gov/sites/default/files/js044.pdf

- **Summons.** A complaint must come with a summons for each defendant. You can get the form from the clerk's office or from the court's website:

Summons/Civil Form AO 440

www.uscourts.gov/sites/default/files/ao440.pdf

The Administrative Office of the United States Courts offers forms for civil complaints and related documents. They are on the United States Court website, www.uscourts.gov/forms/civil-forms:

Form	Name/Description
AO 85	Notice, Consent, and Reference of a Civil Action to a Magistrate Judge
AO 85A	Notice, Consent, and Reference of a Dispositive Motion to a Magistrate Judge
AO 88	Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action
AO 88A	Subpoena to Testify at a Deposition in a Civil Action
AO 88B	Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises
AO 239	Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)
AO 240	Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)
AO 398	Notice of a Lawsuit and Request to Waive Service of a Summons
AO 399	Waiver of the Service of Summons
AO 440	Summons in a Civil Action
AO 441	Summons on Third-Party Complaint
JS 44	Civil Cover Sheet



Form	Name/Description
Pro Se 1	Complaint for a Civil Case
Pro Se 2	Complaint and Request for Injunction
Pro Se 3	Defendant's Answer to the Complaint
Pro Se 4	Complaint for a Civil Case Alleging Breach of Contract
Pro Se 5	Complaint for a Civil Case Alleging Negligence
Pro Se 6	Complaint for a Civil Case Alleging that the Defendant Owes the Plaintiff a Sum of Money
Pro Se 7	Complaint for Employment Discrimination
Pro Se 8	Complaint for Violations of Fair Labor Standards
Pro Se 9	Complaint for Specific Performance or Damages Based on Contract to Convey Real Property
Pro Se 10	Complaint for the Conversion of Property
Pro Se 11	Third Party Complaint
Pro Se 12	Complaint for Interpleader and Declaratory Relief
Pro Se 13	Complaint for Review of Social Security Decision
Pro Se 14	Complaint for Violation of Civil Rights (Prisoner)
Pro Se 15	Complaint for Violation of Civil Rights (Non-Prisoner)

