

A patient suffered severe complications from a surgery on his leg. The patient hired an attorney to file a negligence lawsuit in federal court against the surgeon who performed the operation.

Which of the following does the patient's attorney NOT need to include in the complaint?

- A. A demand for the relief the patient seeks.
- B. A detailed statement of the claim showing that the patient is entitled to relief.
- C. A short and plain statement showing the grounds for the court's subject-matter jurisdiction.
- D. The attorney's address, phone number, and email address.

### Explanation:

A **complaint** is the initial **pleading** that starts a civil action and states the basis for the plaintiff's claim. A complaint filed in federal court must contain all of the following:

- **Caption** with the court's name, a title, the parties, a file number, and a designation as a "complaint"
- **Short and plain statement** showing the grounds of the court's **subject-matter jurisdiction** (**Choice C**)
- **Short and plain statement** of the **claim** showing that the plaintiff is entitled to relief
- **Demand for the relief** (ie, **remedy**) the plaintiff seeks (**Choice A**)
- **Signature, address, phone number, and email address** of the plaintiff's attorney (or unrepresented plaintiff) (**Choice D**)

The statement of the claim need only contain enough facts for a court to plausibly infer that a claim for relief exists. Detailed, specific facts are unnecessary unless the claim alleges fraud or mistake (neither of which applies here). Therefore, the patient's attorney need not include in the complaint a detailed statement of the claim showing that the patient is entitled to relief.

### Educational objective:

A complaint filed in federal court must contain (1) a caption with the court, title, and parties, (2) a short and plain statement of the court's jurisdiction, (3) a short and plain statement of the claim showing that the plaintiff is entitled to relief, (4) a demand for relief, and (5) the attorney's or unrepresented plaintiff's signature and contact information.

### References

- Fed. R. Civ. P. 8–11 (pleading requirements).

UNITED STATES DISTRICT COURT  
for the  
Northern District of Texas  
Dallas Division

John Smith, Plaintiff,	)	Case No. 9:87-cv-6543-O
– v. –	)	
Jane Doe, Defendant.	)	JURY TRIAL DEMANDED

**COMPLAINT FOR CIVIL NEGLIGENCE**

**I. Basis for Jurisdiction**

1. Diversity jurisdiction exists because Plaintiff is a citizen of Minnesota, Defendant is a citizen of Texas, and the amount in controversy is \$100,000.

**II. Statement of Negligence Claim**

2. On October 1, 2019, Plaintiff was driving southbound on Red Street.
3. At approximately the same time, the Defendant was driving northbound on Red Street.
4. Defendant negligently swerved across the center lane and hit Plaintiff's automobile, causing Plaintiff to suffer severe personal injuries.

**III. Demand for Relief**

5. The Plaintiff seeks \$100,000 in compensatory damages.

Dated this 12<sup>th</sup> day of December 2019.

/s/ Bob T. Schmoe

Bob T. Schmoe  
Bar No. 7654321  
Benson, Dean & Wasson, P.C.  
1600 UWorld Avenue  
Dallas, TX 12345  
(555) 555-5555  
[bobschmoe@BDW.com](mailto:bobschmoe@BDW.com)