

This is only an **EXAMPLE** of a Complaint. It is intended for illustrative purposes only! Anyone seeking to file and serve a Summons and Complaint must draft his or her own Complaint using the facts of the case and the relevant law.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BROOME

X

JOHN JONES,

Plaintiff,

COMPLAINT

- vs -

Index No.: 2004-0130

GEORGE SMITH,

Defendant.

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TO THE SUPREME COURT OF THE STATE OF NEW YORK

The Complaint of the Plaintiff, John Jones, respectfully shows and alleges as follows:

1. The Plaintiff herein, John Jones, is a resident of the State of New York. Mr. Jones resides at 32 Adams Street, Vestal, New York.
2. The Defendant herein, George Smith, has a principal place of business at 125 Main Street, Binghamton, New York. Defendant is engaged in the business of building submarines.
3. Plaintiff Jones desired to have a small submarine built pursuant to a design prepared by him. He and Defendant discussed his needs and specifications for this project.
4. On March 1, 1996, Plaintiff and Defendant entered into a written agreement. Pursuant thereto, Plaintiff agreed to pay the sum of \$200,000.00 for the submarine. Plaintiff was obligated to make a down payment of \$100,000.00 on or before April 1, 1996, with the balance to be due upon delivery of the submarine. The Defendant agreed to build the submarine in accordance with Plaintiff's design for the aforesaid price and to complete the work and deliver the submarine to a fixed place on or before July 15, 1996.
5. On March 8, 1996, Plaintiff delivered to Defendant a certified check in the sum of \$100,000.00, which Defendant cashed.
6. Defendant failed to deliver the submarine on or before July 15, 1996, as agreed. Plaintiff made numerous phone calls and sent several letters to Defendant about the contract, but received no response.
7. By reason of the facts and circumstances stated above, Defendant has breached the contract.
8. By reason of the facts and circumstances stated above, Plaintiff has been damaged by Defendant in the sum of \$100,000.00.

WHEREFORE, Plaintiff demands judgment against Defendant in the sum of \$100,000.00, plus interest from July 15, 1996, costs and disbursements, together with any other relief the Court finds to be just and proper.

Dated: January 4, 1997

John Jones signature

John Jones, Plaintiff
32 Adams Street
Vestal, New York 13850
Phone #

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VERIFICATION

John Jones, being duly sworn, deposes and says:

I am the Plaintiff in the above-entitled action. I have read the foregoing Complaint and know the contents thereof. The same are true to my knowledge, except as to matters therein stated to be alleged on information and belief and as to those matter, I believe them to be true.

To the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of these papers or the contentions therein are not frivolous as defined in Subsection (c) of Section 130-1.1 of the Rules of the Chief Administrative Judge (22 NYCRR).

John Jones signature
John Jones, Plaintiff

Sworn to before me this 15th
day of January, 1997.

William Brown signature
Notary Public

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