

SAMPLE CIVIL FORM 24.

IN THE CIRCUIT COURT OF _____ COUNTY

A.B., Plaintiff)
v.)
C.D., Defendant)

CIVIL ACTION NO. _____

**GENERAL FORM OF COMPLAINT IN ACTION BY PLAINTIFF CLAIMING
ENTITLEMENT TO CLASS ACTION TREATMENT**

1. Plaintiff brings this action on behalf of himself and all members of a class composed of *[here describe class]*. Plaintiff avers that the class is so numerous that joinder of all members is impracticable and that the total membership of the class is at least _____. Plaintiff further avers [that there are questions of law] [that there are questions of fact] [that there are questions of law or fact] common to the class, such as _____. Plaintiff further avers that his claims as a representative of the class are typical of the claims of the class. Plaintiff further avers that in his representative capacity he will fairly and adequately protect the interests of the class.

[2. Plaintiff further avers that the prosecution of separate actions by individual members of the class would create a risk of inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the party opposing the class. The averments of the complaint in the ensuing paragraphs will more particularly describe the aforementioned risk of incompatible standards of conduct. *(Include a paragraph after the allegations relevant to the transactions or occurrences giving rise to the claim which relates those allegations to the averments of this paragraph.)*]

[or]

[2. Plaintiff further avers that the prosecution of separate actions by individual members of the class would create adjudications with respect to individual members of the class which would as a practical matter be dispositive of the interests of the members not parties to the adjudications or substantially impair or impede their ability to protect their interests. The averments of the complaint in the ensuing paragraphs will more particularly describe the aforementioned risk of disposition, impairment, or impediment of the interests of individual members. *(Include a paragraph after the allegations relevant to the transactions or occurrences giving rise to the claim which relates those allegations to the averments of this paragraph.)*]

[or]

[2. Plaintiff further avers that the parties opposing the class have acted or refused to act on grounds generally applicable to the class, thereby making appropriate (final injunctive relief) (corresponding declaratory relief) (final injunctive relief and corresponding declaratory relief) with respect to the class as a whole. The averments of the complaint in the ensuing paragraph will more particularly describe the aforementioned propriety of (injunctive relief) (declaratory relief) (final injunctive relief and corresponding declaratory relief) and (the action) (the refusal to act) (the act and refusal to act) of the parties opposing the class. *(Include a paragraph after the allegations relevant to the transactions or occurrences giving rise to the claim which relates those allegations to the averments of this paragraph.)*]

[or]

[2. Plaintiff further avers that the prerequisites for class action treatment contained in Rules 23(b)(1) and 23(b)(2) do not apply to this action, but rather, questions of law or fact common to the members of the class predominate over any questions affecting only individual members, and that a class action is superior to other available methods for the fair and efficient adjudication of the controversy. *(Here describe the factors which are relevant in light of Rule 23(b)(3)(A)-(D).)*]

3. *(Allegation of claim.)*

4. *(Demand for judgment for the relief Plaintiff deems himself entitled.)*

[Signed]: _____

Attorney for Plaintiff

Address:

Committee Comments

With little modification this form may be adopted for use by a party claiming a right to class action treatment as to a class of defendants.