

NOTES OF ADVISORY COMMITTEE ON RULES—1963  
AMENDMENT

At various places, these Forms [Forms 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 18, 21] allege or refer to damages of "ten thousand dollars, interest, and costs," or the like. The Forms were written at a time when the jurisdictional amount in ordinary "diversity" and "Federal question" cases was an amount in excess of \$3,000, exclusive of interest and costs, so the illustrative amounts set out in the Forms were adequate for jurisdictional purposes. However, U.S.C. Title 28, §1331 (Federal question; amount in controversy; costs) and §1332 (Diversity of citizenship; amount in controversy; costs), as amended by Pub. Law 85-554, 72 Stat. 415, July 25, 1958, now require that the amount in controversy, exclusive of interest and costs, be in excess of \$10,000. Accordingly the Forms are misleading. They are amended at appropriate places by deleting the stated dollar amount and substituting a blank, to be properly filled in by the pleader.

**Form 4. Complaint on an Account**

- 1. Allegation of jurisdiction.
- 2. Defendant owes plaintiff \_\_\_\_\_ dollars according to the account hereto annexed as Exhibit A.

Wherefore (etc. as in Form 3).  
(As amended Jan. 21, 1963, eff. July 1, 1963.)

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This form was amended in 1963 by deleting the stated dollar amount and substituting a blank, to be properly filled in by the pleader. See Note of Advisory Committee under Form 3.

**Form 5. Complaint for Goods Sold and Delivered**

- 1. Allegation of jurisdiction.
  - 2. Defendant owes plaintiff \_\_\_\_\_ dollars for goods sold and delivered by plaintiff to defendant between June 1, 1936 and December 1, 1936.
- Wherefore (etc. as in Form 3).

NOTE

This form may be used where the action is for an agreed price or for the reasonable value of the goods.  
(As amended Jan. 21, 1963, eff. July 1, 1963.)

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This form was amended in 1963 by deleting the stated dollar amount and substituting a blank, to be properly filled in by the pleader. See Note of Advisory Committee under Form 3.

**Form 6. Complaint for Money Lent**

- 1. Allegation of jurisdiction.
  - 2. Defendant owes plaintiff \_\_\_\_\_ dollars for money lent by plaintiff to defendant on June 1, 1936.
- Wherefore (etc. as in Form 3).

(As amended Jan. 21, 1963, eff. July 1, 1963.)

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This form was amended in 1963 by deleting the stated dollar amount and substituting a blank, to be properly filled in by the pleader. See Note of Advisory Committee under Form 3.

**Form 7. Complaint for Money Paid by Mistake**

- 1. Allegation of jurisdiction.

- 2. Defendant owes plaintiff \_\_\_\_\_ dollars for money paid by plaintiff to defendant by mistake on June 1, 1936, under the following circumstances: [here state the circumstances with particularity—see Rule 9(b)].

Wherefore (etc. as in Form 3).  
(As amended Jan. 21, 1963, eff. July 1, 1963.)

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**Form 8. Complaint for Money Had and Received**

- 1. Allegation of jurisdiction.
  - 2. Defendant owes plaintiff \_\_\_\_\_ dollars for money had and received from one G. H. on June 1, 1936, to be paid by defendant to plaintiff.
- Wherefore (etc. as in Form 3).

(As amended Jan. 21, 1963, eff. July 1, 1963.)

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This form was amended in 1963 by deleting the stated dollar amount and substituting a blank, to be properly filled in by the pleader. See Note of Advisory Committee under Form 3.

**Form 9. Complaint for Negligence**

- 1. Allegation of jurisdiction.
  - 2. On June 1, 1936, in a public highway called Boylston Street in Boston, Massachusetts, defendant negligently drove a motor vehicle against plaintiff who was then crossing said highway.
  - 3. As a result plaintiff was thrown down and had his leg broken and was otherwise injured, was prevented from transacting his business, suffered great pain of body and mind, and incurred expenses for medical attention and hospitalization in the sum of one thousand dollars.
- Wherefore plaintiff demands judgment against defendant in the sum of \_\_\_\_\_ dollars and costs.

NOTE

Since contributory negligence is an affirmative defense, the complaint need contain no allegation of due care of plaintiff.

(As amended Jan. 21, 1963, eff. July 1, 1963.)

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This form was amended in 1963 by deleting the stated dollar amount and substituting a blank, to be properly filled in by the pleader. See Note of Advisory Committee under Form 3.

**Form 10. Complaint for Negligence Where Plaintiff Is Unable To Determine Definitely Whether the Person Responsible Is C. D. or E. F. or Whether Both Are Responsible and Where His Evidence May Justify a Finding of Wilfulness or of Recklessness or of Negligence**

A. B., Plaintiff  
v.  
C. D. and E. F.,  
Defendants } *Complaint*

- 1. Allegation of jurisdiction.