

**SAMPLE ARIZONA WRONGFUL DEATH COMPLAINT  
LAMBER GOODNOW ATTORNEYS**

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[LAW FIRM NAME]  
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[Lawyer Name (Bar No.)]  
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Attorney for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

[],  
  
Plaintiff,  
  
v.  
  
[],  
  
Defendants.

Case No.: \_\_\_\_\_

**COMPLAINT**  
**(Tort Motor Vehicle; Wrongful Death)**  
**Tier [1, 2 or 3]**

Plaintiffs, by and through counsel undersigned, and for [his/her] Complaint against Defendants, alleges as follows:

**PARTIES, JURISDICTION AND VENUE**

1. Plaintiffs \_\_\_\_\_ is/are residents of Maricopa County, Arizona, and is the [husband, wife, child, parent, guardian or personal representative] of the deceased \_\_\_\_\_ “Decedent.” [He/she] brings this action on behalf of herself, other statutory beneficiaries [and/or] the estate pursuant to A.R.S. § 12-612.

2. Defendants \_\_\_\_\_ and [John/Jane] Doe \_\_\_\_\_ are now and were residents of Maricopa County, State of Arizona, and married to each other as husband and wife. All acts, errors and/or omissions complained of and material were for and on behalf

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1 of the marital community. [Defendant \_\_\_\_\_ is a single [man/woman] and a resident  
2 of Maricopa County, Arizona.]

3           3.       Defendants John Does and Jane Does 1-10, ABC Corporations 1-10, Limited  
4 Liability Companies and/or partnerships 1-10 are persons and entities whose true identities  
5 are unknown to Plaintiff, who together with named Defendants contributed to causing the  
6 harms, losses and damages described in this Complaint. Plaintiff will amend [his/her]  
7 Complaint when the true names of those Defendants become known.

8           5.       Jurisdiction and venue are proper as the events giving rise to Plaintiffs'  
9 Complaint occurred in Maricopa County, Arizona and the amount in controversy exceeds  
10 the minimal jurisdictional requirements of this Court.

11           6.       The amount of Plaintiff's damages qualifies this matter as a Tier [1, 2 or 3]  
12 case in accordance with Rule 8(b)(2) of the Arizona Rules of Civil Procedure.

**GENERAL ALLEGATIONS**

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14           7.       Plaintiffs incorporates by reference all prior allegations contained in this  
15 Complaint.

16           8.       On or about \_\_\_\_\_, at approximately \_\_\_\_\_, Defendant, the driver  
17 of a motor vehicle, was traveling on \_\_\_\_\_, in \_\_\_\_\_,  
18 Arizona, when Defendant negligently and carelessly failed to control the location and speed  
19 of [his/her] vehicle, causing it to violently strike Decedent's vehicle resulting in [his/her]  
20 personal injuries and eventual death, and causing harms, losses and damages to the Plaintiffs  
21 and/or each interested party Plaintiff represents. [failed to yield when making a left-hand  
22 turn at an intersection/failed to use a proper turn signal before turning from a roadway into  
23 a private drive or roadway/failed to yield when making a turn from a private roadway or  
24 driveway onto a highway/failed to yield when making a turn from a private business or  
25 residential driveway onto a roadway/failed to stop at a red light/failed to stop at a stop sign.]

**COUNT ONE - NEGLIGENCE**

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27           9.       Plaintiffs incorporates by reference all prior allegations contained in this  
28 Complaint.

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1           10.    At all relevant times, all Defendant owed Decedent a duty of care to drive  
2 prudently, safely and within the bounds of the law, including a duty to exercise reasonable  
3 care, reasonable and prudent under the circumstances, while driving a motor vehicle on a  
4 roadway including controlling the location and speed of the vehicle as necessary to avoid  
5 colliding with any object, person or vehicle.

6           11.    Defendant breached [his/her] duty of care owed to Decedent when Defendant  
7 operated [his/her] vehicle in such a negligent manner so as to cause the accident, as  
8 described in this Complaint, in which Decedent was injured and ultimately died. Said  
9 accident, injuries and resultant death were caused solely by the negligence, tortious conduct  
10 and wrongdoing of Defendant without any negligence or contribution on the part of the  
11 Decedent.

12           12.    As the direct and proximate result of Defendant's negligence, tortious  
13 conduct and wrongdoing, Decedent sustained serious injuries that resulted in death.

14           13.    As a direct and proximate result of Defendant's negligence, tortious conduct  
15 and wrongdoing, Plaintiff [husband/wife] suffered the death of [his/her husband/wife],  
16 married more than \_\_\_\_ years and experienced severe emotional distress due to  
17 Decedent's death.

18           14.    As a direct and proximate result of Defendant's negligence, tortious conduct  
19 and wrongdoing, Plaintiffs \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ [children] suffered the  
20 death of their [father/mother] and experienced severe emotional distress due to the death  
21 of their beloved [father/mother].

22           15.    As a direct and proximate result of Defendant's negligence, tortious conduct  
23 and wrongdoing, Plaintiffs \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ [father/mother]  
24 suffered the death of their [son/daughter] and experienced severe emotional distress due to  
25 the death of their beloved [son/daughter].

26           16.    As a direct and proximate result of Defendant's negligence, tortious conduct  
27 and wrongdoing that resulted in Decedent's death, the following individuals have been  
28 deprived of love, care, affection, companionship, support, financial support and other

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1 benefits and pleasures of the family relationship: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,  
2 \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ [list all names in family of origin actively involved  
3 in Decedent's life prior to the accident].

4 17. As a direct and proximate result of Defendant's negligence, tortious conduct  
5 and wrongdoing that resulted in Decedent's death, Plaintiffs have incurred funeral  
6 expenses, medical and other healthcare-related expenses, the Plaintiff estate lost income,  
7 lost profits, and/or lost earning capacity and Plaintiffs will incur additional medical and  
8 other healthcare related expenses in the future.

**COUNT TWO – NEGLIGENCE PER SE**

9  
10 18. Plaintiffs incorporates by reference all prior allegations contained in this  
11 Complaint.

12 19. At all relevant times, Defendant owed a duty to comply with applicable  
13 statutes, regulations, and rules related to the safe operation of a motor vehicle in the State  
14 of Arizona including driving at safe and reasonable speeds, remaining alert and attentive,  
15 being able to control [his/her] vehicle and bring [his/her] vehicle to a safe and complete  
16 stop colliding with other vehicles and persons and not driving while intoxicated or impaired.

17 20. Defendant breached this duty when [he/she] drove a vehicle in reckless  
18 disregard for the safety of persons, as required by A.R.S. § 28-693.

19 21. Defendant breached this duty when [he/she] drove a vehicle in violation of  
20 A.R.S. § 28-672, including the A.R.S. statutes contained therein, which resulted in death by  
21 moving violation.

22 22. Defendant breached this duty when [he/she] failed to control the speed of  
23 [his/her] vehicle, as required by A.R.S. § 28-701(A).

24 [23. Defendant breached this duty when [he/she] failed to yield when making a  
25 left-hand turn at an intersection, as required by A.R.S. § 28-772.]

26 [24. Defendant breached this duty when [he/she] failed to use a proper turn signal  
27 before turning from a roadway into a private drive or roadway, as required by A.R.S. § 28-  
28 754.]

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1 [25. Defendant breached this duty when [he/she] failed to yield when making a  
2 turn from a private roadway or driveway onto a highway, as required by A.R.S. § 28-774.]

3 [26. Defendant breached this duty when [he/she] failed to yield when making a  
4 turn from a private business or residential driveway onto a roadway, as required by A.R.S.  
5 § 28-856.]

6 [27. Defendant breached this duty when [he/she] failed to stop at a red light, as  
7 required by A.R.S. § 28-645.]

8 [28. Defendant breached this duty when [he/she] failed to stop at a stop sign, as  
9 required by A.R.S. § 28-855.]

10 29. Plaintiff was, at the time of the collision, within the class of persons whom  
11 the above-referenced statutes were meant to protect.

12 30. Defendant's failure to comply with the above-referenced statute created the  
13 type of collision against which the law was designed to protect.

14 31. Defendant's failure to comply with the above-referenced statutes was the  
15 direct and proximate cause of Plaintiff's injuries and damages and thus constitutes  
16 negligence *per se*.

17 32. As a direct and proximate result of Plaintiff's negligence *per se*, Decedent  
18 was killed and Plaintiffs have suffered personal injury and damages, past and future, and  
19 incurred funeral expenses, medical and other healthcare-related expenses, the Plaintiff  
20 estate lost income, lost profits, and/or lost earning capacity and Plaintiffs will incur  
21 additional medical and other healthcare related expenses in the future.

**COUNT THREE – WRONGFUL DEATH**

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23 33. Plaintiffs incorporates by reference all prior allegations contained in this  
24 Complaint.

25 34. Defendant's negligence caused the death of Decedent.

26 35. As a consequence of Decedent's death, [his/her] [wife, husband, children]  
27 suffered pain, grief, sorrow, anguish, stress, shock, and mental suffering already  
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1 experienced and reasonably probable to be experienced for the rest of [his/her/their]  
2 life/lives.

3 36. As a further consequence of Decedent’s death caused by Defendant, Plaintiff  
4 incurred expenses for funeral and burial, medical care and services for the injury that  
5 resulted in death, lost wages, loss of earning capacity, and counseling for [him/her] and  
6 [his/her] other immediate family members.

7 37. As a further consequence of Decedent’s death caused by Defendant, Plaintiff  
8 has incurred the loss of love, affection, companionship, care, protection, and guidance since  
9 the death and in the future.

**DEMAND FOR JURY TRIAL**

11 38. Plaintiffs demand a trial by jury on all issues so triable.

**PRAYER FOR RELIEF**

13 WHEREFORE, Plaintiffs requests that the Court enter judgment against Defendant  
14 as follows:

- 15 A. For Plaintiffs’ general and special damages;
- 16 B. For Plaintiffs’ costs incurred in pursuing these claims;
- 17 C. For pre- and post-judgment interest to the extent provided by law;
- 18 D. For such further relief as the Court deems just and fair.

19 DATED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

20 Respectfully submitted,

21 [LAW FIRM NAME]

23 By

24 [NAME OF ATTORNEY]  
25 [Law Firm Address]  
26 [City] [Arizona], [Zip]  
27 Attorney for Plaintiff  
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