



## Federal *Pro Se* Clinic

CENTRAL DISTRICT OF CALIFORNIA: WESTERN DIVISION

### ▣ Tips for Writing Your Complaint –the Statement of Facts ▣

One of the most important parts of your complaint is writing the **Statement of Facts**. Your Statement of Facts must tell a story to the court about:

- **What** happened,
- **When** it happened,
- **Where** it happened,
- **How** it happened, and
- **Who** was involved.

It can help to **imagine that you are explaining your situation to a friend** – and this friend has no idea about what happened to you. How would you explain things clearly?

### I. Write Facts - NOT Legal Conclusions

You want to avoid making legal conclusions or using generic labels. The table below shows the difference between writing facts and writing conclusions/labels.

<b>Don't Write This</b> Legal Conclusions/Labels	<b>Write This</b> Actual Facts
The police officer used excessive force when he arrested me.	Officer Jones placed me in handcuffs then he punched me in the face at least four times.
The City Council violated my First Amendment Rights.	The City Council refused to allow me to speak during a public meeting even though the Council allowed other people to speak.
My employer discriminated against me because of my age.	My employer promoted other people who were in their 20s even though I had the best performance reviews.
The defendant assaulted me.	The defendant hit me in the face with her backpack.
The defendant injured me.	The defendant kicked my arm and broke my wrist.
The officer violated the Fourth Amendment when she searched my house.	The officer had a warrant to search my car, but she entered my house and searched every room.

## II. Clearly Identify Who Did What

**Active sentences** make it more obvious who performed an action. Active sentences are also easier to read. The following table compares passive sentences with active sentences.

<b>Don't Write This</b> Passive Sentences	<b>Write This</b> Active Sentences
I got hit by the defendant's car.	The defendant ran his car into my right leg.
I was called into the supervisor's office.	The supervisor sent me an email asking me to meet her in her office at 4 p.m.
My house was searched by the police.	Three police officers searched my house.

**Clearly identifying defendants by name** is essential when you have more than one defendant. If you don't know the defendant's name, identify the person as "Defendant Doe #1," "Defendant Doe #2," etc. and make sure you indicate what each person did. Avoid lumping your defendants together by writing "the defendants." The following table contains examples.

<b>Don't Write This</b> Unknown Defendant	<b>Write This</b> Defendant Identified
The defendants held me down and punched me.	Defendant Reyes held me down while Defendant Williams punched me in the ribs.
The defendants put me in handcuffs then searched my car.	Doe Defendant #1 put me in handcuffs and made me sit down on the curb. Doe Defendants #2 and #3 searched my car.
The defendants violated my copyright.	Defendant Bishon copied my photograph and used it to create the home page on Defendant Lee's website. Defendant Lee then used my photograph on her website without my permission for 18 months.

**What about You, the Plaintiff?** Is it better to call yourself "I" and "me"? Or, should you call yourself "the Plaintiff"? It depends on your level of comfort with these words. As a pro se litigant, you can use the words "I" and "me" and everyone will know what you mean.

**But**, if you have more than one Plaintiff in your case, then you should distinguish between the Plaintiffs with the word "Plaintiff" followed by the person's name. For example: *Plaintiff Williams* or *Plaintiff Morales*