

SHORT TITLE:

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

**CAUSE OF ACTION--FRAUD**

ATTACHMENT TO  Complaint  Cross-Complaint

(Use a separate attachment for each cause of action.)

FR-1. Plaintiff (name): \_\_\_\_\_

alleges that defendant (name): \_\_\_\_\_

on or about (date): \_\_\_\_\_

defrauded plaintiff as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

FR-2.  **Intentional or Negligent Misrepresentation**

a. Defendant made representations of material fact

as stated in Attachment FR-2.a

as follows: \_\_\_\_\_

b. These representations were in fact false. The truth was

as stated in Attachment FR-2.b

as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

c. When defendant made the representations,

defendant knew they were false, **or**

defendant had no reasonable ground for believing the representations were true.

d. Defendant made the representations with the intent to defraud and induce plaintiff to act as described in item FR-5. At the time plaintiff acted, plaintiff did not know the representations were false and believed they were true. Plaintiff acted in justifiable reliance upon the truth of the representations.

FR-3.  **Concealment**

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a. Defendant concealed or suppressed material facts

as states in Attachment FR-3.a

as follows:

b. Defendant concealed or suppressed material facts

defendant was bound to disclose.

by telling plaintiff other facts to mislead plaintiff and prevent plaintiff from discovering the concealed or suppressed facts.

c. Defendant concealed or suppressed these facts with the intent to defraud and induce plaintiff to act as described in item FR-5. At the time plaintiff acted, plaintiff was unaware of the concealed or suppressed facts and would not have taken the action if plaintiff had known the facts.

FR-4.  **Promise Without Intent to Perform**

a. Defendant made a promise about a material matter without any intention of performing it

as stated in Attachment FR-4.a

as follows: See the allegation contained in FR1 - FR2 above which are hereby incorporated by this reference as if set forth here in full.

b. Defendant's promise without any intention of performance was made with the intent to defraud and induce plaintiff to rely upon it and to act as described in item FR-5. At the time plaintiff acted, plaintiff was unaware of defendant's intention not to perform the promise. Plaintiff acted in justifiable reliance upon the promise.

FR-5. In justifiable reliance upon defendant's conduct, plaintiff was induced to act  as stated in Attachment FR-5.

as follows: Plaintiff attempted to cash the subject check and deposit the amount in plaintiff's checking account. Plaintiff incurred costs in storing defendant's or defendant's father's personal property in the amount of \$700.00 for which plaintiff has not be compensated.

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FR-6. Because of plaintiff's reliance upon defendant's conduct, plaintiff has been damaged  as stated in Attachment FR-6

as follows: cost for labor and storage in the amount of \$700.00

FR-7. Other: Treble damages in the amount of \$1,400.00, in accordance with state law.