V I R G I N I A:

IN THE CIRCUIT COURT OF

 \*

Plaintiff \*

 \*

vs. \* Case No.

 \*

 \*

 \*

Defendant \*

 THIRD PARTY COMPLAINT

 (Contribution/Indemnity)

COMES NOW the third party plaintiff, by counsel and in support of this Complaint states as follows:

1. The plaintiff herein has filed suit against this third party plaintiff (copy attached hereto).

2. The plaintiff alleges that the third party plaintiff is liable to it for certain acts of negligence as set forth in the motion for judgment.

3. The third party plaintiff denies that any acts of negligence on its part contributed to any injuries or damages to the plaintiff.

 COUNT ONE

 (Contractual Indemnity)

4. Paragraphs one through three above are incorporated herein by reference.

5. The third party plaintiff and the third party defendant did enter into a contract dated ,199 wherein the third party defendant did agree to indemnify the third party plaintiff from any liability arising out of the acts referenced in the motion for judgment.

6. The third party plaintiff has made demands upon the third party defendant to defend, indemnify, and hold harmless this third party plaintiff pursuant to the indemnity agreement. That demand has not been honored by the third party defendant.

WHEREFORE these premises considered it is requested that to the extent any judgment is entered against this third party plaintiff in favor of the plaintiff that judgment then be entered in favor of this third party plaintiff against the third party defendant in the full amount of such judgment plus an award of costs, interest and attorney's fees.

 COUNT TWO

 (Indemnity/Contribution)

7. Paragraphs one through three above are incorporated herein by reference.

8. To the extent that there is any liability on the part of this third party plaintiff to the plaintiff herein such liability is a result of the sole and/or active and/or primary and/or concurrent negligence of the third party defendant.

WHEREFORE these premises considered it is requested that to the extent any judgment is entered in favor of the plaintiff against this third party plaintiff that judgment thereby be entered against the third party defendant for all or a contributable portion of any such judgment plus an award of costs, interests, and attorney's fees.

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**Interrogatories and Request for Documents are served along with this Complaint**