

UNITED STATES DISTRICT COURT
THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

CHARLES LEUCHTMAN and)
MARC LEUCHTMAN,)
)
Plaintiffs,)
)
v.)
)
THE CITY OF AUBURN, ALABAMA)
and DETECTIVE WILLIE SANFORD,)
)
Defendants.)

CIVIL ACTION NO. 3:08cv275-SRW
(WO)

ORDER

In the proposed amendment attached to plaintiff's motion for leave to amend (Doc. # 25), the manner in which plaintiffs use the singular term "plaintiff" renders it difficult to determine which plaintiff is claiming injury and/or redress in each of the individual counts.¹ See, e.g., Count Four (one "plaintiff" injured; both "plaintiffs" demand judgment); Count Five (one unspecified "plaintiff" alleges injury and demands judgment). Accordingly, and for good cause, it is

ORDERED that plaintiffs are DIRECTED to file a new proposed amended complaint, on or before **September 9, 2008** for the court's consideration on the pending motion for leave to amend. In the new proposed amendment, plaintiffs are DIRECTED to use the words: (1) "plaintiff Charles Leuchtman" when the allegation or demand refers to Charles

¹ Plaintiffs previously clarified, in response to a court order, that Counts 1-3 are brought by plaintiff Charles Leuchtman only. However, in the proposed amendment, "plaintiffs" (plural) continue to demand judgment on Count Three.

Leuchtman (2) "plaintiff Marc Leuchtman" when the allegation or demand refers to Marc Leuchtman; and (3) "plaintiffs" (plural) only when plaintiffs intend to refer to *both* plaintiffs. Additionally, plaintiffs are DIRECTED to specify in each count the identity of the defendant or defendants against whom plaintiff(s) bring that particular claim and, as to defendant Sanford, whether the claim is brought against him in his official capacity, his individual capacity, or both.

DONE, this 2nd day of September, 2008.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
CHIEF UNITED STATES MAGISTRATE JUDGE