

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

PATRICK GARRETT,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 10-0107-KD-N
)	
BADGER DAY LIGHTING)	
SERVICES, LLC.,)	
)	
Defendant.)	

ORDER

Defendant filed a Motion for More Definite Statement (doc. 10); the court denied the Motion in part, as to plaintiff’s Title VII claims, but ordered plaintiff to respond by July 5, 2011, with regard to his mention of the Occupational Safety and Health Act and the False Claims Act (doc. 11). The Complaint cites these two statutes in passing, without any supporting factual allegations. As the court noted in its response order, “[i]t appears that plaintiff may simply have listed statutes which have nothing to do with his claims.”

Plaintiff has not responded within the time provided by the court. Accordingly, it is hereby ORDERED that defendant’s Motion for More Definite Statement—previously DENIED in part, with regard to plaintiff’s Title VII discrimination claim—is GRANTED in part. Plaintiff shall file an Amended Complaint **on or before August 3, 2011**, which shall more clearly state any claim plaintiff seeks to raise under the OSHA or FCA. Should the plaintiff fail to amend the Complaint within the time allowed herein, the court will strike the references to the OSHA and FCA from the original complaint and the action shall proceed on plaintiff’s Title VII claims only.

Plaintiff may notify the court prior to that date that he does not intend to amend his complaint, and the action will proceed as set forth above.

DONE this the 13th day of July, 2011.

/s/ Katherine P. Nelson
UNITED STATES MAGISTRATE JUDGE