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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT P. AMATRONE,

Plaintiff,

No. CIV S-08-1831 MCE DAD PS

vs.

STEVE MESSINA, et al.,

Defendants.

ORDER

_____ /

Plaintiff is proceeding pro se with a civil rights complaint that was filed in the Solano County Superior Court on May 19, 2008. Eight defendants, collectively referred to as the City defendants, removed the action to federal court on August 6, 2008.¹ Defendants' motion for more definite statement is before the undersigned pursuant to Local Rule 72-302(c)(21).

On November 5, 2008, after plaintiff filed an unopposed request to reschedule the hearing of defendants' motion, the court determined that oral argument would not be of material assistance to the court in deciding defendants' motion and therefore vacated the hearing. See Local Rule 78-230(h). The court granted defendants additional time to file a reply to plaintiff's

¹ The City defendants are Steve Messina, Elizabeth Patterson, Bill Whitney, Mark Hughes, Allan Schwartzman, Heather McLaughlin, Damen Golubics, and the City of Benicia. On September 5, 2008, plaintiff voluntarily dismissed defendant Steve Ridge from this action.

1 timely opposition and deemed the motion submitted for decision upon the expiration of
2 defendants' time to file a reply. Having considered all written materials submitted in connection
3 with defendants' motion, the court will deny the motion.

4 LEGAL STANDARDS APPLICABLE TO DEFENDANTS' MOTION

5 Federal Rule of Civil Procedure 12(e) "is designed to strike at unintelligibility,
6 rather than want of detail." Woods v. Reno Commodities, Inc., 600 F. Supp. 574, 580 (D. Nev.
7 1984); Nelson v. Quimby Island Reclamation Dist. Facilities Corp., 491 F. Supp. 1364, 1385
8 (N.D. Cal. 1980). The rule permits a party to move for a more definite statement when a
9 pleading "is so vague or ambiguous that the party cannot reasonably prepare a response." Fed. R.
10 Civ. P. 12(e). It is not the function of such a motion to enable the defendants to ascertain details
11 of the plaintiff's case or to require the plaintiff to provide evidentiary material that may properly
12 be obtained by discovery. See Comm. for Immigrant Rights of Sonoma County v. County of
13 Sonoma, ___ F. Supp. 2d ___, ___, 2009 WL 2382689, at *7 (N.D. Cal. July 31, 2009); Woods,
14 600 F. Supp. at 580; Famolare, Inc. v. Edison Bros. Stores, Inc., 525 F. Supp. 940, 949 (E.D. Cal.
15 1981); Boxall v. Sequoia Union High Sch. Dist., 464 F. Supp. 1104, 1114 (N.D. Cal. 1979).

16 Motions for more definite statement must be considered in light of the liberal
17 pleading standards of the Federal Rules of Civil Procedure and "should be granted only where
18 the complaint is so indefinite that the defendants cannot ascertain the nature of the claims being
19 asserted and 'literally cannot frame a responsive pleading.'" Hubbs v. County of San
20 Bernardino, CA, 538 F. Supp. 2d 1254, 1262 (C.D. Cal. 2008) (quoting Bureerong v. Uvawas,
21 922 F. Supp. 1450, 1461 (C.D. Cal. 1996)). See also Comm. for Immigrant Rights of Sonoma
22 County, 2009 WL 2382689, at *7 (holding that a motion for more definite statement is proper
23 only where the complaint is so vague or ambiguous that the opposing party cannot respond even
24 with a simple denial). A motion for more definite statement should be denied if a pleading meets
25 federal standards by providing a short and plain statement of the claim showing that the pleader
26 may be entitled to relief. See Fed. R. Civ. P. 8(a)(2).

