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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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MARIA CAPRAUN,

Plaintiff,

v.

GARDEN VALLEY FIRE PROTECTION
DISTRICT, WILLIAM RICHARD
DEKKER, ROBERT ROGERS, ROY
BUCHMILLER, NORMA JO CLEAVER,
DOES 1-25,

Defendants.

No. 2:09-CV-01254-FCD-KJM

MEMORANDUM AND ORDER

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On August 4, 2009, plaintiff Maria Capraun ("Capraun" or "plaintiff") filed a complaint for damages and injunctive relief (the "complaint") against defendants William Richard Dekker, Robert Rogers, Roy Buchmiller, Norma Jo Cleaver (collectively, the "individual defendants"), and Garden Valley Fire Protection District (the "District"). On September 30, 2009, the individual defendants filed (1) a motion to dismiss plaintiff's complaint or, in the alternative, for a more definite statement; and (2) a motion to strike. On October 8, 2009, the District also filed a motion to dismiss. Plaintiff opposes defendants' motions.

1 Because the court concludes that the complaint lacks the
2 necessary information to place defendants on proper notice and to
3 give them adequate ability to respond as required by Rule 8(a) of
4 the Federal Rules of Civil Procedure, it does not reach the
5 merits of defendants' pending motions. While the complaint is
6 fraught with conclusory statements of the law and sweeping
7 allegations of misconduct, it lacks the necessary information to
8 render the complaint a "short and plain statement of the
9 claim[s]" required by Rule 8(a) and falls short of meeting Rule
10 8(e)'s requirement that each allegation in the complaint "be
11 simple, concise, and direct."

12 Rule 8(a) requires parties to make their pleadings
13 straightforward, so that judges and adverse parties
14 need not try to fish a gold coin from a bucket of mud.
15 Federal judges have better things to do, and the
16 substantial subsidy of litigation (court costs do not
begin to cover the expense of the judiciary) should be
targeted on those litigants who take the preliminary
steps to assemble a comprehensible claim.

17 U.S. ex rel. Garst v. Lockheed-Martin Corp., 328 F.3d 374, 378
18 (7th Cir. 2003). Under notice pleading in federal court, the
19 complaint must "give the defendant fair notice of what the claim
20 is and the grounds upon which it rests." Bell Atlantic v.
21 Twombly, 550 U.S. 544, 555 (2007) (internal quotations omitted).

22 While Rule 8(a) does not require detailed factual
23 allegations, "it demands more than an unadorned, the defendant-
24 unlawfully-harmed-me accusation." See Ashcroft v. Iqbal, 129 S.
25 Ct. 1937, 1949 (2009); see DM Research Inc. v. College of
26 American Pathologists, 170 F.3d 53, 55 (1st Cir. 1999) (while the
27 complaint need not provide evidentiary detail, "the price of
28 entry, even to discovery, is for [the] plaintiff to allege a

1 factual predicate concrete enough to warrant further proceedings,
2 which may be costly and burdensome. Conclusory allegations in a
3 complaint, if they stand alone, are a danger sign that the
4 plaintiff is engaged in a fishing expedition."). A pleading is
5 insufficient if it offers mere "labels and conclusions" or "a
6 formulaic recitation of the elements of a cause of action."
7 Twombly, 550 U.S. at 555.

8 Moreover, the court "need not assume the truth of legal
9 conclusions cast in the form of factual allegations." United
10 States ex rel. Chunie v. Ringrose, 788 F.2d 638, 643 n.2 (9th
11 Cir. 1986). It is also inappropriate to assume that the
12 plaintiff "can prove facts which it has not alleged or that the
13 defendants have violated the . . . laws in ways that have not
14 been alleged." Associated Gen. Contractors of Cal., Inc. v. Cal.
15 State Council of Carpenters, 459 U.S. 519, 526 (1983).

16 In this case, the court is troubled by the lack of
17 completeness and coherent organization of the factual allegations
18 in the complaint. Nowhere is there a clear recitation of
19 plaintiff's interactions with each defendant or how such
20 interactions contributed to the specific claims brought by
21 plaintiff. Rather, the allegations in the complaint present a
22 laundry list of accusations, but offer no timeline of the
23 proffered events. As such, it is unclear how the alleged conduct
24 is connected to the purported injury suffered by plaintiff.
25 Further, plaintiff has alleged that the individual defendants
26 acted both within and outside the scope of their employment.
27 However, she makes no attempt to delineate into what category the
28 purported conduct of each defendant fell. While notice pleading

1 standards apply, to the extent plaintiff seeks to press claims
2 against the District based upon the conduct of its employees,
3 whether the employee was acting within the scope of employment is
4 relevant information to put the District on notice of the claims
5 against it. Finally, as plaintiff's general factual allegations,
6 which are incorporated under each claim, set forth a wide range
7 of purported misconduct by defendants, it is unclear which
8 misconduct forms the basis of each of her fourteen claims for
9 relief. As such, the complaint does not provide defendants with
10 "fair notice" of the nature of the claims or the "grounds" on
11 which the claims rest. See Bell Atlantic, 127 S.Ct. at 1964-65
12 ("A plaintiff's obligation to provide the 'grounds' of his
13 'entitle[ment] to relief' requires more than labels and
14 conclusions, and a formulaic recitation of the elements of a
15 cause of action will not do. . . .").

16 To permit plaintiffs to proceed on the submitted complaint
17 would seriously undermine the goal of Rule 8 in encouraging the
18 fair and expeditious resolution of disputes. Therefore, for the
19 foregoing reasons, the court makes the following orders:

- 20 (1) Plaintiffs shall file and serve a first amended
21 complaint within twenty (20) days of the date of this
22 order, which complies with Rule 8.
- 23 (2) Defendants shall file their responses to the first
24 amended complaint within 30 days of service thereof.
- 25 (3) Defendants' pending motions are VACATED as MOOT.

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1 IT IS SO ORDERED.

2 DATED: December 2, 2009.



3 FRANK C. DAMRELL, Jr.
4 UNITED STATES DISTRICT JUDGE

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