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

UNITED STATES OF AMERICA,

Plaintiff,

No. 2:12-cv-1990-MCE-GGH PS

vs.

ROBERT S. LAUGHLIN, et al.,

Defendants.

ORDER

_____ /

Presently before the court is the government’s motion to dismiss defendants’ counter-claim, which was previously taken under submission. The court notes, however, that defendants have not filed an answer, without which the court is unable to address the motion. A review of the counter-claim indicates that defendants have asserted various affirmative defenses, including accord and satisfaction and unclean hands. Fed. R. Civ. P. 8(b) requires a short and plain statement of defenses, *and* that a party “admit or deny the allegations asserted against it by an opposing party.” Subdivision (b) sets forth the specific requirements in responding to the allegations, including responding to the substance of an allegation, general and specific denials, denying part of an allegation, lacking knowledge or information, and the effect of failing to deny an allegation. Defendants have failed to comply with the general requirements of Rule 8(b) and therefore their counter-claim will not also be construed as an answer. The counter-claim will be

1 stricken, and defendants will be ordered to file an answer and counter-claim in accordance with
2 Rule 8.

3 On March 7, 2013, defendants filed a request for extension of time in which to
4 produce initial disclosures.

5 Good cause appearing, IT IS HEREBY ORDERED that:

- 6 1. Defendants' counter-claim, filed November 20, 2012, (dkt. no. 14), is stricken;
- 7 2. Defendants are granted thirty (30) days from the date of this order in which to
8 file an answer and counter-claim to the complaint. Failure to file an answer will result in a
9 recommendation that defendants' default be entered.
- 10 3. Defendants' motion for extension of time in which to respond to initial
11 disclosures, filed March 7, 2013, (dkt. no. 26), is granted. Defendants have thirty days from the
12 date of this order in which to produce initial disclosures.

13 Dated: March 18, 2013

14
15 /s/ Gregory G. Hollows
16 UNITED STATES MAGISTRATE JUDGE

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