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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 ROBERT BENNETT,

12 Plaintiff,

13 v.

14 COUNTY OF SHASTA, et al.,

15 Defendants.
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No. 2:15-cv-1764-MCE-KJN

ORDER

17 Through this action, Plaintiff Robert Bennett seeks redress for a slew of purported
18 constitutional violations, all stemming from the impoundment of his dogs by Defendant
19 County of Shasta ("County") in May 2013. Presently before the Court are Motions to
20 Dismiss and alternative Motions for a More Definite Statement brought by Defendants
21 Shasta County, Lt. Mark Lillibridge and Mike Lindsey (ECF No. 14) and by Defendant
22 Haven Humane Society (ECF No. 15). For the following reasons, Defendants' Motions
23 for a More Definite Statement are GRANTED and their Motions to Dismiss are DENIED
24 as moot.

25 A motion for more definite statement pursuant to Rule 12(e) attacks "the
26 unintelligibility of the complaint, not simply the mere lack of detail" Neveau v. City
27 of Fresno, 392 F. Supp. 2d 1159, 1169 (E.D. Cal. 2005). A Rule 12(e) motion should be
28 granted only if the complaint is "so vague or ambiguous that the opposing party cannot

1 respond, even with a simple denial, in good faith or without prejudice to himself.” Cellars
2 v. Pac. Coast Packaging, Inc., 189 F.R.D. 575, 578 (N.D. Cal. 1999); see also Bautista
3 v. L.A. Cnty., 216 F.3d 837, 843 n.1 (9th Cir. 2000) (Reinhardt, J., concurring) (party can
4 move for more definite statement on those rare occasions where a complaint is so vague
5 or ambiguous that party cannot reasonably frame a responsive pleading).

6 “Rule 12(e) is designed to strike an unintelligibility rather than want of detail.... A
7 motion for a more definite statement should not be used to test an opponent's case by
8 requiring him to allege certain facts or retreat from his allegations.” Neveu, 392 F. Supp.
9 2d at 1169 (quoting Palm Springs Med. Clinic, Inc. v. Desert Hosp., 628 F. Supp. 454,
10 464-65 (C.D. Cal. 1986). If the facts sought by a motion for a more definite statement
11 are obtainable by discovery, the motion should be denied. See McHenry v. Renne,
12 84 F.3d 1172, 1176 (9th Cir. 1996); Neveu, 392 F. Supp. 2d at 1169-70; Sagan v. Apple
13 Computer, 874 F. Supp. 1072, 1077 (C.D. Cal. 1994). “This liberal standard of pleading
14 is consistent with [Rule] 8(a)(2) which allows pleadings that contain a ‘short and plain
15 statement of the claim.’ Both rules assume that the parties will familiarize themselves
16 with the claims and ultimate facts through the discovery process.” Neveu, 392 F. Supp.
17 2d at 1169 (citing Sagan, 874 F. Supp. at 1077 (“Motions for a more definite statement
18 are viewed with disfavor and are rarely granted because of the minimal pleading
19 requirements of the Federal Rules.”)).


20 Here, Plaintiff’s Complaint is so rambling and confusing that the Court cannot
21 require Defendants to respond to it without risking the possibility that their attempt to do
22 so will result in unintentional prejudice. See Cellars, 189 F.R.D. at 578. For example,
23 every single factual allegation is incorporated into all of Plaintiff’s causes of action,
24 making it impossible to determine the specific facts on which his individual claims
25 depend. See Destfino v. Kennedy, No. CV-F-08-1269, 2009 WL 63566 at *4 (E.D. Cal.
26 Jan. 8, 2009) (“Allegations . . . which incorporate each preceding paragraph, regardless
27 of relevancy, are not permitted.”). Furthermore, Plaintiff’s Second Cause of Action is
28 brought against all eight defendants, but it is readily apparent that not every purported

1 constitutional violation can be maintained against certain defendants. Similarly,
2 Plaintiff's Third Cause of Action for violation of 42 U.S.C. § 1985 is brought against all
3 eight defendants even though the only allegation of a conspiracy refers solely to
4 Defendants Haven Humane and the County. ECF No. 1 at ¶ 242. Finally, Plaintiff's First
5 and Second Causes of Action contain a multitude of claims for relief, including multiple
6 due process claims, multiple Fifth Amendment claims, and what appear to be Fourth
7 Amendment issues.

8 In sum, Plaintiff's Complaint departs so fundamentally from being a "short and
9 plain statement" of his entitlement to relief that it fails to give Defendants fair notice of
10 the claims against them. Defendants cannot be reasonably expected to frame an
11 informed responsive pleading given that deficiency. Furthermore, any attempt to
12 adjudicate a Motion to Dismiss based on this Complaint would be so time-consuming
13 that it would "impede the orderly, efficient, and economic disposition" of other disputes
14 on the Court's docket. Ebrahimi v. City of Huntsville Bd. Of Educ., 114 F. 3d 162, 165
15 (11th Cir. 1997). Accordingly, Defendants' Motions for a More a Definite Statement
16 (ECF Nos. 14 and 15) are GRANTED, and their alternative requests that the matter be
17 dismissed are DENIED as moot. Should he choose to do so, Plaintiff is directed to file
18 an amended complaint that complies with Rule 8 of the Federal Rules of Civil Procedure
19 within 21 days from the date this Order is electronically filed. Failure to do so will result
20 in this action being dismissed with prejudice and without further notice to any of the
21 parties.

22 IT IS SO ORDERED.

23 Dated: March 14, 2016

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27 MORRISON C. ENGLAND, JR., CHIEF JUDGE
28 UNITED STATES DISTRICT COURT