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insufficient defense ....." The Court rejects Plaintiff's argument for two reasons. First, Rule 12(f) 1 2 applies to claims, defenses, or other matters raised in pleadings. A motion is not a pleading. See 3 Fed. R. Civ. P. 7. Second, even assuming, *arguendo* that Rule 12(e) applies and that parts of 4 Defendant's motion are too vague or ambiguous, Rule 12(e) requires the movant to "point out the 5 defects complained of and the details desired." Plaintiff has failed to specify a single shortcoming in 6 or passage from Defendant's motion, and has therefore failed to satisfy the plain requirements of Rule 12(e). Finally, Plaintiff has the right to oppose the motion; that is the appropriate vehicle for challenging the motion to dismiss.

Β. Plaintiff's Rule 55 Motion

Despite describing Defendant's motion as "so vague and ambiguous" that "Plaintiff cannot reasonably frame responsive legal arguments to [it]," Plaintiff has determined that the motion fails to respond to ¶¶348-368 of the SAC. See Pl.'s Mot. at 4. Plaintiff appears to request that the Court declare that Defendant has admitted to the claims alleged in those paragraphs, although she couches her motion as one for "Partial Default Judgment." However, Defendant has not waived the right to lodge a responsive pleading, even if Defendant's motion does not address each allegation in the SAC in its motion to dismiss. See Fed. R. Civ. P. 12(b) (requiring a defensive motion to be filed 17 before a responsive pleading).

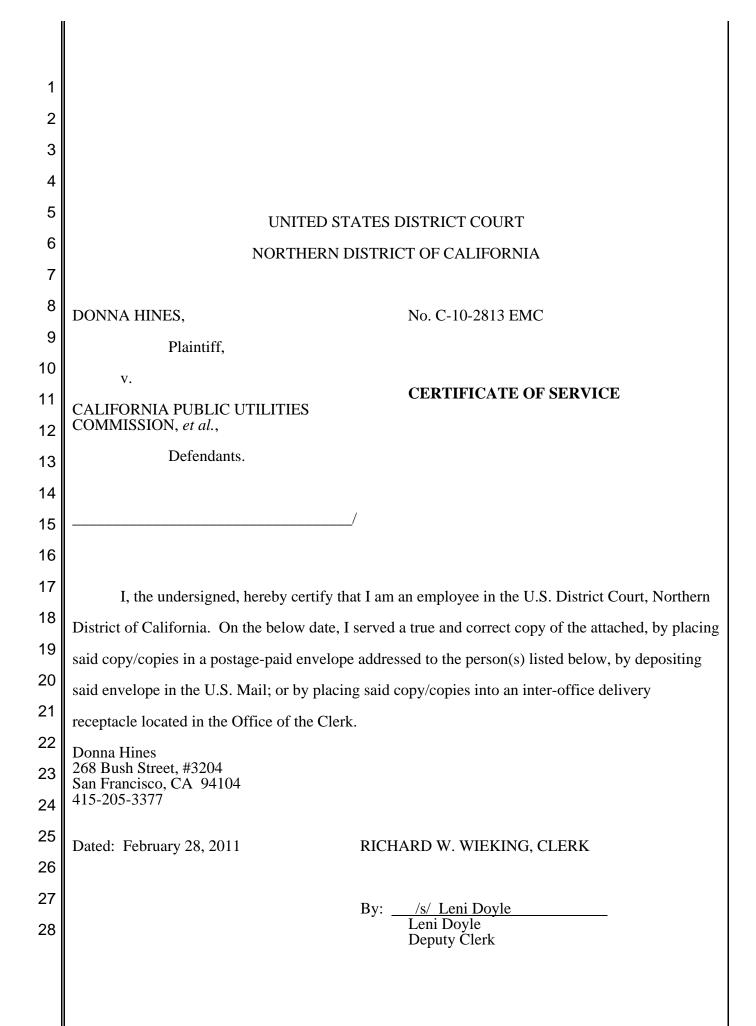
C. Plaintiff's Motion for Enlargement of Time for Service

19 Plaintiff avers that she attempted, unsuccessfully, to serve the SAC upon the Estate of Dana 20 S. Appling pursuant to this Court's December 6, 2010 Order. Pl.'s Mot. at 4-5. She provides 21 evidence that the envelope containing a copy of the SAC (addressed to Ms. Byanca Godwin) was 22 returned undelivered due to an incorrect address. See Pl.'s Mot. Ex. B. The Court accordingly finds 23 sufficient cause to grant Plaintiff's motion for additional time to effectuate service upon the estate of 24 Ms. Appling.

## II. CONCLUSION

26 For the foregoing reasons, Plaintiff's Motion to Strike is **DENIED**, Plaintiff's Motion for a 27 More Definite Statement is **DENIED**, Plaintiff's Motion for "Partial Default Judgment" is 28 **DENIED**, and Plaintiff's Motion for an Enlargement of Time to Effectuate Service is **GRANTED**.

Plaintiff shall complete service upon the estate of Ms. Appling, in conformity with the requirements of the Court's December 6, 2010 Order, no later than March 18, 2011. This order disposes of Docket No. 47. IT IS SO ORDERED. February 28, 2011 EDWARD M. CHEN United States Magistrate Judge 



United States District Court For the Northern District of California