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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PENG CHAN, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

TIME WARNER INC., a Delaware
corporation; MAZHER MAHMOOD; JIM
BARKSDALE; JOHN HANKE; CHRIS
DeWOLF; NEWS CORPORATION, INC., a
Delaware corporation; ALPHABET, INC., a
Delaware corporation; BARRY DILLER;
EDGAR BRONFMAN, JR.; KLEINER
PERKINS CAUFIELD, LLC, a California
limited liability company,

Defendants.

Case No. 5:16-CV-06268-EJD

**ORDER GRANTING DEFENDANT
TIME WARNER'S MOTION FOR
MORE DEFINITE STATEMENT**

Re: Dkt. No. 25

Plaintiff Peng Chan filed a 215-page amended complaint. Dkt. No. 18. Defendant Time Warner Inc. moves for a more definite statement. Dkt. No. 25. Time Warner's motion will be GRANTED.

1 A party can move for a more definite statement when a pleading is “so vague or ambiguous
2 that the party cannot reasonably prepare a response.” Fed. R. Civ. P. 12(e). Such motions are
3 “viewed with disfavor, and are rarely granted.” Cellars v. Pac. Coast Packaging, Inc., 189 F.R.D.
4 575, 578 (N.D. Cal. 1999). Rule 12(e) motions challenge the intelligibility of the complaint, not
5 the lack of detail, and should be denied if the complaint notifies the defendant of the substance of
6 the claims. Beery v. Hitachi Home Elecs., Inc., 157 F.R.D. 477, 480 (C.D. Cal. 1993). “If the
7 detail sought by a motion for more definite statement is obtainable through discovery, the motion
8 should be denied.” Id.


9 The substance of Plaintiff’s claims is nearly impossible to discern. The complaint fails to
10 allege the elements of specific causes of action, and it fails to clearly explain how Time Warner’s
11 conduct is involved. Many portions are copied verbatim from Greenspan v. IAC/InterActive
12 Corp., No. 5:14-cv-04187-RMW (N.D. Cal. filed Dec. 30, 2014), where the complaint was
13 dismissed with prejudice and the plaintiff was declared to be a vexatious litigant.

14 Time Warner argues that the complaint does not provide a sufficient basis for it to
15 reasonably prepare a response. Dkt. No. 25; see also McHenry v. Renne, 84 F.3d 1172, 1177,
16 1179 (9th Cir. 1996) (holding that relief under Rule 12(e) was appropriate where the complaint
17 was “argumentative, prolix, replete with redundancy, and largely irrelevant”). The Court agrees.
18 Plaintiff is ordered to restate his allegations clearly and succinctly.

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IT IS SO ORDERED.

Dated: June 20, 2017


EDWARD J. DAVILA
United States District Judge