

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Chief Judge Wiley Y. Daniel

Civil Action No. 11-cv-02357-WYD-MEH

CS CAPITAL CORP. d/b/a THE INVOICE BANKERS CORP.,

Plaintiff,

v.

LOCAL SENIOR SERVICES and
RANDY KALANI FAHILGA,

Defendants.

ORDER

THIS MATTER is before the Court on Defendants' Motion for More Definite Statement, filed September 7, 2011 [ECF No. 7]. A response in opposition to the motion was filed on September 21, 2011, and a reply was filed on October 5, 2011.

In their motion and reply, Defendants contend that Plaintiff's complaint is so vague and ambiguous that Defendants cannot reasonably anticipate the claims being made against them. Defendants assert that the complaint does not specify particular legal claims or necessary facts upon which claims might be based. In its response, Plaintiff states that as currently plead this case is a commercial collection action for breach of contract.

In relevant part, Federal Rule of Civil Procedure 12(e) states that a "party may move for a more definite statement of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare a response. The motion . . . must point out the defects complained of and the details

desired.” Fed. R. Civ. P. 12(e). “[A] motion for more definite statement is generally discouraged unless the pleading is so unintelligible that defendants do not understand the allegation and are unable to respond.” *Runyan v. United Bhd. of Carpenters*, 566 F.Supp. 600, 608 (D. Colo. 1983). In a broad spectrum of contract cases, a plaintiff “should not be required to plead details about the terms of the contract . . .; as long as the defendant has reasonable notice of the plaintiff’s contract based claim, [a] motion for a more definite statement will be denied.” 5C Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1377 (3d ed. 1998).

After carefully considering the motion, response, and reply, I find that the Motion for More Definite Statement should be denied.

Based on the foregoing, it is

ORDERED that the Motion for More Definite Statement filed September 7, 2011 [ECF No. 7], is **DENIED**.

Dated: October 13, 2011

BY THE COURT:

s/ Wiley Y. Daniel
Wiley Y. Daniel
Chief United States District Judge