

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01572-BNB

GERARD M. PIERRE,

Plaintiff,

v.

AURORA LOAN SERVICES, LLC,
AURORA BANK FSB,
AURORA COMMERCIAL CORP. ("Aurora"),
CITIGROUP, INC.,
CITIMORTGAGE, INC., ("Citi"),
JACOB J. LEW ("Lew"), in his capacity as United States Secretary of the Treasury,
Department of the Treasury,
THOMAS J. CURRY ("Curry"), in his capacity as Comptroller of the Currency, the Office
of the Comptroller of the Currency (the "OCC"), and Chief Administrator of
National Banks,
MICHAEL E. FINN ("Finn"), in his capacity as Regional Director, Office of Thrift
Supervision (the "OTS") Northeast Regional Office,
ALLONHILL, LLC dba STEWART LENDER SERVICES,
SUE ALLON ("Allon"), in her capacity as Chief Executive Officer (the "CEO"),
PROMONTORY FINANCIAL GROUP,
EUGENE LUDWIG ("Ludwig"), in his capacity as Chief Executive Officer (the "CEO"),
RUST CONSULTING, INC., ("Rust"), and
JEDD KEITH, in his capacity as General Counsel,

Defendants.

SECOND ORDER DIRECTING PLAINTIFF TO FILE AMENDED COMPLAINT

Plaintiff, Gerard M. Pierre, initiated this action by filing *pro se* a complaint (ECF No. 1) that is 108 pages long and includes fifteen claims for relief under federal and state law. An additional seventy-two pages of exhibits are attached to the complaint. On June 13, 2014, Mr. Pierre was ordered to file an amended complaint that complies with the pleading requirements of the Federal Rules of Civil Procedure because the

complaint is prolix and does not provide fair notice of the specific claims being asserted. On July 24, 2014, Mr. Pierre filed a document titled “Amendment of Complaint” (ECF No. 11) that is forty-seven pages long. Mr. Pierre states in the “Amendment of Complaint” that he “amends his preexisting complaint by substituting the below recast counts 1 through 15 in lieu of the prior counts 1 through 15 in plaintiff’s preexisting complaint, and request[s] that this amendment be allowed.” (ECF No. 11 at 1.)

The document titled “Amendment of Complaint” does not comply with the court’s order directing Mr. Pierre to file an amended complaint. Mr. Pierre must file a complete amended complaint using the court-approved form and he may not merely substitute the “Amendment of Complaint” for a portion of his original complaint. Furthermore, the “Amendment of Complaint” still is prolix and does not provide fair notice of the specific claims being asserted. In the language of Rule 8, the “Amendment of Complaint” still does not provide a short and plain statement of Mr. Pierre’s claims showing that he is entitled to relief.

Mr. Pierre will be given one more opportunity to file an amended complaint that complies with the pleading requirements of the Federal Rules of Civil Procedure as discussed in the court’s June 13 order. Accordingly, it is

ORDERED that Mr. Pierre file, **within thirty (30) days from the date of this order**, an amended Complaint that complies with the pleading requirements of the Federal Rules of Civil Procedure. It is

FURTHER ORDERED that Mr. Pierre shall obtain the court-approved Complaint form, along with the applicable instructions, at www.cod.uscourts.gov. It is

FURTHER ORDERED that, if Mr. Pierre fails to file an amended Complaint on

the proper form within the time allowed, the action will be dismissed without further notice.

DATED July 31, 2014, at Denver, Colorado.

BY THE COURT:

s/Craig B. Shaffer
United States Magistrate Judge