

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

DEBORAH R. DOLEN,

Plaintiff,

v.

Case No. 8:09-cv-2120-T-23AEP

JULIE RYALS, et al.,

Defendants.

ORDER

A May 24, 2010, order (Doc. 87) grants the pro se plaintiff leave to amend her complaint. The plaintiff submits an amended complaint (Doc. 88), and the defendant Julie Ryals answers (Doc. 89). In a footnote in the answer, Ryals states that she “does not waive, and to the extent necessary, reasserts each and every counterclaim already on file herein as fully as if set forth herein verbatim.” (Doc. 89 at 10). Ryals fails to identify which document contains the counterclaims, which factual allegations support each “re-asserted” counterclaim, and which defendant asserts which counterclaim. At the end of the answer, Ryals requests affirmative relief, including “a protective order” restraining the plaintiff from “any further contact” with Ryals and an “order transferring the domain name www.JulieRyals.com from Deborah Dolen to Julie Ryals.” The answer and purported incorporation of counterclaims fails to comply with Local Rule 4.01, and the answer (Doc. 89) is **STRICKEN**.

On or before **August 6, 2010**, the defendant shall answer the complaint. However, the amended counterclaim may not by reference incorporate “each and every counterclaim already on file”—the counterclaim must contain “a short and plain statement” of the facts in support of each claim. See Rule 8(a), Federal Rules of Civil Procedure. Additionally, “each claim founded on a separate transaction or occurrence . . . must be stated in a separate count.” Rule 10, Federal Rules of Civil Procedure. Failure to amend the answer and counterclaims will result in entry of default and default judgment. The plaintiff’s motion (Doc. 90) to dismiss the counterclaims is **DENIED AS MOOT**. The plaintiff’s request for a hearing is **DENIED**.

ORDERED in Tampa, Florida, on July 29, 2010.



STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE