

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

SUSAN GEPHART, as Personal  
Representative of the Estate of  
Thomas Cherry,

Plaintiff,

v.

Case No. 8:10-cv-830-T-33TBM

ROBERT C. WASHBURN, HERNANDO  
COUNTY SHERIFF'S OFFICE AND ITS  
MEMBERS, SERGEANT DONALD SMITH,  
PAUL SMITH, and DUSTIN ADKINS,  
individually, and in their  
official capacity, SPRING HILL  
FIRE & RESCUE DISTRICT VOLUNTEER  
AND ITS MEMBERS, CAPTAIN JAMES  
BILLOTTE, CHRIS BOZEK, STEVE  
SMITH, WARREN FLATT, ROBERT  
LEONDIKE, and ROBERT DELVECCHIO,  
individually, and in their  
official capacity,

Defendants.

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**ORDER**

This matter is before the Court pursuant to Defendant Robert C. Washburn's Motion for More Definite Statement (Doc. # 16), which was filed on June 4, 2010. The Motion seeks an order directing Plaintiff to file a more definite statement of her claim against Washburn pursuant to Rule 12(e) of the Federal Rules of Civil Procedure.

Plaintiff failed to file a timely response in opposition to the Motion, and accordingly, the Court considers the Motion as an unopposed motion. However, the Court has reviewed the

Complaint and determines that a more definite statement of the claim against Washburn is not needed. Rule 12(e) of the Federal Rules of Civil Procedure states, "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." From the Court's review of the Complaint, it appears that Plaintiff sues Washburn in Count one for negligence. Specifically, Plaintiff alleges that Washburn negligently operated his vehicle and struck and then ran over Thomas Cherry, who was on a bicycle. Plaintiff further alleges that Cherry sustained grave injuries as a proximate result of the collision with Washburn. Washburn is not named as a defendant in any of the other Complaint counts.

Rule 8(a)(2) of the Federal Rules of Civil Procedure requires only "a short and plain statement of the claim showing that the pleader is entitled to relief." Plaintiff's Complaint, to the extent it is asserted against Washburn, more than satisfies this meager burden. Further, relief is not appropriate under Rule 12(e) because Washburn has not described any specific deficiency in the complaint and has not


specified any detail that he needs in order to frame a responsive pleading. Thus, the Court denies the Motion.

Accordingly, it is

**ORDERED, ADJUDGED, and DECREED:**

Defendant Robert C. Washburn's Motion for More Definite Statement (Doc. # 16) is **DENIED**.

**DONE and ORDERED** in Chambers, in Tampa, Florida, this 24th day of June 2010.

  
VIRGINIA M. HERNANDEZ COVINGTON  
UNITED STATES DISTRICT JUDGE

Copies: All Counsel of Record