

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION

HANS BIOMED HUMAN TISSUE  
ENGINEERING CORPORATION,

Plaintiff,

vs.

CASE NO.: 1:07cv177-SPM/AK

REGENERATION TECHNOLOGIES,  
INC.,

Defendant.

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**ORDER GRANTING MOTION FOR MORE DEFINITE STATEMENT**

This cause comes before the Court on Defendant's motion to dismiss Plaintiff's amended complaint or alternatively for more definite statement (doc. 42), Plaintiff's response in opposition (doc. 46), Defendant's motion to strike (doc. 47), and Defendant's unopposed motion to file certificate of time (doc. 48). The Court, being fully advised in the premises, finds as follows:

1. Plaintiff's amended complaint is a "shot gun" pleading in that each successive count incorporates all of the allegations of the previous counts. Magulta v. Samples, 256 F.3d 1282, 1284 (11th Cir. 2001).

2. Although the amended complaint is shorter than the complaints criticized in the opinions cited, because Plaintiff has alleged claims for torts that

must be independent of a breach of contract, identification of the facts supporting each claim is imperative.

3. When a pleading makes it virtually impossible to determine which allegations support separate claims for relief, a more definite statement under Federal Rule of Civil Procedure 12(e) is the appropriate cure. Anderson v. Dist. Bd. of Trustees of Cent. Fla. Cmty Coll., 77 F.3d 364, 367 (11th Cir. 1996).

Accordingly, it is

ORDERED AND ADJUDGED:

1. Defendant's alternative motion for more definite statement (doc. 42) is granted.

2. Plaintiff shall have up to and including October 17, 2008, to file a second amended complaint.

3. Defendant's motion to strike or leave to file a reply (doc. 47) is denied.

4. Defendant's motion to file certificate out of time (doc. 48) is granted.

DONE AND ORDERED this 30th day of September, 2008.

*s/ Stephan P. Mickle*

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Stephan P. Mickle  
United States District Judge