

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 09-60588-CIV-COHN/SELTZER

CHETU, INC.,

Plaintiff,

vs.

MOHAMED SAFIR SALIHU, et al.,

Defendants.

**ORDER DENYING DEFENDANT MOHAMED SAFIR SALIHU'S MOTION FOR
MORE DEFINITE STATEMENT**

THIS CAUSE is before the Court on Defendant Mohamed Safir Salihu's Motion for More Definite Statement with Respect to the Ninth Claim for Relief – Unjust Enrichment [DE 59]. The Court has considered the Motion, Plaintiff's Response [DE 61], the record in this case, and is otherwise advised in the premises.¹

On July 3, 2009, the Court entered an Order Granting in Part and Denying in Part Mohamed Safir Salihu's Motion to Dismiss [DE 58]. In that Order, the Court did not dismiss Plaintiff's unjust enrichment claim, however, the Court agreed with Mr. Salihu that the unjust enrichment claim was, in part, precluded by Florida Uniform Trade Secrets Act. Accordingly, the Court held that "the unjust enrichment claim survives only as to confidential information." DE 58 at 3.

Thereafter, Mr. Salihu filed the instant Motion arguing that "the allegations in the unjust enrichment cause of action are so vague and ambiguous that [Mr. Salihu] cannot reasonably prepare a response." DE 59 at 3. Essentially, the Motion argues that

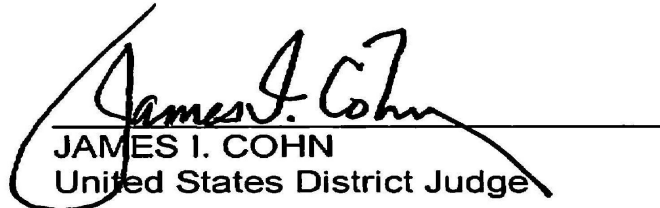
¹ Mr. Salihu did not file a reply.

although the Court limited the unjust enrichment claim to confidential information,² the Verified Complaint is vague and ambiguous because it includes the language regarding trade secrets. Plaintiff opposes the Motion arguing that the Court's July 3, 2009 Order "clearly refines and limits the scope of Count 9." DE 61 at 2.

Rule 12(e) of the Federal Rules of the Civil Procedure provides that a party may move for a more definite statement where a pleading "is so vague or ambiguous that the party cannot reasonably prepare a response." Fed. R. Civ. P. 12(e). Because the record makes clear that Plaintiff's unjust enrichment claim is limited to confidential information, Mr. Salihu fails to meet this standard. Accordingly, it is hereby

ORDERED AND ADJUDGED that Mohamed Safir Salihu's Motion for More Definite Statement with Respect to the Ninth Claim for Relief – Unjust Enrichment [DE 59] is **DENIED**.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, on this 17th day of September, 2009.


JAMES I. COHN
United States District Judge

Copies provided to:

Counsel of record via CM/ECF

² In opposing Mr. Salihu's Motion to Dismiss, Plaintiff conceded that the unjust enrichment claim was limited to confidential information in its memorandum of law and at oral argument.