

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 08-23479-CIV-COOKE/BANDSTRA**

MARIENNE CAVALIER,

Plaintiff,

v.

WEINSTEIN & RILEY, P.S.;

Defendant.

ORDER ON MOTION FOR MORE DEFINITE STATEMENT

THIS CAUSE is before the Court upon Defendant Weinstein & Riley, P.S.'s ("W&R") Motion for More Definite Statement [D.E. 8], and Plaintiff Marianne Cavalier's Response [D.E. 21]. For the reasons stated below, I am granting Defendant's motion.

I. BACKGROUND

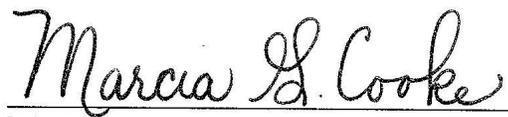
Marianne Cavalier filed a complaint on December 17, 2008 against W&R for violating "each and every provision of 15 U.S.C. §1692." W&R submitted a motion for a more definite statement under Federal Rule 12(e), asking Cavalier to clarify her claims. Specifically, W&R sought clarification regarding which provisions of §1692 were violated. Plaintiff's response attempted to clarify her complaint, stating "[p]ursuant to the concerns raised in Paragraph 5 of Defendant W&R's Motion For More Definite Statement, Plaintiff will refrain from alleging any other violations of the FDCPA unless such violations come to light during the course of discovery." [D.E. 21].

II. ANALYSIS

The motion for more definite statement is granted. When a complaint lacks necessary

ganinformation, a district court should give a plaintiff an opportunity to amend his complaint rather than dismiss it when it appears that a more carefully drafted complaint might state a claim upon which relief could be granted. *Bender v. Centrust Mortgage Corp.*, 833 F.Supp. 1525, 1529-30 (S.D.Fla. 1992) (citations and internal quotations omitted). Paragraph 15 of the complaint contends that “each and every provision of 15 U.S.C. §1692 et seq., are at issue.” Defendant W&R claims that because of the numerous provisions of the Fair Debt Collection Practices Act, the Plaintiff’s complaint is “so vague or ambiguous that the party cannot prepare a response.” [D.E. 8]. Plaintiff concedes that her complaint is ambiguous, and attempts to amend this issue in her response. Plaintiff is therefore directed to file an amended complaint within 10 days of this order. Accordingly, Defendant W&R’s Motion for More Definite Statement is **GRANTED**.

DONE and **ORDERED** in Chambers at Miami, Florida, this 7th day of August 2009.



MARCIA G. COOKE
United States District Judge

Copies furnished to:

The Hon. Ted E. Bandstra
Counsel of Record