

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

BRIAN HAYGOOD,)	
)	
Plaintiff,)	
)	
v.)	CIVIL NO. 3:14cv1934
)	
THE CITY OF SOUTH BEND,)	
)	
Defendant.)	

OPINION AND ORDER

This matter is before the court on a Motion for More Definite Statement, filed by the defendant on November 25, 2014. Plaintiff filed a response on January 14, 2015, to which the defendant replied on February 3, 2014.

For the following reasons, the motion will be deemed moot.

Discussion

Defendant’s motion for more definite statement requests the court to order Plaintiff to clarify whether his *respondeat superior* claim is an independent tort claim or whether it is a part of his ADEA claim.

On February 6, 2015, this court entered an Order granting Defendant’s motion for partial dismissal. In this Order, Plaintiff was ordered to amend the caption in his complaint such that the City of South Bend is the sole party. Additionally, Plaintiff’s ADEA claim was dismissed to the extent it sought damages against individual defendants, and Counts II (negligent hiring) and III (violation of wage payment statute) were completely dismissed.

On March 3, 2015, in response to the court order, Plaintiff filed his Second Amended Complaint. This complaint consists of one count, which alleges violations of the ADEA. As the Second Amended Complaint clarifies the *respondeat superior* issue, the motion for more definite

statement is now moot.

Conclusion

On the basis of the foregoing, defendant's motion for more definite statement [DE 12] is hereby DEEMED MOOT.

Entered: March 12, 2015.

s/ William C. Lee
William C. Lee, Judge
United States District Court