

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

B.A.R.-M.M.P., INC.

CIVIL ACTION

VERSUS

NO. 11-753

REGIONAL LOAD CORPORATION ET AL.

SECTION "F"(2)

ORDER ON MOTION

APPEARANCES: None (on the briefs)

MOTION: Defendants' Motion for More Definite Statement, Record Doc. No. 18

ORDERED:

XXX: DENIED. Local Rule 7.5 of the Eastern District of Louisiana requires that memoranda in opposition to a motion be filed and served no later than eight days before the noticed submission date. No memorandum in opposition to defendants' Motion for More Definite Statement, Record Doc. No. 18, submitted for decision on August 3, 2011 without oral argument, has been timely submitted. Plaintiff filed an untimely memorandum in opposition on July 27, 2011, without seeking leave of court to do so. Record Doc. No. 22. In this instance, however, the motion is without merit and must be denied for the following reasons.

Rule 12(e) permits the court to order plaintiff to file a more definite statement of its claims if the complaint "is so vague or ambiguous that the party cannot reasonably prepare a response." Plaintiff's complaint, Record Doc. No. 1, is not such a pleading. Read as a whole, the complaint sets out both the factual basis of the claims and legal causes of action in sufficient detail to permit movants to respond. Notice pleading in this court pursuant to Fed. R. Civ. P. 8 generally does not require the kind of specific pleading movants seek, all of which is more appropriately addressed in disclosure and discovery. Defendants can reasonably be required to prepare an answer or other appropriate response to the complaint, and must do so no later than **August 17, 2011**.

New Orleans, Louisiana, this 3rd day of August, 2011.JOSEPH C. WILKINSON, JR.
UNITED STATES MAGISTRATE JUDGE