

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

BARBARA POWELL

CIVIL ACTION

VERSUS

NO. 12-524

DR. MIRACLES, INC. ET AL.

SECTION "J"(2)

**ORDER ON MOTION**

APPEARANCES: None (on the briefs)

MOTION: Defendant's Motion for More Definitive Statement Pursuant to Federal Rules of Civil Procedure, Rule 12(e), Record Doc. No. 3

**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 (8) days before the noticed submission date. No memorandum in opposition to defendant's Motion for More Definitive Statement, Record Doc. No. 3, submitted for decision on March 28, 2012 without oral argument, has been timely submitted. Accordingly, this motion is deemed to be unopposed. However, the motion is nevertheless 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 state court petition, Record Doc. No. 1-2, is not such a pleading. The original petition adheres to the fact pleading requirements applicable in the state court in which it was originally filed. Read as a whole, it sets out both the factual basis of the claims and legal causes of action in sufficient detail to permit defendant to respond. Neither the notice pleading regime in this federal court pursuant to Fed. R. Civ. P. 8 nor the standards recently defined by the Supreme Court's Twombly/Iqbal decisions generally require the kind of specific pleading and detailed information movant seeks, all of which is more appropriately addressed in disclosure and discovery. Defendant can reasonably be

required to prepare an answer or other appropriate response to the complaint, and must do so no later than **April 13, 2012**.

New Orleans, Louisiana, this 28th day of March, 2012.

A handwritten signature in black ink, reading "Joseph C. Wilkinson, Jr.", written in a cursive style. The signature is positioned above a horizontal line.

JOSEPH C. WILKINSON, JR.  
UNITED STATES MAGISTRATE JUDGE