

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

JAMES SPENCER MCLEAN, ET AL.

CIVIL ACTION

VERSUS

NUMBER 15-40-JWD-SCR

BIG DOG GROUP, LLC, ET AL.

**RULING MOTION TO FILE AMENDED COMPLAINT**  
**and**  
**RULING ON MOTION TO AMEND EXHIBITS**  
**and**  
**RULING ON MOTION STRIKE**

Before the court are the following motions: (1) Motion to File Amended Complaint, filed by the plaintiffs James Spencer McLean and Mary Madeline Hebert McLean, record document number 39; (2) Motion to Amend Exhibits, filed by the plaintiffs, record document number 41; and (3) Motion to Strike Defendant Ronald Todd Zeigler's Defendant Response, filed by the plaintiffs, record document number 44. No opposition or other response has been filed by any defendant. Defendant Zeigler filed his Defendant Response to the Plaintiffs' Proposed Amended Complaint, but in it he did not oppose the plaintiffs' motion for leave to file their Plaintiffs' Proposed Amended Complaint.

Plaintiffs' Motion to File Amended Complaint and their Plaintiffs' Proposed Amended Complaint have been considered. While the Plaintiffs' Proposed Amended Complaint is far from a model pleading, a pro se party's pleadings are to be held to less

stringent standards than formal pleadings drafted by lawyers. *Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972). The Plaintiffs' Proposed Amended Complaint is sufficient to comply with Rule 8, Fed.R.Civ.P. This determination, however, must not be construed as finding that the allegations in the Plaintiffs' Proposed Amended Complaint are sufficient to state a claim on which relief can be granted. Insofar as the plaintiffs sought to amend the caption of the case, this aspect of their motion will be denied because it is not necessary to amend the caption as parties are joined or dismissed from the case.

Plaintiffs also filed a Motion to Amend Exhibits to add exhibits 3 through 9 to their Plaintiffs' Proposed Amended Complaint. This motion is granted.

Defendant Zeigler filed his Defendant Response to the Plaintiffs' Proposed Amended Complaint as though leave to file it had already been granted. The Defendant Response is in numbered paragraphs, but the paragraph numbers do not coordinate with the paragraph of the Plaintiffs' Proposed Amended Complaint. Rather they are just statements, like a letter, made in numbered paragraphs.

Plaintiffs then filed their Motion to Strike Defendant Ronald Todd Zeigler's Defendant Response on the ground that it is not an answer that admits or denies the allegations in the Plaintiffs' Proposed Amended Complaint. Although defendant Zeigler's response

to the original Complaint was found to be sufficient, given that a pro se party's pleadings are to be held to less stringent pleading standard, his Defendant Response to the Plaintiffs' Proposed Amended Complaint is cannot be considered sufficient. It is impossible to confidently correlate the statements in his Defendant Response with the allegations in the Plaintiffs' Proposed Amended Complaint. Defendant Zeigler will be required to file an amended answer which complies with Rule 8(b) and (c), Fed.R.Civ.P.

Accordingly, the court rules as follows:

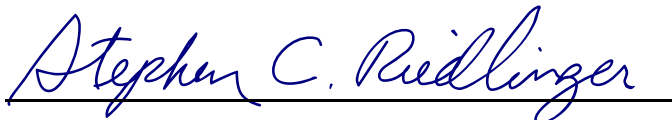
Plaintiffs' Motion to File Amended Complaint is granted in part and denied in part. The clerk of court will file the Plaintiffs' Proposed Amended Complaint, which shall be considered as their first amended complaint. The motion is denied only insofar as the plaintiffs sought to amend the caption of the case.

Plaintiffs' Motion to Amend Exhibits is granted. The clerk of court will add the exhibits submitted with the motion to the exhibits filed with Plaintiffs' Proposed Amended Complaint.

Plaintiffs' Motion to Strike Defendant Ronald Todd Zeigler's Defendant Response is granted. The clerk of court will strike the Defendant Response filed May 28, 2015 (record document number 42). Defendant Zeigler shall have 21 days to file an answer - titled as such - to the Plaintiffs' Proposed

Amended Complaint, which answer must conform to the requirements of Rule 8, Fed.R.Civ.P.

Baton Rouge, Louisiana, September 8, 2015.



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STEPHEN C. RIEDLINGER  
UNITED STATES MAGISTRATE JUDGE