

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

VIOLA COMBS

CIVIL ACTION

VERSUS

EXXON MOBIL CORP.

NO. 18-459-BAJ-RLB

ORDER

Defendant Exxon Mobil moves to dismiss Plaintiff's Americans with Disabilities Act claim under Federal Rule of Civil Procedure 12(b)(6). (Doc. 8-1 at p. 1). Alternatively, Defendant asks the Court to require Plaintiff to serve a more definite statement under Rule 12(e) if Plaintiff is seeking to assert a claim under a statute other than the ADA. *Id.* at p. 4. In Plaintiff's cause of action section she claims:

The Plaintiff reasserts the allegations of paragraphs 5-28 in support of her claims for monetary damages against the Defendants for violations of 42 U.S.C. § 12101 *et seq.*, the ADA, for failing to provide Ms. Combs with reasonable accommodations for her disabilities and resulting limitations, and discharging her in retaliation for having a disability.

(Doc. 1 at ¶ 8).

Plaintiff responded by stating that it did not intend to bring an ADA retaliation claim. (Doc. 11 at p. 1). The Court understands Defendant's confusion because the Court reads Plaintiff's Complaint to bring an ADA discrimination claim and a separate ADA retaliation claim. (See Doc. 1 at ¶ 29). Under Rule 12(e), "A party may move for a more definite statement of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare

a response.” Because of the confusion about whether Plaintiff is bringing an ADA retaliation claim, the Court orders that Plaintiff file a more definite statement. The Plaintiff shall file an amended complaint within 7 days setting forth with specificity her causes of action, and omitting any reference to retaliation in her cause of action section if she does not wish to pursue a retaliation claim.

Accordingly,

**IT IS ORDERED** that Plaintiff's **Motion to Dismiss Retaliation Claims, or, Alternatively, for a More Definite Statement (Doc. 8)** is **Granted in Part and Denied in Part.**

**IT IS FURTHER ORDERED** that Plaintiff file an amended complaint within 7 days of this order setting forth with specificity her causes of action, and omitting any reference to retaliation in her cause of action section if she does not wish to pursue a retaliation claim.

Baton Rouge, Louisiana, this 6<sup>th</sup> day of August, 2018.



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**BRIAN A. JACKSON**  
**UNITED STATES DISTRICT JUDGE**  
**MIDDLE DISTRICT OF LOUISIANA**