

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

JESSICA HUGHES

PLAINTIFF

V.

CAUSE NO. 3:18CV044-GHD-JMV

CITY OF SOUTHAVEN, MISSISSIPPI, ET AL.

DEFENDANTS

ORDER GRANTING MOTION FOR MORE DEFINITE STATEMENT

Before the Court is Defendant DeSoto County and Defendant Sheriff Bill Rasco's motion [9] for a more definite statement pursuant to Rule 12(e) of the *Federal Rules of Civil Procedure*.

In support of their motion, Defendants contend the "claims asserted in the existing Complaint are so ambiguous that the Complaint deprives DeSoto County of fair notice of what the claims are and the grounds on which each claim rests" and that "[t]he alleged facts as to DeSoto County as to any possible state or federal claim are so amorphous that guesswork and speculation by Defendant as to why it has been sued is the only presently possible response to the Complaint."

In her response to the motion, Plaintiff Jessica Hughes states she does not contest the motion and submits a proposed "Second Amended Complaint" which she attached as an exhibit to the motion. In their reply, however, Defendants insist that the proposed "Second Amended Complaint" "remains insufficient to invoke jurisdiction or state a colorable claim" and does not cure the defects detailed in their motion and supporting brief. Of note, Defendants go on to argue that "[t]here is no change in the proposed Second Amended Complaint from the Complaint and so does not cure the pleading defects that prompted the filing of the Motion for More Definite Statement."

In her response, however, Plaintiff states she is “making a claim for the violation of Equal Protection clause (14th Amendment) against Defendant DeSoto County, Mississippi and Sheriff Bill Rasco, In His Official Capacity.” And, Defendants themselves acknowledge the proposed amendment now states as follows under Count Nine, paragraph 53:

Plaintiff would show unto the Court that *the Defendant County and Sheriff Rasco*, with reckless disregard for Plaintiff’s 14th Amendment rights, took actions to deprive Plaintiff of her due process rights and equal protection rights when she was forced to strip from her clothes and put on the pink jail jumpsuit, while the white detainee remained in her personal clothing.

Def. Reply Br. at 3 (emphasis added).

“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.” FED. R. CIV. P. 12(e). However, given the liberal pleading standard set forth in Rule 8(a), Rule 12(e) motions are disfavored. *See Mitchell v. E-Z Way Towers, Inc.*, 269 F.2d 126, 132 (5th Cir. 1959). *See also Lehman Bros. Holding, Inc. v. Cornerstone Mortg. Co.*, No. 09-0672, 2009 WL 1504977, at *1 (S.D. Tex. May 29, 2009) (Rosenthal, J.) (collecting authorities) (pointing out that motions for a more definite statement are “generally disfavored”). “When a defendant is complaining of matters that can be clarified and developed during discovery, not matters that impede his ability to form a responsive pleading, an order directing the plaintiff to provide a more definite statement is not warranted.” *See Cornerstone*, 2009 WL 1504977, at *1 (citations omitted).

Here, though the original and amended complaints may have been vague and ambiguous with respect to those claims Plaintiff intends to assert against Defendants DeSoto County and Sheriff Rasco, the undersigned finds the proposed (second) amended complaint is sufficiently framed so as to allow said defendants to form responses. These defendants may raise any

issue(s) other than for more definite statement by timely filing an appropriate motion following service of the amended pleading.

Accordingly, the instant motion is granted, and Plaintiff shall have three (3) business days from this date to file the proposed Second Amended Complaint.

THIS, the 19th day of April, 2018.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE