

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TARYN NICHELLE PRINCE,

Plaintiff,

vs.

ST. LOUIS CHILDREN'S HOSPITAL,

Defendant.

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Case No. 4:13-CV-2203 (CEJ)

MEMORANDUM AND ORDER

This matter is before the Court on the motion of defendant St. Louis Children's Hospital to strike plaintiff's complaint, pursuant to Fed.R.Civ.P. 12(f) or, in the alternative, for a more definite statement, pursuant to Fed.R.Civ.P. 12(e). Plaintiff, who proceeds pro se, has not filed a response to the motion and the time allowed for doing so has expired.

Plaintiff Taryn Price is an African-American woman employed by St. Louis Children's Hospital. She alleges that she has been subjected to race-based disparate treatment, retaliation, and a hostile environment. On October 31, 2013, she filed a 31-page, single-spaced complaint that she completed using the E-ProSe web application provided by the federal courts.¹ Defendant argues that it cannot formulate an answer or other responsive pleading.

Under Rule 8(a), Fed.R.Civ.P., a complaint must contain "a short and plain statement of the claim" upon which the plaintiff seeks relief, while Rule 8(d) requires

¹E-ProSe an interactive web-based application intended to assist pro se litigants prepare court documents for filing. Users can select among three options: "Create Civil Complaint," "Employment Discrimination Complaint," and "Create a Social Security Complaint." It appears that plaintiff selected the generic civil complaint option.

that “[e]ach allegation must be simple, concise, and direct.” Rule 10(b) requires plaintiff to state her claims “in numbered paragraphs, each limited as far as practicable to a single set of circumstances. . . . If doing so would promote clarity, each claim founded on a separate transaction or occurrence . . . must be stated in a separate count or defense.”

Plaintiff’s complaint does not meet these requirements. First, although the complaint is organized in an outline fashion, the ordering of the sections is confusing and it is not clear how many counts plaintiff is asserting. Second, there are several repetitions, including a section entitled “AUTHORITY TO FILE A COMPLAINT” and “Continuation of Practice After my Discrimination Original Discrimination Complaint.” Plaintiff also repeats her request for relief. This repetition does not aid in the organization or clarity and adds unnecessarily to the length of the complaint. Third, plaintiff has included a great deal of information that does not belong in the complaint, including: lengthy descriptions of plaintiff’s interactions with other employees, quotes from letters and emails, other employees’ confidential information, and the names and telephone numbers of witnesses. Finally, the Court finds that the following allegations are scandalous or immaterial and should be stricken: “It felt like a rape victim getting raped all over again.” Complaint at page 6. “I was informed . . . that this is not the first time that Vice President Gary LaBlance was involved in racial discrimination and retaliation case.” Complaint at page 10. “He [Gary LaBlance] referred to the Affordable Care Act as the Obama Plan.” Complaint at 26.


Because plaintiff is proceeding pro se, the Court will give her an opportunity amend her complaint to comply with the requirements of Rule 8 and Rule 10 of the Federal Rules of Civil Procedure. Plaintiff is warned that her amended complaint will

replace her original complaint and claims that are not realleged will be deemed abandoned. If plaintiff decides to employ the E-ProSe website, she is advised to review the Employment Discrimination Complaint to determine whether that will help her draft a more suitable pleading.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion to strike [Doc. #14] is granted.

IT IS FURTHER ORDERED that plaintiff shall have until **April 2, 2014** to file an amended complaint that complies with the Federal Rules of Civil Procedure. If plaintiff fails to file an amended complaint by the deadline, the Court will dismiss this action without prejudice and without further notice to plaintiff.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 12th day of February, 2014.