

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN S. OLAUSEN,)	3:13-cv-00388-MMD-VPC
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	November 2, 2016
)	
SGT. MURGUIA, et al.,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is plaintiff’s motion for a more definite statement or to strike (ECF No. 173) as to defendants’ cross-motion for summary judgment (ECF Nos. 149, 150),¹ and defendants’ response (ECF No. 175).

Federal Rule of Civil Procedure 12(e) provides, in pertinent part:

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. The motion must be made before filing a responsive pleading and must point out the defects complained of and the details desired.

Not only is a motion for a more definite statement disfavored, *see U.S. E.E.O.C. v. Alia Corp.*, 842 F.Supp.2d 1243, 1250 (E.D. Cal. 2012); *C.B. v. Sonora School Dist.*, 691 F.Supp.2d 1170, 1191 (E.D. Cal. 2010), it does not appear that a motion for more definite statement may be directed toward another motion. Fed. R. Civ. P. 12(e). Moreover, a pleading that is the subject of the motion must be unintelligible and not just lacking in some detail. *See Neveu v. City of Fresno*, 392 F.Supp.2d 1159, 1169 (E.D. Cal. 2005); *Gregory Village Partners, L.P. v. Chevron, USA, Inc.*, 805 F.Supp.2d 888, 896 (N.D. Cal. 2011) (“A motion for more definite statement attacks intelligibility, not simply lack of detail.”). “Where the [pleading] is specific enough to

¹ ECF Nos. 149 and 150 are identical documents, and they will be referred to collectively as ECF No. 149.

