

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KYLE JIGGETTS,

Plaintiff,

- against -

ALLIED BARTON SECURITY SERVICES, et al.,

Defendants.

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**MEMORANDUM
OPINION AND
ORDER**

08 Civ. 4371 (JSR) (RLE)

RONALD L. ELLIS, United States Magistrate Judge:

The following Opinion and Order addresses and resolves Docket Entry Numbers 12, 18, and 28, encompassing Defendants’ respective Motions for More Definite Statement and *Pro se* Plaintiff Kyle Jiggetts’s Motion to file a Second Amended Complaint.

In the instant action, Jiggetts filed a Complaint against his employer, AlliedBarton Security Services, Inc. (“AlliedBarton”), and then amended the Complaint to add a second Defendant, New York City Department of Transportation (“DOT”), and additional claims. On August 20, 2008, Defendant AlliedBarton moved for a more definite statement with regard to the Amended Complaint. (Docket No. 12.) On October 6, 2008, DOT joined AlliedBarton’s motion and filed its own Motion for a More Definite Statement. (Docket No. 18.) Neither Defendant has answered the First Amended Complaint. Following Defendants’ submissions, the Court sought to clarify Jiggetts’s various filings and communications with the Court and to ascertain what submissions each Defendant possessed. On October 27, 2008, the Court ordered 1) Jiggetts to produce certain documents to Defendants and verify that production to the Court and 2) Defendants to indicate whether these documents had obviated the need for a more definite statement from Jiggetts. Defendants submitted a joint response to the Court on November 21,

2008, stating that they continued to find Jiggetts' Complaint inadequate, and not in compliance with the Federal Rules. They asserted that they could not appropriately answer or otherwise respond.

While Defendants' motions were under consideration, Jiggetts submitted a motion to file a Second Amended Complaint on February 17, 2009. (Docket No. 28.) In response to this submission, DOT wrote to the Court on February 19, 2009, and indicated that Jiggetts's Second Amended Complaint addressed some of the concerns raised by its Motion for a More Definite Statement, and that it would not oppose Jiggetts's motion to file it. DOT requested an enlargement of time to Answer or otherwise respond so that it could fully investigate the claims therein. On March 3, 2009, AlliedBarton also wrote to the Court, acknowledging that, although the proposed Second Amended Complaint does not fully cure the defects addressed in its Motion for a More Definite Statement, it would not oppose the motion to file it. AlliedBarton also requested an extension of time to Answer or otherwise respond to the Complaint.

Upon review of the submissions, Jiggetts's Motion to file a Second Amended Complaint (Docket No. 28) is **GRANTED**, Defendants' Motions for a More Definite Statement (Docket Nos. 12 & 18) are **DISMISSED**, and Defendants shall have until **April 6, 2009**, to Answer or otherwise respond to Jiggetts's Second Amended Complaint.

IT IS FURTHER ORDERED that no further motions to amend shall be filed by Jiggetts absent express permission of the Court.

SO ORDERED this 9th day of March 2009
New York, New York



The Honorable Ronald L. Ellis
United States Magistrate Judge