

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Amy Breunig,)	
)	
Plaintiff,)	
vs.)	Civil Action No.: 4:09-cv-2712-TLW
)	
Town of Atlantic Beach, Chief)	
Randy Rizzo, Officer Michele Coleman,)	
Councilwoman Sherry Suttles,)	
Councilwoman Charlene Taylor,)	
Councilwoman Josephine Isom,)	
Councilman Jake Evans, Clerk)	
Jackie Gore, Mayor Irene Armstrong,)	
Manager Marcia Conner, Manager)	
William Booke, and Councilman)	
Donnell Thompson,)	
)	
Defendants.)	
_____)	

ORDER

The plaintiff, Amy Breunig (“plaintiff”), filed this civil action on October 17, 2009. (Doc. # 1). The defendants filed a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6) or, in the alternative, for a more definite statement pursuant to Rule 12(e) on November 16, 2009. (Doc. #9). This Court signed an Order on April 7, 2010, granting in part the defendants’ motion to dismiss or, in the alternative, for a more definite statement. (Doc. # 21). The plaintiff was given fourteen (14) days to file a more definite statement. (Doc. # 21). On April 28, 2010, the plaintiff filed an amended complaint. (Doc. # 23). On May 10, 2010, the defendants moved pursuant to Federal Rule of Civil Procedure 12(f) to strike the plaintiff’s fourth cause of action for conspiracy. (Doc. # 25).

The deadline for filing a response to the motion to strike (Doc. # 25) was May 27, 2010. The plaintiff did not file a response.

In this Court's Order dated April 7, 2010, the Court granted the defendants' motion for a more definite statement with respect to the plaintiff's fourth cause of action, which alleges a conspiracy under state law. (Doc. # 21). The Court gave the plaintiff fourteen (14) days to file a more definite statement and warned the plaintiff that a failure to submit a more definite statement would result in a dismissal of this cause of action. (Doc. # 21). The plaintiff filed an amended complaint on April 28, 2010, again alleging a conspiracy under state law. (Doc. # 23). However, in setting forth this cause of action, the amended complaint (Doc. # 23) uses the same exact language as the original complaint (Doc. # 1). The plaintiff does not specify the defendants who were allegedly responsible for the conspiracy and does not assert facts relating to each defendants' alleged involvement in the conspiracy even though the Court instructed the plaintiff to include both of these matters in the more definite statement. (Doc. # 21). Therefore, this Court finds that the plaintiff has not provided a more definite statement with respect to her fourth cause of action for conspiracy, and the defendants' motion to strike this cause of action under Federal Rule of Civil Procedure 12(f) (Doc. # 25) is **GRANTED**.

IT IS SO ORDERED.

s/Terry L. Wooten
TERRY L. WOOTEN
United States District Judge

March 10, 2011

Florence, South Carolina