

A motorcyclist from State A, who suffered severe injuries in an automobile collision with a driver from State B, filed a complaint against the driver in federal court. In her complaint, the motorcyclist sought to recover special damages for her medical expenses by requesting that the driver pay "my medical expenses." Fifteen days after being served with process, the driver filed a motion for a more definite statement. The motion alleged that the complaint failed to state with specificity the medical expenses incurred by the motorcyclist and set forth the details that needed to be included.

Will the driver likely succeed on his motion for a more definite statement?

- A. No, because claims for damages may be alleged generally.
- B. No, because the driver has yet to conduct discovery.
- C. No, because the driver must file an answer before he can make this motion.
- D. Yes, because the motorcyclist failed to specifically state her claim for special damages.

## Explanation:

### Specificity of pleadings

Claim	Pleading requirements
General rule	<ul style="list-style-type: none"><li>• Complaint – short &amp; plain statement of claim showing plaintiff is entitled to relief</li><li>• Answer – short &amp; plain statement of admissions, denials, defenses &amp; claims against other parties</li></ul>
Fraud/mistake/mental condition	<ul style="list-style-type: none"><li>• Malice, intent, knowledge, or other mental condition may be alleged generally</li><li>• Circumstances giving rise to fraud/mistake must be stated with particularity</li></ul>
Conditions precedent	<ul style="list-style-type: none"><li>• Assertion that conditions precedent occurred may be alleged generally</li><li>• Denial that conditions precedent occurred must be stated with particularity</li></ul>
Damages	<ul style="list-style-type: none"><li>• General damages may be alleged generally</li><li>• Special damages must be specifically stated</li></ul>

A complaint is a **pleading** that initiates the plaintiff's lawsuit. It generally must contain a short and plain statement of the claim showing that the plaintiff is entitled to relief. However, there are **special pleading requirements** for certain claims, including compensatory damages. There are two main types of compensatory damages:

- **General damages** – the natural and necessary results of a wrongful act that **do not have a fixed value** and may be **alleged generally** (eg, pain and suffering)
- **Special damages** – the natural, but not necessary, results of a wrongful act that **have a fixed value** and must be **specifically stated** (eg, medical expenses)

When a complaint includes claims for special damages that do not contain the requisite specificity, the defendant may file a motion for a more definite statement that identifies the pleading's defects and the details needed to cure them.

Here, the motorcyclist's complaint sought to recover *special* damages for her medical expenses by requesting that the driver pay "my medical expenses." But the motorcyclist failed to *specifically* state her medical expenses—eg, "the accident caused me to suffer medical expenses totaling \$100,000." Therefore, the driver will likely succeed on his motion for a more definite statement.

**(Choice A)** Claims for *general* damages may be alleged generally. But the motorcyclist's claim is for *special* damages, which must be specifically stated (not seen here).

**(Choice B)** Discovery is the pretrial phase of the lawsuit during which the parties are compelled to disclose information related to the case. Although the driver will likely learn more about the motorcyclist's medical expenses when discovery later occurs, this does not excuse the motorcyclist's failure to state her claim for medical expenses with the requisite specificity.

**(Choice C)** [FRCP 12](#) allows a defendant to make several motions before filing an answer—including a motion for a more definite statement (as seen here).

**Educational objective:**

General damages (eg, pain and suffering) *do not* have a fixed value and may be alleged generally in a complaint. Special damages (eg, medical expenses) *do* have a fixed value and must be specifically stated in the complaint.

**FRCP** = Federal Rule of Civil Procedure.

**References**

- Fed. R. Civ. P. 9(g) (pleading special damages).
- Fed. R. Civ. P. 12(e) (filing a motion for a more definite statement).
- 22 Am. Jur. 2d Damages §§ 42–43 (2022) (defining general and special damages).