

A plaintiff sued a defendant for fraud in federal court. The complaint contained a short and plain statement of facts giving rise to the claim. One week after being served with process, the defendant filed and served an answer that denied the plaintiff's allegations. Five days later, the defendant filed and served a motion for a more definite statement. The motion alleged that the complaint failed to state the circumstances giving rise to the claim with particularity and specified the details that needed to be included.

Should the court grant the defendant's motion?

- A. No, because the complaint contained a short and plain statement of the facts giving rise to the claim.
- B. No, because the motion was filed after the defendant's responsive pleading was filed.
- C. Yes, because the circumstances giving rise to the claim must be stated with particularity.
- D. Yes, because the motion was filed within 21 days after the defendant was served with process.

Explanation:

FRCP 12 motions

12(b) Motion asserting any of the following defenses:

- Lack of subject-matter or personal jurisdiction
- Improper venue
- Insufficient process or service of process
- Failure to state claim upon which relief can be granted
- Failure to join required party

12(c) Motion for judgment on the pleadings

12(e) Motion for more definite statement in pleading

12(f) Motion to strike insufficient defense or immaterial matter from pleading

FRCP = Federal Rule of Civil Procedure.

Federal Rule of Civil Procedure 12(e) allows a party to move for a more definite statement of a pleading that is so vague or ambiguous that the party cannot reasonably draft a responsive pleading. This motion is appropriate when a complaint does not contain the requisite **specificity**—eg, fails to state the circumstances giving rise to a fraud claim with particularity. A **motion for a more definite statement** must:

- specify the **pleading's defects** and the **details needed to cure** these defects *and*
- be made **before filing a responsive pleading** (eg, answer).*

If the court grants the motion, the nonmovant must provide a more definite statement within 14 days after receiving notice of the order or a time otherwise set by the court. Failure to do so allows the court to strike the pleading or issue another appropriate order.

Here, the defendant's motion for a more definite statement alleged that the plaintiff's complaint failed to state the circumstances giving rise to the fraud claim with particularity and specified the details sought to cure this defect. However, the motion was not timely since it was filed *after* the answer. Therefore, the court should deny the defendant's motion.

*Since the purpose of a motion for a more definite statement is to help a party adequately answer a vague pleading, the motion must be made before the answer is filed.

(Choices A & C) A complaint generally need only contain a short and plain statement of the claim showing that the plaintiff is entitled to relief. However, the circumstances giving rise to a fraud claim must be stated with particularity.

(Choice D) A defendant generally must file an [answer](#) within 21 days after being served with process. Here, the defendant timely filed and served an answer one week after being served with process. But the motion for a more definite statement was untimely since it was made *after* the defendant filed an answer.

Educational objective:

A party may move for a more definite statement of a pleading that is so vague or ambiguous that the party cannot reasonably draft a responsive pleading. This motion must (1) specify the pleading's defects and the details sought that will cure these defects and (2) be made before filing a responsive pleading.

References

- Fed. R. Civ. P. 12(e) (motion for a more definite statement).
- 61A Am. Jur. 2d Pleading § 416 (2019) (explaining that a motion for a more definite statement must be made before an answer is filed).