

A plaintiff brought a diversity action in a federal district court and served process on the defendant. After thoroughly reviewing the plaintiff's complaint, the defendant's attorney could not reasonably identify the grounds upon which the plaintiff's claims for relief rest. The defendant's attorney moved for a more definite statement, and the court ordered the plaintiff's attorney to file a more definite statement.

What should the plaintiff's attorney do?

- A. File a reply within 21 days.
- B. File a supplemental complaint within 14 days.
- C. File an amended complaint within 14 days.
- D. File an answer within 21 days.

## Explanation:

### Motion for more definite statement

(FRCP 12(e))

**Request** Motion must:

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

**Response** Defect must be cured:

- by filing amended pleading within 14 days after court order granting motion

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

A party should file a **motion for a more definite statement** of a [pleading](#) (eg, complaint) if the pleading is so vague or ambiguous that the party cannot reasonably prepare a responsive pleading (eg, answer). Here, the defendant's attorney could not reasonably identify the grounds upon which the plaintiff's claims for relief rest after thoroughly reviewing the complaint. Therefore, a motion for a more definite statement was appropriate.

When the court grants such a motion, the nonmovant must provide a more definite statement in an **amended pleading** 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. Therefore, the plaintiff's attorney should file an amended complaint within 14 days of the court order.

**(Choice A)** A reply is a response to an answer that is made only when the court orders it. If the court orders a reply, the party must serve it within 21 days after being served with the court order (unless the order states otherwise). Here, the plaintiff cannot file a reply since the defendant has not yet filed an answer and no court order authorizes a reply.

**(Choice B)** A [supplemental pleading](#) (eg, supplemental complaint) sets forth a transaction, occurrence, or event that arose *after* the pleading to be supplemented was filed. Conversely, an amended pleading sets forth a transaction, occurrence, or event that arose *before* the pleading to be amended was filed (as seen here).

**(Choice D)** An [answer](#) is a pleading that addresses the merits of the dispute and presents defenses and counterclaims. This pleading is appropriate only in response to a plaintiff's complaint or a defendant's counterclaim. Since neither is being responded to here, the plaintiff cannot file an answer.

**Educational objective:**

When a court grants a motion for a more definite statement, the nonmovant must provide a more definite statement in an amended pleading within 14 days after receiving notice of the order or a time otherwise set by the court.

### **References**

- Fed. R. Civ. P. 12(e) (motion for a more definite statement).
- 5C Charles Alan Wright et al., Federal Practice and Procedure § 1379 (3d ed. 2020) (explaining that the nonmovant must file an amended pleading within 14 days after a court orders a more definite statement).

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