

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

FILED

DEC - 8 PM 1:11
U.S. DISTRICT COURT
N.D. OF ALABAMA

EQUAL EMPLOYMENT }
OPPORTUNITY COMMISSION }
 }
Plaintiff, }
 }
INGRID WATKINS }
 }
Plaintiff-Intervenor, }
 }
v. }
 }
HOLIDAY INN HUNTSVILLE }
WEST, }
 }
Defendant. }

CASE NO. CV 99-B-2438-NE

ENTERED

DEC - 8 1999



ORDER

This case is before the court on plaintiff-intervenor Ingrid Watkins's Motion To Intervene filed October 21, 1999, and defendant Holiday Inn Huntsville West's Motion To Dismiss Or In The Alternative Motion For A More Definite Statement filed November 22, 1999. The court agrees with the argument contained in defendant's Brief In Support Of Motion To Dismiss Or In The Alternative Motion For More Definite Statement to the effect that the Complaint filed by the EEOC is vague and conclusory. Although the court will deny defendant's Motion to Dismiss, it will require the EEOC to file an Amended Complaint which must contain some factual detail concerning the events which form the basis of the claims of discrimination. Accordingly, it is hereby **ORDERED** as follows:

1. Defendant's Motion to Dismiss is **DENIED**. Defendant's Motion for a More Definite Statement is **GRANTED**.
2. On or before **December 21, 1999**, plaintiff EEOC is to file an Amended Complaint which complies with Federal Rules of Civil Procedure 8(a)¹, 10(b)², and 11(b)³. The

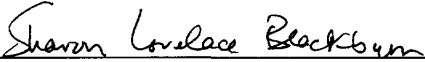
¹ Rule 8(a) **Claims for Relief**. A pleading which sets forth a claim for relief . . . shall contain (1) a short and plain statement of the grounds upon which the court's jurisdiction

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Amended Complaint must contain some factual detail concerning the events which form the basis of the claims of discrimination. If the Amended Complaint fails to comply with Rule 8(a), the defendant may renew its Motion to Dismiss.

3. The Clerk is **DIRECTED** to file in the record defendant's Brief In Support Of Motion To Dismiss Or In The Alternative Motion For More Definite Statement.
4. The Motion to Intervene filed by Ingrid Watkins is **GRANTED**.
5. This case is **SET** for a 16(b) Scheduling Conference at **10:00 a.m.** on **January 14, 2000**. The parties are **DIRECTED** to follow the attached instructions regarding Scheduling Conferences. Counsel who live greater than 60 miles distance from Birmingham may participate by telephone if they contact the court's assistant, Sharon Richards (205/278-1810), **before** the date of the conference.

DONE this 8th day of December, 1999.



SHARON LOVELACE BLACKBURN
United States District Judge

depends, unless the court already has jurisdiction and the claim needs no new grounds of jurisdiction to support it, (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief the pleader seeks.

² Rule 10(b) **Paragraphs; Separate Statements**. All averments of claim . . . shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; . . . Each claim founded upon a separate transaction or occurrence . . . shall be stated in a separate count . . . whenever a separation facilitates the clear presentation of the matters set forth.

³ Rule 11(b) **Representations to Court**. By presenting to the court (whether by signing, filing, submitting, or later advocating) a pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, (1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; (2) the claims . . . and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; (3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; . . .

INSTRUCTIONS FOR 16(b) SCHEDULING CONFERENCES

1. **Discovery:** The parties **should not** delay discovery pending the 16(b) Scheduling Conference. The parties should not assume that they will have more than six months for discovery after a responsive pleading is filed.
2. **Report of the Parties:** For cases in which a Report of the Parties has not been filed, counsel are reminded that a Report must be filed at least 4 days before the date of the conference. See FED. R. CIV. P. 26(f).
3. **Attendance:** At least one **counsel of record** must participate in the conference. Counsel or unrepresented persons who live greater than 60 miles distance from Birmingham may participate by telephone if they contact the court's assistant, Sharon Richards (205/278-1810), **before** the date of the conference.
4. **Preparation:** Counsel should be prepared to assist the court in developing a timetable for completion of discovery, filing of dispositive motions, joinder of additional parties or causes of action, and other matters appropriate in the circumstances of the case, as provided in FED. R. CIV. P. 16(b). Counsel should also be prepared to provide the court with a rough estimate of the date on or after which the case will be ready for trial and the anticipated length of trial. Furthermore, the court may consider and take action with respect to some of the procedural matters listed in FED. R. CIV. P. 16(c). For example, counsel should be prepared to assess the likelihood of settlement, the advisability of referring matters to a magistrate, and the need for adoption of any special procedures to manage complex legal issues, multiple parties, difficult legal questions, or unusual proof problems.