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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

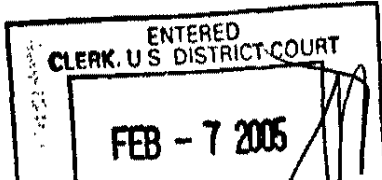
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S.A. THOMAS and E.L. GIPSON,)	Case No. CV 04-08448 DDP (SHx)
)	
Plaintiffs,)	ORDER (1) GRANTING DEFENDANTS'
)	MOTIONS FOR A MORE DEFINITE
v.)	STATEMENT AND (2) DENYING THE
)	PLAINTIFFS' MOTION FOR SANCTIONS
LEROY BACA, MICHAEL)	
ANTONOVICH, YVONNE BURKE,)	[Motions filed on 12/13/04,
DEANE DANA, DON KNABE,)	1/10/05, and 1/14/05]
GLORIA MOLINA, ZEV)	
YAROSLAVSKY, and TEN UNKNOWN)	
NAMED DEFENDANTS)	
)	
Defendants.)	

19 These matters are before the Court on the defendants motions
20 for a more definite statement and the plaintiffs' motion to impose
21 sanctions on defense counsel Paul Beach. On its own motions, the
22 Court took these matters off calendar. See Local R. 7-15. After
23 reviewing the papers submitted by the parties, and the arguments
24 contained therein, the Court adopts the following order.

25
26 I. Background

27 The plaintiffs in this case, S. A. Thomas and E. L. Gipson,
28 allege that they were detained in the Los Angeles County Jail



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1 during May, June, and July 2004. (First Amended Complaint ("FAC")
2 ¶¶ 15-20.) Both plaintiffs allege that they were forced to sleep
3 on the floor in their cells during their detentions. (FAC ¶¶ 19
4 20.) Further, Thomas alleges that he was over-detained for two
5 days following his ordered release date. (FAC ¶ 17.) The
6 plaintiffs bring claims for violations of their Fourth and
7 Fourteenth Amendment rights. (FAC ¶ 25.) They also bring their
8 claims as representative of two classes of Los Angeles County jail
9 inmates who have suffered identical injuries. (FAC ¶¶ 30-46.)

10 In their motions, the defendants claim that certain factual
11 omissions in the complaint make it unreasonably difficult for them
12 to adequately prepare a responsive pleading. (Mot. at 3.) They
13 therefore request that the Court order the plaintiffs to provide
14 them with: (1) the full names of each plaintiff, (2) the date of
15 their respective incarcerations, and (3) the fax number for the
16 plaintiffs' counsel.

17 The plaintiffs oppose the motion, arguing that Rule 12(e) is
18 designed to address unintelligible pleadings, not those that are
19 merely lacking factual details. They also move this Court to
20 impose sanctions on defense counsel Paul Beach pursuant to Rule 11
21 of the Federal Rules of Civil Procedure and 28 U.S.C. § 1927.

22
23 **II. Discussion**

24 **A. Defendants' Motions for a More Definite Statement**

25 **1. Legal Standard**

26 Rule 12(e) of the Federal Rules of Civil Procedure provides
27 that where "a pleading to which a responsive pleading is permitted
28 is so vague or ambiguous that a party cannot reasonably be required

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1 to frame a responsive pleading, the party may move for a more
2 definite statement before interposing a responsive pleading."
3 Further, Rule 10(a) requires that the "names of all the parties"
4 included in the caption of the complaint.

5 2. Plaintiffs Must Provide a More Definite Statement

6 The defendants contend that the first amended complaint fails
7 to sufficiently identify the plaintiffs such that the defendants
8 cannot reasonably prepare an appropriate responsive pleading.
9 Specifically, they argue that, absent the full names of the
10 plaintiffs and their incarceration dates, the defendants will be
11 prejudiced by involuntarily waiving the opportunity to plead the
12 affirmative defense of failure to exhaust administrative remedies.
13 See Wyatt v. Terhune, 315 F.3d 1108, 1119 (9th Cir.2003) (failure
14 to exhaust administrative remedies should be pled in as an
15 unenumerated Rule 12(b) motion). The plaintiffs reply that there
16 is nothing unintelligible about the complaint, and that this motion
17 is therefore improper under Rule 12(e). However, courts have
18 granted motions for a more definite statement when a complaint is
19 too vague or ambiguous for a party to frame a responsive pleading.
20 See Kelly v. L.L. Cool J, 145 F.R.D. 32, 35 (S.D.N.Y.1993)
21 (granting motion because "complaint is too ambiguous to reasonably
22 enable defendant to answer). "The purpose of a motion for a more
23 definite statement is to enable the moving party to frame a
24 responsive pleading." United States v. Scandia Mfg. Co., 101
25 F.Supp. 583, 584 (D.N.J. 1952). Moreover, this Court granted a
26 similar motion in Berry v. Baca, CV 01-02069, a case well-known to
27 the plaintiffs' counsel.

28 ///

1 The first amended complaint is too ambiguous to reasonably
2 enable the defendants to frame a response. The plaintiffs allege
3 that they were forced to sleep on the floor, and that Thomas was
4 illegally over-detained by the defendants. They both claim to
5 represent two separate classes, each potentially containing over
6 10,000 members. (FAC ¶¶ 31, 40.) Knowledge of the plaintiffs'
7 full names is critical to enable the defendants to identify the
8 plaintiffs in their records and prepare an adequate response. For
9 instance, such knowledge pertains directly to the defendants
10 ability to establish whether the plaintiffs have exhausted their
11 administrative remedies. Thus, the Court orders the plaintiffs to
12 provide to the defendants a more definite statement specifying the
13 full names of the plaintiffs and the dates of their detentions
14 within 10 days from the date of this Order.

15 The Court denies the defendants request for an order requiring
16 the plaintiffs' counsel to dedicate a telephone line for use by his
17 fax machine when he claims that he has not done so. While this may
18 inconvenience the defendants, such inconvenience does not serve to
19 justify such an order.

20 B. Plaintiffs' Motion for Sanctions

21 In response to the defendants' motion for a more definite
22 statement, the plaintiffs filed a motion for sanctions pursuant to
23 Rule 11 and 28 U.S.C. § 1927. The plaintiffs argue that sanctions
24 are appropriate because the defendants' motion is "baseless and
25 frivolous," because it "unreasonably and vexatiously has multiplied
26 the fees and costs of this action," and because it is thus offered
27 for an improper purpose. (Plfs' Mot. at 3.) In response, the
28 defendants state that the motion for a more definite statement was

1 proper, that the plaintiffs' motion should therefore be denied, and
2 that the plaintiffs' counsel should himself be sanctioned because
3 his motion is being offered for an improper purpose. (Defs' Opp'n
4 at 3.)

5 1. Legal Standard

6 Rule 11 provides that a court may impose appropriate sanctions
7 upon attorneys, law firms, or parties that have falsely represented
8 to the Court through a signed paper that a pleading or motion is
9 not presented for an improper purpose such as harassment or to
10 cause unnecessary delay, that the legal claims contained therein
11 are warranted by existing law and not frivolous, and that the
12 factual contentions contained therein have, or are likely to have,
13 evidentiary support. Sanctions are appropriate "if the paper filed
14 . . . is frivolous, legally unreasonable or without factual
15 foundation, even though . . . not filed in subjective bad faith."
16 Zaldivar v. City of Los Angeles, 780 F.2d 823, 831 (9th Cir. 1986).

17 Title 28 U.S.C. § 1927 provides that any attorney "who so
18 multiplies the proceedings in any case unreasonably and vexatiously
19 may be required by the court to satisfy personally the excess
20 costs, expenses, and attorneys' fees reasonably incurred because of
21 such conduct." Sanctions must be predicated on actions that are
22 both "unreasonable" and "vexatious." Edwards v. General Motors
23 Corp., 153 F.3d 242, 246 (5th Cir.1998). Moreover, § 1927
24 sanctions require a showing of "bad faith, improper motive, or
25 reckless disregard of the duty owed to the court." Id.

26 2. Sanctions are not Warranted

27 Clearly, given the Court's above order granting the
28 defendants' motions in part, the motion for a more definite

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1 statement is not unreasonable, must less sanctionable under either
2 Rule 11 or § 1927. Accordingly, the Court denies the plaintiffs
3 motion.

4 In their opposition, the defendants counter with a request for
5 sanctions against the plaintiffs' counsel. (Defs' Opp'n at 8-9.)
6 This request has merit. As discussed above, the plaintiffs'
7 counsel had previously received an order granting a request for a
8 more definite statement from this Court in a similar situation.
9 Thus, whatever he believed were the merits of the defendants'
10 motion, he should have known that it was not frivolous or legally
11 unreasonable. Moreover, the defendants explained that they need
12 plaintiffs' full names in order to decide whether to plead an
13 affirmative defense that would otherwise be deemed waived. Thus,
14 the defendants motion was clearly based upon a legitimate motive.
15 The Court cannot be sure that the same can be said of the
16 plaintiffs' sanctions motion. However, sanctions under Rule 11 are
17 discretionary, and the Court here refrains from ordering sanctions
18 against the plaintiffs' counsel. Accordingly, the defendants'
19 request for sanctions is denied.

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IT IS SO ORDERED.

Dated: 2-3-05


DEAN D. PREGERSON
United States District Judge