

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
OWENSBORO DIVISION  
CIVIL ACTION NO. 4:07CV-00105-JHM**

**BILLY JOSEPH FRENCH, Individually  
and On Behalf Of All Others Similarly Situated**

**PLAINTIFF**

**VS.**

**DAVISS COUNTY, KENTUCKY, ET AL.**

**DEFENDANTS**

**ORDER**

Before the Court is a motion, pursuant to Fed.R.Civ.P. 12(e), for a more definitive statement filed by Defendant, William Scott Chapman, M.D. (“Dr. Chapman”) (DN 43). Dr. Chapman argues he cannot reasonably prepare a response to the second amended complaint because it fails to set forth the dates he treated Plaintiff, Billy Joseph French (“French”), it fails to identify when he allegedly breached the applicable standard of care, and it fails to specify when the subsequent injury occurred (DN 43). In response, French argues that paragraph 12 of his second amended complaint fully comports with Fed.R.Civ.P. 8(a)(2) because it specifies the alleged negligence and the subsequent injury (DN 47). Additionally, French asserts the federal rules do not require details such as dates of treatment be pled (DN 47).

In pertinent part, Rule 8 requires that a pleading set forth “a short and plain statement of the claim showing that the pleader is entitled to relief..” Fed.R.Civ.P. 8(a)(2). Thus, all the complaint need do is give a defendant “fair notice of what the plaintiff’s claim is and the grounds upon which it rests.” Conley v. Gibson, 355 U.S. 41, 47 (1957) (abrogated on other grounds, see Bell Atlantic Corp. v. Twombly, \_\_\_ U.S. \_\_\_, 127 S.Ct. 1955 (2007)); Wstlake v. Lucas, 537 F.2d 857, 858 (6<sup>th</sup> Cir. 1976). “This simplified notice pleading standard relies on liberal discovery rules

and summary judgment motions to define disputed facts and issues and to dispose of unmeritorious claims.” Swierkiewicz v. Soreman N.A., 534 U.S. 506, 512 (2002) (citing Conley, 355 U.S. at 47-48 and Leatherman v. Tarrant County Narcotics Intelligence and Coordination Unit, 507 U.S. 163, 168-169 (1993)). After reviewing paragraph 12 in the second amended complaint (DN 33), the undersigned concludes that French has satisfied his obligations under Fed.R.Civ.P. 8(a)(2). Moreover, much of what Dr. Chapman seeks is available through discovery. Thus, Dr. Chapman’s motion is without merit.

**IT IS HEREBY ORDERED** that Dr. Chapman’s motion for a more definitive statement is **DENIED**.

ENTERED this

Copies: Counsel of Record