

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

United States of America	:	
for use and benefit of	:	
Yankee Fiber Control, Inc.,	:	
Plaintiff,	:	
	:	Case No. 05cv264 (JBA)
v.	:	
	:	
Federal Insurance Company;	:	
Travelers Casualty and	:	
Surety Company of America,	:	
Defendants.	:	

Ruling on Plaintiff's Motion for More Definite Statement
[Doc. # 19]

Plaintiff brings this Motion seeking a more definite statement of certain of defendant's affirmative defenses. Plaintiff contends that these affirmative defenses "are comprised of bare legal conclusions and/or are so vague and ambiguous as to be unintelligible and, therefore, [plaintiff] has no basis upon which to ascertain whether they have any merit and to present any type of response or defense thereto." See [Doc. # 19].

Federal Rule of Civil Procedure 12 provides: "If a pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading, the party may move for a more definite statement before interposing a responsive pleading." Fed. R. Civ. P. 12(e). Such motions are generally disfavored and are not intended as a substitute for the "normal discovery process." Allstate Ins. Co. v. Siegel, 312 F. Supp. 2d 260, 277 (D. Conn.

2004).

Because Federal Rule of Civil Procedure 7 does not provide for any response to an affirmative defense, the consideration of whether defendant's affirmative defenses are so vague or ambiguous so as to prevent plaintiff from framing a responsive pleading is not implicated. Accordingly, plaintiff's Motion is DENIED,¹ and plaintiff may seek clarification as necessary through discovery. Inasmuch as defendant has urged that plaintiff pursue such clarification through discovery, any objections to properly-framed discovery requests will not be well taken.

IT IS SO ORDERED.

 /s/
Janet Bond Arterton
United States District Judge

Dated at New Haven, Connecticut this 13th day of January, 2006.

¹ Plaintiff alternatively requests that defendant's affirmative defenses be stricken. Federal Rule of Civil Procedure 12(f) requires that motions to strike be filed "within 20 days after service of the pleading upon the party." Because defendant's Answer was served on April 6, 2005, and plaintiff's Motion is dated May 23, 2005, plaintiff's request to strike is untimely and therefore will also be denied.