

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PATRICIA E. HILST,

Plaintiff,

v.

FREEDOM GRAPHIC SYSTEMS,

Defendant.

ORDER

03-C-0186-C

This is a civil action for injunctive and monetary relief. Plaintiff Patricia Hilst is proceeding pro se. In an order entered on April 21, 2003, I construed plaintiff's complaint liberally as one being brought under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, alleging that while she worked at defendant Freedom Graphic Systems, she was harassed and ultimately terminated because of her sex. Plaintiff has provided the court with a copy of her right to sue letter from the Equal Employment Opportunity Commission.

Now defendant has moved for a more definite statement under Fed. R. Civ. P. 12(e). In support of the motion, defendant argues that it cannot make out any actionable claim against it in plaintiff's complaint.

Fed. R. Civ. P. 12(e) governs motions for more definite statement. It 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. The motion shall point out the defects complained of and the details desired. If the motion is granted and the order of the court is not obeyed within 10 days after notice of the order or within such other time as the court may fix, the court may strike the pleading to which the motion was directed or make such order as it deems just.

Defendant states that plaintiff's complaint fails to identify specific claims or causes of action against it and fails to specify "particularized discrimination or tortious conduct" committed by defendant. Thus, defendant contends, it is unable to respond to plaintiff's complaint without speculating about the cause of action being alleged.

Rule 12(e) is designed to prevent unintelligibility rather than lack of detail. See, e.g., 2A James W. Moore et al., Moore's Federal Practice §12.18[1] (2d ed. 1992). A motion for a more definite statement should not be used to obtain factual details or as a substitute for discovery. Trans States Airlines v. Pratt & Whitney Canada, Inc., No. 92-C-1658, 1992 WL 211023 at *2 (N.D. Ill. Aug. 21, 1992); International Harvester Co. v. General Insurance Co. of America, 45 F.R.D. 4, 6 (E.D. Wis. 1968) (motion for more definite pleading is not a substitute for discovery proceedings; improper to use motion to elicit any facts beyond those needed to plead responsively).

In this case, plaintiff does not skimp on details. She has described specific acts taken by specific persons on specific dates. None of the allegations in the complaint is so vague, ambiguous or unintelligible that defendant cannot draft a responsive pleading. Moreover, pro se litigants are not required to allege the specific basis for the court's jurisdiction over

their claims. It is sufficient if the factual allegations of the complaint suggest a basis for jurisdiction.

Title VII makes it unlawful for an employer to discriminate against an employee “because of such individual’s race, color, religion, sex, or national origin.” 42 U.S.C. §§ 2000e-2(a)(1). Liberally construed, plaintiff’s allegations of fact support an inference that her rights under Title VII have been violated. Her contention appears to be that she suffered acts of sexual harassment at the hands of co-workers with the knowledge and acquiescence of supervisors, and that she was demoted and discharged because of her sex.

ORDER

IT IS ORDERED that defendant’s motion for a more definite statement is DENIED.

Entered this 27th day of August, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge