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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Portland Division

**OBSIDIAN FINANCE GROUP, LLC and
KEVIN D. PADRICK,**

Plaintiffs,

v.

CRYSTAL COX,

Defendant.

Civil No. CV 11-0057 HA

**PLAINTIFFS' OPPOSITION TO
DEFENDANT'S MOTION TO
MAKE MORE DEFINITE AND
CERTAIN**

Plaintiffs Obsidian Finance Group, LLC and Kevin Padrick ("Plaintiffs") oppose defendant Crystal Cox's ("Defendant") motion for a more definite statement.

First, the motion should be summarily denied because plaintiff failed to include a certification as required by Local Rule 7-1(a).

Second, the motion should be denied on the merits. Federal Rule of Civil Procedure 12(e) provides in relevant part as follows:

"A party may move for a more definite statement of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare a response. The motion must be made before filing a responsive pleading and must point out the defects complained of and the details desired."

Motions for a more definite statement are disfavored and are "proper only where the complaint is so indefinite that the defendant cannot ascertain the nature of the claim being asserted." *See Ramos v. U.S. Bank Nat. Ass'n*, 2009 WL 1475023, at *7 (D. Or.). As long as the defendant can reasonably frame a responsive pleading based on the allegations of the complaint, a motion for a more definite statement should be denied. *Id.*

The sole basis for defendant's motion is her claim that she is "unaware" of the false and defamatory statements outlined in the complaint. That is not a proper basis for a motion for a more definite statement. Defendant has not identified how the allegations of the complaint are vague or ambiguous nor provided a description of the details that she claims should be included, as required by FRCP 12(e).

Moreover, the allegations of the complaint provided ample detail to allow defendant to ascertain the nature of the claim being asserted and to reasonably frame a response. Paragraph 8 of the complaint identifies and in some instances even quotes the specific false and defamatory statements made by defendant that are the subject of this action. And paragraph 9

alleges that the statements were posted on internet websites that defendant maintains. Defendant can answer whether she made these statements on the websites she maintains. If defendant intends to deny that she made the statements—as her motion suggests—then she should answer the complaint and deny the allegations.¹ But the present motion for a more definite statement should be denied.

DATED this 25th day of April 2011.

TONKON TORP LLP

By /s/ David S. Aman

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Attorney for Plaintiffs

¹ Plaintiffs will be shortly filing a motion for summary judgment, which will include hard copy print-outs of the false and defamatory statements referred to in the complaint.

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION TO MAKE MORE DEFINITE AND CERTAIN** on:

Crystal L. Cox
PO Box 505
Eureka, Montana 59917
Crystal @CrystalCox.com

- by mailing a copy thereof in a sealed, first-class postage prepaid envelope, addressed to said party's last-known address and depositing in the U.S. mail at Portland, Oregon on the date set forth below;
- by causing a copy thereof to be e-mailed to said party at her last-known email address on the date set forth below;

DATED this 25th day of April 2011

TONKON TORP LLP

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