

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN RE: CASE NO. 04-15482)
)
INTERIORS BY PRISCILLA & PERRY, INC.)
)
Debtor)
)
)
YVETTE GAFF KLEVEN, TRUSTEE)
)
Plaintiff)
)
vs.) PROC. NO. 06-1220
)
)
GARY A. FRICK)
REBECCA J. FRICK)
)
Defendants)

DECISION AND ORDER

At Fort Wayne, Indiana, on October 6, 2006.

The trustee initiated this adversary proceeding by filing a complaint against the recipients of a number of allegedly improper transfers made by the debtor. Two of the defendants, Gary and Rebecca Frick, responded by filing a motion for a more definite statement pursuant to Rule 12(e) of the Federal Rules of Civil Procedure. It is this motion and the responses filed thereto which is presently before the court.

Rule 12(e) of the Federal Rules of Civil Procedure provides that “[if] a pleading . . . 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.” Whether to grant such a motion is within the sound discretion of the court. Matter of Rimsat, 223 B.R. 345 (Bankr. N.D. Ind. 1998); 5C Wright & Miller, Federal Practice and Procedure, Civil 2d § 1378. Due to liberal notice pleading and the

availability of extensive discovery, these motions are not favored. See, Radisson Hotels Int'l Inc. v. Westin Hotel Co., 931 F. Supp. 638, 644 (D. Minn. 1996); Wright & Miller, supra, at §§ 1376-77. The purpose of Rule 12(e) is to provide a remedy for unintelligible pleadings not to correct a claimed lack of detail. Resolution Trust Corp. v. Gorshman, 829 F. Supp. 1095, 1103 (E.D. Mo. 1993).

The trustee's complaint is not so vague or ambiguous that it would be unreasonable to require the defendants to frame a responsive pleading. To the extent the debtors seek additional information, concerning the conduct complained of, including any sort of itemization, this information is properly obtainable through the discovery process and not through the requirements imposed upon a pleading. A more definite statement is not necessary.

The motion for a more definite statement is, therefore, DENIED and defendants, Gary and Rebecca Frick, shall file answer plaintiff's complaint within ten (10) days of this date.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court