

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ATIF F. BHATTI, et al.,

Case No. 17-CV-2185 (PJS/HB)

Plaintiffs,

v.

BRIEFING ORDER

THE FEDERAL HOUSING FINANCE
AGENCY, et al.,

Defendants.

The Court has been informed that the defendants intend to bring motions to dismiss and the plaintiffs intend to bring a cross-motion for summary judgment. The Court has also been informed that the plaintiffs are considering amending their complaint. In addition, the Court has reviewed the original complaint and *sua sponte* finds that it violates Fed. R. Civ. P. 8.

A complaint must contain “a short and plain statement of the claim showing that the pleader is entitled to relief” Fed. R. Civ. P. 8(a)(2). “The words ‘short and plain’ are themselves short and plain, and they mean what they say: A complaint must be concise, and it must be clear.” *Gurman v. Metro Hous. & Redev. Auth.*, 842 F. Supp. 2d 1151, 1152 (D. Minn. 2011) (quoting Fed. R. Civ. P. 8(a)(2)). Moreover, each allegation in

a complaint must be “simple, concise, and direct.” Fed. R. Civ. P. 8(d)(1). “Rule 8 was not promulgated to provide helpful advice; it has the force of law, and it must be followed.” *Gurman*, 842 F. Supp. 2d at 1152.

Plaintiffs’ 81-page, 178-paragraph complaint does not come close to complying with Rule 8. Instead of merely giving “fair notice of what the . . . claim is and the grounds upon which it rests,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957) (omission in original)), the complaint contains page after page after page of highly contentious argument. The complaint has far more in common with an overly long brief or press release than with a proper complaint. The Court will therefore strike the complaint and give plaintiffs leave to file an amended complaint that complies with Rule 8.

ORDER

Based on the foregoing, and on all of the files and records herein, IT IS HEREBY ORDERED THAT:

1. The complaint of plaintiffs Atif F. Bhatti, Tyler D. Whitney, and Michael F. Carmody [ECF No. 1] is STRICKEN for violating Fed. R. Civ. P. 8.
2. To proceed with this action, plaintiffs must file an amended complaint of no more than 10,000 words no later than Friday, August 4, 2017. That complaint must comply with the Federal Rules of Civil Procedure—including, but not limited to, Rule 8—and the local rules of this District.

3. The parties' cross-motions are scheduled to be heard on Friday, December 22, 2017, at 9:00 a.m. in Courtroom 14E (MPLS) before Judge Patrick J. Schiltz.

4. The Court directs that the cross-motions be briefed as follows:

a. Defendants' Principal Memoranda. By September 15, 2017, defendants must file memoranda in support of their motions to dismiss. Defendants Federal Housing Finance Agency and Melvin L. Watt (collectively "FHFA") may file one brief in support of their motion, and defendant Department of Treasury may file one brief in support of its motion.

b. Plaintiffs' Principal and Response Memorandum. By October 16, 2017, plaintiffs must file one memorandum in support of their motion for summary judgment and must, in the same memorandum, respond to defendants' memoranda in support of their motions to dismiss.

c. Defendants' Response and Reply Memoranda. By November 16, 2017, defendants must file memoranda that respond to plaintiffs' memorandum in support of their motion for summary judgment and may, in the same memoranda, reply to plaintiffs' response to defendants' motions to dismiss. The FHFA may file one response/reply brief, and the Department of Treasury may file another.

d. Plaintiffs' Reply Memorandum. By December 1, 2017, plaintiffs may file one memorandum in reply to defendants' responses to plaintiffs' motion for summary judgment.

e. Word Limitations. The FHFA's two memoranda together must not exceed 10,000 words. The Department of Treasury's two memoranda together must not exceed 10,000 words. The defendants are strongly encouraged to avoid duplication and, where appropriate, to incorporate each other's arguments by reference. Plaintiffs' two memoranda together must not exceed 20,000 words.

Except insofar as this order is to the contrary, all memoranda must comply with the Federal Rules of Civil Procedure and Local Rules of the District of Minnesota.

Dated: July 18, 2017

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge