

District Court, Larimer County, State of Colorado 201 LaPorte Avenue, Suite 100 Fort Collins, CO 80521-2761 (970) 494-3500	DATE FILED: February 25, 2020 8:52 AM CASE NUMBER: 2020CV115
STACY LYNNE, Plaintiff, vs. NOAH BEALS and CITY OF FORT COLLINS, Defendants.	▲ COURT USE ONLY ▲ Case No.: 2020 CV 115 Courtroom: 3B
ORDER	

This matter comes before the Court sua sponte under Colo. R. Civ. P. 12(h). that rule provides, in relevant part, as follows: "upon the court's own initiative at any time, the court may order any redundant, immaterial, impertinent, or scandalous matter stricken from any pleading, motion, or other paper." *Id.* Given the prolix and verbose nature of Plaintiff's complaint, the Court finds it necessary to invoke Rule 12(h).

Under Colo. R. Civ. P. 8(a)(2), a complaint must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." A complaint with "excessive legal argument and conclusions interspersed with factual allegations" violates Colo. R. Civ. P. 8. *Wyoming v. United States*, 279 F.3d 1214, 1222 n.7 (10th Cir. 2002); *Guinn v. Jeffco Combined Courts*, No. 12-cv-01887-PAB-BNB, 2012 U.S. Dist. LEXIS 188179, at *3 (D. Colo. Sep. 27, 2012) (legal arguments are "not appropriately included in a complaint.").

The Court has reviewed the complaint and given the above legal authority, finds that it violates Rule 8. Plaintiff's complaint, which is 23 pages long, without any numbered paragraphs, reads like a legal brief. Given the complaint's brief-like nature and excessive legal argument, the Court orders

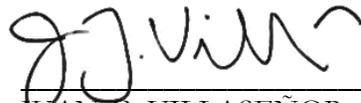
Plaintiff to file an amended complaint that complies with Rule 8 within 21 days from the date of this Order.

The complaint shall not contain legal argument, shall be double-spaced, shall avoid prolixity, and shall contain numbered paragraphs detailing factual allegations that are intended to support Plaintiff's claim for relief. While a complaint must contain sufficient factual allegations to allege plausible claims for relief, *Warne v. Hall*, 373 P.3d 588, 589-90 (Colo. 2016), it can't be a legal brief.

The Court understands that Plaintiff has things to say, but she must wait to say those things in a legal brief. It behooves Plaintiff to write a short, brief complaint with sufficient (and clear) factual allegations to tell the Court (and the public) what Plaintiff seeks.

SO ORDERED on this 25th day of February, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.G. Villaseñor", written over a horizontal line.

JUAN G. VILLASEÑOR
District Court Judge