

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MACTEC ENGINEERING & CONSULTING, INC.	:	CIVIL ACTION
	:	
	:	
v.	:	
	:	
SYNERGY ENVIRONMENTAL, INC., et al.	:	NO. 04-04023-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

April 25, 2005

Plaintiff has filed a motion for leave to amend the complaint. Defendants object to the proposed amendment, and suggest that, at the very least, they should be reimbursed the expenses they have thus far been put to in responding to the original complaint. The parties' inability to agree on even so simple a matter as amending the complaint, and the accusations and counter-accusations leveled in their respective memoranda exemplify the precise opposite of how litigation should be conducted by responsible attorneys.

I agree that plaintiff should be permitted to amend its complaint, but any such amended complaint must comply with the Federal Rules of Civil Procedure, especially Fed. R. Civ. P. 8's requirement of "a short and plain statement of the claim showing that the pleader is entitled to relief." The 179-paragraph monstrosity now tendered by the plaintiff obviously does not comply with the Rule. It is replete with evidentiary detail, and

includes no less than 13 exhibits, most of which are either totally or largely irrelevant.

In the interests of preserving our forests, I will construe the tendered amended complaint as constituting, in effect, a pretrial memorandum, which will come into play at the appropriate time, assuming plaintiff succeeds in filing a valid amended complaint.

An Order follows.

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ORDER

AND NOW, this 25th day of April 2005, upon consideration of plaintiff's motion for leave to file an amended complaint, and defendants' response, IT IS ORDERED:

1. Plaintiff may file an amended complaint which complies with the requirements of Fed. R. Civ. P. 8, within 20 days.

2. The "Amended Complaint" tendered with plaintiff's motion may remain on file, but will be considered to constitute a pretrial memorandum, which need not be responded to by the defendants.

3. All issues concerning the possible imposition of attorneys fees and costs, or other sanctions, will be addressed at the conclusion of the litigation.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.