

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

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

MEMORANDUM AND ORDER

Fullam, Sr. J.

July 14, 2005

The amended complaint filed by the plaintiff on May 16, 2005 plainly does not comply with the requirements of Fed. R. Civ. P. 8, or with this court's Order of April 25, 2005. Apparently, plaintiff's counsel is unable to comprehend the difference between state pleading requirements and federal pleading requirements. Given the totality of counsel's efforts, as reflected in the original complaint, the earlier amended complaint which now constitutes a pretrial memorandum, and the most recent filing, I conclude that no useful purpose would be served by requiring a further amended complaint.

The defendants were able to respond to the original complaint in a fashion as unnecessarily verbose as the plaintiff's pleading. Those same responses, including defendants' counterclaim, will be deemed to apply to the most recent amended complaint.

Defendants' motion to dismiss will therefore be denied. Defendants' motion for summary judgment will also be denied, since there appear to be unresolved factual disputes, concerning such matters as whether defendants' brochure constituted "advertising," whether the employment contracts were assignable to Mactec, etc.

An Order follows.

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	:	
	:	
v.	:	
	:	
SYNERGY ENVIRONMENTAL, INC., et al.	:	NO. 04-04023-JF

ORDER

AND NOW, this 14th day of July 2005, IT IS ORDERED:

1. Defendants' motion to dismiss the plaintiff's amended complaint which was filed on May 16, 2005 is DENIED.
2. Defendants' motion for summary judgment is DENIED.
3. Defendants' original answer to the original complaint is deemed to apply to the most recent amended complaint, and no further response by defendants is necessary.
4. Plaintiff may respond to defendants' counterclaim within 20 days.

BY THE COURT:

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