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# Judge Admonishes Parties to Keep Those Pleadings Short

Bigger is not necessarily better and longer is definitely not preferred—at least when it comes to pleadings before one New York U.S. District Court judge.

When confronted with a 175-paragraph complaint with 1,400 pages of exhibits and a 210-page, 1,020-paragraph answer, Judge William H. Pauley III had enough. First, he chided the defense for its lengthy answer. The response to the court's chiding was to file an enlarged "breathtaking" 1,263-paragraph, 303-page answer that the court noted "brims with irrelevant and redundant allegations."

Judge Pauley noted that Fed. R. Civ. P. 8 states that pleadings "must contain . . . a short and plain statement of the claim." In an attempt to reign in the pleadings, the judge "convened another conference among counsel in an effort to end the madness and avoid a motion. But that, too, proved futile. And so, more than a year after this action was filed, the parties continue to spar over their behemoth pleadings."

"Voluminous pleading is self-defeating. It chokes the docket and obscures otherwise meritorious claims and defenses. It can also unnecessarily highlight fatal weaknesses in a party's case," the judge said in his opinion granting in part the counter-defendants' motion to dismiss the counterclaims.

"Astonishingly, and as belied by the length of the pleadings, the pertinent factual allegations can be distilled in a few paragraphs," the judge wrote. His opinion was 22 pages. "This Court will address each of the counterclaims on their merits, giving many of them more thought than they deserve. And because all but one of the Hagans' counterclaims will be dismissed, the parties will be directed to submit amended pleadings that clearly and concisely present the issues and comport with the strictures of Rule 8."

Oh, the reason for the dismissals? For most of the counterclaims, it was failure to state a claim. As to the case itself, it deals with a dispute involving the termination of eleven UPS franchise agreements for stores in New York. We could go on, but enough said.

*The UPS Store, Inc. v Robert Hagan*, D.C.N.Y. No. 14 cv 1210, issued March 24, 2015.

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