

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

A.M.T., BY HIS MOTHER AND NEXT FRIEND)	
KARLA T., ET AL.,)	
<i>Plaintiffs,</i>)	
)	1:10-cv-0358-JMS-TAB
vs.)	
)	
ANNE WALTERMAN MURPHY IN HER OFFICIAL)	
CAPACITY AS SECRETARY OF THE INDIANA)	
FAMILY AND SOCIAL SERVICES ADMINISTRA-)	
TION, ET AL.,)	
<i>Defendants.</i>)	

ORDER

In March 2010, Plaintiffs sued representatives of the Indiana Family and Social Services Administration (“FSSA”) for practices or policies that they allege violate “federal Medicaid law.” [Dkt. 1 at ¶¶ 81-83.] Presently before the Court is Plaintiffs’ Motion to Certify Class, [dkt. 10], and the FSSA’s Motion to Dismiss Plaintiffs’ Complaint, [dkt. 33].

Accepting the allegations of the Complaint as true, Plaintiffs are seriously disabled minors who receive Medicaid benefits and whose physicians have recommended therapies “to ensure that the plaintiffs do not lose functional abilities.” [Dkt. 1 at ¶ 1.] The FSSA, however, has denied or otherwise limited Plaintiffs’ requests for maintenance therapy because of 405 IAC 5-22-6(b)(6) or (b)(7). Plaintiffs argue that the FSSA’s actions “violate[] federal Medicaid law.” [Dkt. 1 at ¶¶ 81-83.]

The FSSA argues that Plaintiffs’ Complaint should be dismissed because Plaintiffs do not allege which portion of federal Medicaid law 405 IAC 5-22-6(b)(6) and (b)(7) violate. [Dkt. 34 at 1.] Although the FSSA asks this Court to dismiss Plaintiffs’ Complaint, it conceded at oral argument that its motion could be construed as a motion for more definite statement because it

ultimately asks Plaintiffs to more particularly specify their claim. Plaintiffs suggested as much in their opposition brief to the instant motion. [Dkt. 39 at 18.]

The Court will construe the FSSA's motion as a motion requesting a more definite statement pursuant to Trial Rule 12(e) of the Federal Rules of Civil Procedure. Although motions of this nature are generally disfavored and should not be used as a substitute for discovery, *Rosenbaum v. Seybold*, 2007 U.S. Dist. LEXIS 48021 (N.D. Ind. 2007), the timing of this motion and the complexity of this case favors a more definite statement for at least two reasons. First, Medicaid law has been described as "among the most completely impenetrable texts within human experience." *Rehab. Ass'n v. Kozlowski*, 42 F.3d 1444, 1450 (4th Cir. 1994). Its dense nature favors granting the FSSA's motion so that the FSSA will have adequate notice of the provisions the Plaintiffs allege it violated, and both parties will be able to more clearly assess the case for possible settlement. Second, Plaintiffs seek class certification, and the specific Medicaid provisions they allege that the FSSA violated may well be relevant to the Court's consideration of factors such as class typicality and class definition..

The Court is aware of Seventh Circuit authority providing that "plaintiffs in federal courts are not required to plead legal theories." *See, e.g., Hatmaker v. Mem'l Med. Ctr.*, 2010 U.S. App. LEXIS 18098 *2 (7th Cir. 2010) (holding that *Twombly* and *Iqbal* did not undermine the pleading standard for legal theories). This case, however, presents a complex situation in which the parties and the Court would be greatly assisted by a more specific allegation than that the FSSA allegedly violated "federal Medicaid law." [Dkt. 1 at ¶¶ 81-83.] For these reasons, the Court **GRANTS** the FSSA's motion **in part**, [dkt. 33], to the extent it is treated as a motion for more definite statement, and **DENIES it in part** to the extent it was filed as a motion to dismiss.

The Court further **ORDERS** the Plaintiffs to file a more definite statement within **fourteen days**.

Plaintiffs' Motion to Certify Class will remain **UNDER ADVISEMENT**. [Dkt. 10.]

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