

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Groskreutz v. Agropur Inc.

No. 25-CV-1153 (E.D. Wis. Dec. 16, 2025) · No. 25-CV-1153 · Decided December 16, 2025

SUMMARY

The United States District Court for the Eastern District of Wisconsin denies Agropur Inc.’s second motion for a more definite statement and motion to strike in Kenneth Groskreutz’s wrongful-termination and retaliation action. The court concludes that the amended complaint provides sufficient notice, and that Agropur has not shown the challenged allegations are prejudicial or otherwise subject to striking under Rules 12(e) or 12(f).

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	Byron B. Conway
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	December 16, 2025
DOCKET	25-CV-1153
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(e) for a more definite statement and under Rule 12(f) to strike allegations from plaintiff's amended complaint.
STANDARD OF REVIEW	The district court exercises discretion in deciding motions under Rules 12(e) and 12(f). A Rule 12(e) motion is reserved for pleadings that are unintelligible or so vague and ambiguous that the defendant cannot reasonably prepare a response. Motions to strike are disfavored and generally should be denied absent prejudice.
PRECEDENTIAL VALUE	Unknown; unpublished district court decision

TOPICS

- motion for a more definite statement
- motions to dismiss
- civil procedure
- wrongful termination
- retaliation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Groskreutz's amended complaint was so vague or ambiguous that Agropur could not reasonably prepare a response, warranting relief under Federal Rule of Civil Procedure 12(e).
2. Whether specific allegations in the amended complaint should be stricken under Federal Rule of Civil Procedure 12(f) as redundant, immaterial, impertinent, scandalous, or prejudicial.
3. Whether the court should treat Agropur's Rule 12(f) motion as an improper attempt to obtain dismissal of allegedly insufficient portions of the complaint.

HOLDINGS

1. A Rule 12(e) motion should be denied when the complaint is intelligible and gives the defendant fair notice of the claim and its grounds, even if the pleading lacks factual detail that can be developed through discovery.
2. A Rule 12(f) motion should be denied where the movant does not demonstrate prejudice and the challenged allegations are not shown to be wholly unrelated to the controversy or otherwise within the rule's grounds for striking matter.
3. A Rule 12(f) motion is not a proper vehicle to obtain dismissal of part or all of a complaint based on an asserted failure to state a claim, and the court will not sua sponte convert such a motion into a Rule 12(b)(6) analysis.

KEY QUOTATIONS

“Rule 12(e) cannot be used to turn federal civil procedure into a fact-pleading or code-pleading system.” (at 849)

“A full description of the facts that will prove the plaintiff's claim comes later” (at 848)

“Rule 12(e) motions are not to be used as substitutions for discovery.” (at 560)

“Rule 12(f) is neither an authorized nor a proper way to procure the dismissal of part of the complaint.” (at 953)

FACTUAL BACKGROUND

Kenneth Groskreutz, proceeding pro se, sued Agropur Inc. for wrongful termination and retaliation. After filing an amended complaint with numbered paragraphs, he faced Agropur's renewed contention that the pleading was too vague to permit a meaningful response. Agropur also challenged certain allegations as immaterial, potentially prejudicial, or insufficient to state a claim, but did not explain how their inclusion would cause prejudice.

PROCEDURAL HISTORY

Groskreutz filed an action against Agropur Inc. alleging wrongful termination and retaliation. Agropur's initial motion to dismiss for improper service was denied because the court had extended the service deadline. Agropur then filed an initial motion for a more definite statement, which became moot after Groskreutz filed an amended complaint. Agropur filed a second motion for a more definite statement and a motion to strike, and the district court denied both motions.

DISPOSITION

other

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- EEOC v. Concentra Health Servs., 496 F.3d 773, 776 (7th Cir. 2007)
- Chapman v. Yellow Cab Coop., 875 F.3d 846, 848–49 (7th Cir. 2017)
- Quinones v. REV Renegade, LLC, No. 1:25-CV-182-PPS-JEM, 2025 WL 2459269, at *6 (N.D. Ind. Aug. 25, 2025)
- Mollet v. St. Joseph's Hosp. Breese, No. 16-CV-0293-MJR-DGW, 2017 WL 1035750, at *3 (S.D. Ill. Mar. 17, 2017)
- Couponcabin LLC v. Savings.com, Inc., No. 2:14-CV-39-TLS, 2016 WL 3181826, at *8 (N.D. Ind. June 8, 2016)
- Davis v. Deep Rock Energy Corp., No. 19-CV-270-JPG-GCS, 2019 WL 2162086, at *1 (S.D. Ill. May 17, 2019)
- Signature Flight Support LLC v. Johnson Controls, Inc., 759 F. Supp. 3d 912, 916 (E.D. Wis. 2024)
- Moore v. Fid. Fin. Servs., Inc., 869 F. Supp. 557, 560 (N.D. Ill. 1994)
- Redwood v. Dobson, 476 F.3d 462, 471 (7th Cir. 2007)
- Williamson v. Herzing Univ., No. 25-CV-497-JPS, 2025 WL 1650372, at *1 (E.D. Wis. June 11, 2025)
- Peterson v. Great Midwest Bank, No. 25-C-1386, 2025 WL 3485688, at *1 (E.D. Wis. Dec. 4, 2025)
- Wilkins v. City of Chicago, 736 F. Supp. 3d 616, 626 (N.D. Ill. 2024)
- Delta Consulting Grp., Inc. v. R. Randle Constr., Inc., 554 F.3d 1133, 1141 (7th Cir. 2009)
- Oswalt v. Rekoweg, No. 117CV00278TLSSLC, 2017 WL 5151205, at *2 (N.D. Ind. Nov. 7, 2017)
- MSR Tech. Grp., LLC v. VistalTech, Inc., No. 24-CV-03203, 2025 WL 1744730, at *3 (N.D. Ill. Mar. 17, 2025)
- Ehlerding v. Am. Mattress & Upholstery, Inc., 208 F. Supp. 3d 944, 951–53 (N.D. Ind. 2016)
- Whittlestone, Inc. v. Handi-Craft Co., 618 F.3d 970, 974 (9th Cir. 2010)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN KENNETH EDWARD GROSKREUTZ, JR., Plaintiff, v. Case No. 25-CV-1153 AGROPUR INC., Defendant.

DECISION AND ORDER Kenneth Groskreutz, proceeding pro se, filed this action against Agropur Inc. for wrongful termination and retaliation. Agropur now brings a second motion for a more definite statement pursuant to Fed.

R. Civ. P. 12(e). Agropur initially filed a motion to dismiss for improper service of process. (ECF No. 12). This was denied because the court previously extended the time for service. (ECF No. 9.) Agropur then filed a motion for a more definite statement, asking the court to order Groskreutz to amend his complaint to “specifically... [state claims] in consecutively numbered paragraphs limited to a single set of circumstances.” (ECF No. 14 at 1.)

The court dismissed this motion as moot (ECF No. 16) as Groskreutz filed an amended complaint with numbered paragraphs the next day. (ECF No 15.) Agropur now returns with its second motion for a more definite statement, as well as a motion to strike for what it calls “improper allegations.” (ECF No. 17 at 1.)

I. Analysis Generally, federal notice pleading rules require only that a complaint contain a “short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a) (2). This requirement is satisfied if the complaint (1) describes the claim in sufficient detail to give the defendant fair notice of what the claim is and the grounds upon which it rests and (2) plausibly suggests that the plaintiff has a right to relief above a speculative level.

Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007); see *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *EEOC v. Concentra Health Servs.*, 496 F.3d 773, 776 (7th Cir. 2007). a. Motion for More Definite Statement Agropur claims it cannot reasonably understand Groskreutz’s claims nor prepare a meaningful response. (ECF No. 17 at 1.) If a defendant finds the pleading to be so vague or ambiguous that it “cannot reasonably prepare a response,” it may move for a more definite statement under Rule 12(e).

This rule allows district courts to ask a plaintiff to provide “details that enable the defendants to respond intelligently and the court to handle the litigation effectively.” *Chapman v. Yellow Cab Coop.*, 875 F.3d 846, 849 (7th Cir. 2017). But granting such motions is disfavored. See, e.g., *Quinones v. REV Renegade, LLC*, No. 1:25-CV-182-PPS-JEM, 2025 WL 2459269, at *6 (N.D.

Ind. Aug. 25, 2025). A Rule 12(e) motion should be reserved for complaints that are unintelligible, not those simply lacking in detail. *Mollet v. St. Joseph's Hosp. Breese*, No. 16-CV-0293- MJR-DGW, 2017 WL 1035750, at *3 (S.D. Ill. Mar. 17, 2017); see also *Couponcabin LLC v. Savings.com, Inc.*, No. 2:14-CV-39-TLS, 2016 WL 3181826, at *8 (N.D. Ind. June 8, 2016) (collecting cases).

It is within the court’s discretion whether to order a party to provide a more definite statement. *Davis v. Deep Rock Energy Corp.*, No. 19- CV-270-JPG-GCS, 2019 WL 2162086, at *1 (S.D. Ill. May 17, 2019). Having reviewed Groskreutz’s amended complaint, the pleading is not so

unintelligible that a more definite statement is necessary for Agropur to reasonably prepare a response.

Groskreutz has said enough at this stage to give defendant fair notice of a claim. *Chapman v. Yellow Cab Coop.*, 875 F.3d 846, 849 (7th Cir. 2017) (“Rule 12(e) cannot be used to turn federal civil procedure into a fact-pleading or code-pleading system.”) Any confusion as to the dates or actors can be clarified in discovery. *Chapman v. Yellow Cab Coop.*, 875 F.3d 846, 848 (7th Cir.

2017) (“A full description of the facts that will prove the plaintiff’s claim comes later”); *Signature Flight Support LLC v. Johnson Controls, Inc.*, 759 F. Supp. 3d 912, 916 (E.D. Wis. 2024) (“The usual way for a defendant to find out more about an adequately pleaded claim is to take discovery.”); *Davis v. Deep Rock Energy Corp.*, No. 19-CV-270-JPG-GCS, 2019 WL 2162086, at *1 (S.D.

Ill. May 17, 2019) (““Discovery is a more appropriate vehicle for fleshing out the details of a case.”); *Moore v. Fid. Fin. Servs., Inc.*, 869 F. Supp. 557, 560 (N.D. Ill. 1994) (“Rule 12(e) motions are not to be used as substitutions for discovery.”). b. Motion to Strike Agropur alternatively asks the court to strike specific allegations that it feels are either immaterial, potentially prejudicial, or fails to state a claim.

Fed. R. Civ. P. 12(f) permits the court to strike from a pleading “any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.” Motions to strike are also disfavored. See *Redwood v. Dobson*, 476 F.3d 462, 471 (7th Cir. 2007) (“Motions to strike sentences or sections out of briefs waste everyone’s time.”). They should “generally be denied unless the portion of the pleading at issue is prejudicial.” *Williamson v. Herzing Univ.*, No. 25-CV-497-JPS, 2025 WL 1650372, at *1 (E.D.

Wis. June 11, 2025) (citations omitted); see also *Peterson v. Great Midwest Bank*, No. 25-C-1386, 2025 WL 3485688, at *1 (E.D. Wis. Dec. 4, 2025) (“Indeed, a motion to strike will not be granted “unless the defect in the pleading causes some prejudice to the party bringing the motion.”) (citation omitted); *Wilkins v. City of Chicago*, 736 F. Supp. 3d 616, 626 (N.D.

Ill. 2024) (“A motion to strike should not be granted unless the language in the pleading has no possible relation to the controversy and is clearly prejudicial.”) (citations and quotation omitted). The court has “considerable discretion” in deciding a Rule 12(f) motion. *Delta Consulting Grp., Inc. v. R. Randle Constr., Inc.*, 554 F.3d 1133, 1141 (7th Cir. 2009).

Agropur does not explain in any way how it would be prejudiced if the allegations remain in the amended complaint. See, e.g., *Oswalt v. Rekeweg*, No. 117CV00278TLSSLC, 2017 WL 5151205, at *2 (N.D. Ind. Nov. 7, 2017) (“Defendants’ failure to describe, with particularity, how it would be prejudiced [] is fatal to their motion to strike.”).

In fact, it does not even fully assert prejudice—Agropur hedges its argument by saying some allegations are “potentially prejudicial.” (ECF No. 17.) Nor does the court find that Groskreutz’s allegations are so immaterial as to be prejudicial. See *MSR Tech. Grp., LLC v. VistalTech, Inc.*, No. 24-CV-03203, 2025 WL 1744730, at *3 (N.D. Ill. Mar. 17, 2025) (“Motions to strike are generally disfavored and require the movant to demonstrate that the challenged allegations are so unrelated to plaintiff’s claim as to be devoid of merit, unworthy of consideration, and unduly prejudicial.”) (internal quotations and citation omitted).

Agropur attempts to use this motion to strike to attack the sufficiency of Groskreutz’s allegations. But this is improper. *Ehlerding v. Am. Mattress & Upholstery, Inc.*, 208 F. Supp. 3d 944, 951–52 (N.D. Ind. 2016) (“Rule 12(f) is neither an authorized nor a proper way to procure the dismissal of part of the complaint.”); see also *Whittlestone, Inc. v. Handi-Craft Co.*, 618 F.3d 970, 974 (9th Cir. 2010) (“Were we to read Rule 12(f) in a manner that allowed litigants to use it as a means to dismiss some or all of a pleading..., we would be creating redundancies within the Federal Rules of Civil Procedure, because a Rule 12(b)(6) motion (or a motion for summary judgment at a later stage in the proceedings) already serves such a purpose.”). Agropur has chosen to voice its objections through a Rule 12(f) motion, and the court will not sua sponte substitute a Rule 12(b)(6) analysis in its place.

Ehlerding 208 F. Supp. 3d at 953. II. Conclusion Agropur attempts to persuade the court—for the second time, no less—to order Groskreutz to file a more definite statement in the name of judicial efficiency. It further argues that its motion to strike will “serve to expedite the proceedings.” (ECF No. 17 at 13.) But both motions seem to effectuate the opposite.

Granting either motion is disfavored, and Agropur has not met its burden in persuading the court otherwise. Accordingly, IT IS THEREFORE ORDERED that Agropur’s Motion for More Definite Statement, Motion to Strike (ECF No. 17) will be DENIED. Dated at Green Bay, Wisconsin this 16th day of December, 2025. s/ Byron B. Conway BYRON B. CONWAY U.S. District Judge