

IN THE SUPERIOR COURT  
FOR THE  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

SHIGENORI HIRAGA,	)	CIVIL ACTION NO. 98-0100A
	)	
Plaintiff,	)	
	)	
v.	)	<b>DECISION AND ORDER</b>
	)	<b>DENYING MOTION</b>
	)	<b>FOR MORE DEFINITE</b>
	)	<b>STATEMENT</b>
SEKISUI HOUSE	)	
	)	
Defendant.	)	
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**I. INTRODUCTION**

Defendant Sekisui House (“Sekisui”) brings this motion to compel plaintiff Shigenori Hiraga (“Hiraga”) to clarify the alleged defamatory statements pled in the complaint. Sekisui argues that the complaint is conclusory and does not state particularly which language in the memorandum and press release gives rise to the implications Hiraga pleads. Hiraga counters that because the defamation arises by innuendo and implication out of a memorandum and press release which he has identified, there is no need to further clarify the complaint. The court, having reviewed the briefs, declarations, exhibits, and having heard and considered the arguments of counsel now renders its written decision.

**II. FACTS**

In the course of another Superior Court action, C.D.C. Saipan, Ltd. v. Sekisui House, Ltd., Civil Action No. 95-830 (“Action”), a memorandum was filed by Sekisui in which it mentioned Hiraga. In addition, a press release was provided to the media dated March 12, 1997, which detailed items addressed in the Action.

[p. 2] In the Hiraga complaint (“Complaint”), the implied defamatory statements alleged are as follows:

**FOR PUBLICATION**

a. Mr. Hiraga continuously bribed Tenorio and officials of the CNMI government, including Anicia Tomokane, William R. Concepcion, Herman R. Guerrero, Juan N. Babauta, and Lorenzo I. Guerro, over a period of time after May 1988;

b. That Sekisui House had undisclosed information that Mr Hiraga had bribed Froilan C. Tenorio in wrongful and corrupt payment for official acts done or not done;

c. That Mr. Hiraga had transferred money to CNMI government officials unlawfully;

d. That Sekisui House had undisclosed information that Mr. Hiraga had transferred money to CNMI government officials for an unlawful purpose;

e. That Sekisui House had undisclosed information that Froilan C. Tenorio and Mr. Hiraga had agreed to extort money from Sekisui House and had acted to do so;

f. That Mr. Hiraga had lied under oath in his deposition in CDC v. Sekisui House concerning a loan to Mr. Froilan Tenorio; and

g. That Mr. Hiraga had violating [sic] the terms of his probation in federal court, a crime punishable by imprisonment.

Although none of the above statements occur verbatim in either the memorandum or the press release, Hiraga asserts they are implied in the memorandum and press release. The only documents which Hiraga claims contain defamatory statements are the memorandum and press release.

### **III. ISSUE**

1. Whether pleadings which allege defamation by implication are sufficient under Commonwealth Rules of Civil Procedure Rule 12(e) and 8(a)(2) where the exact sentences from which the defamation arises are not quoted, but the documents are cited.

### **IV. ANALYSIS**

A motion for a more definite statement is appropriate where “...a pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading...” Com. R. of Civ. Proc., Rule 12(e). Rule 12(e) must be read in conjunction with Com. R. of Civ. Pro. Rule 8(a)(2), which states that a pleading shall contain “a short and plain statement [p. 3] of the claim showing that the pleader is entitled to relief.”

Motions for more definite statements are generally disfavored unless the pleading is so vague it

cannot be responded to. Prudhomme v. Proctor & Gamble, 800 F.Supp. 390 (E.D.La. 1992); Resolution Trust Corp. v. Thomas, 837 F.Supp. 354 (D.Kan. 1993). The purpose of Rule 12(e) is not to correct for lack of detail, but rather to provide a remedy for an unintelligible pleading Frazier v. Southeastern Pennsylvania Transp. Auth., 868 F.Supp. 757 (E.D.Pa. 1994). The purpose of a pleading is to give the defendant fair notice of a claim, without requiring the plaintiff to have every legal theory or fact developed in detail. Evans v. McDonalds Corp., 936 F.2d 1087 (10<sup>th</sup> Cir. 1991). Liberal discovery rules provide the proper avenue to refine facts and issues. Resolution Trust, 837 F.Supp. at 356.

The complaint, although vague, does provide a reference to all documents at issue, both of which are not only relatively short, but composed by defendant. Although by scanning the documents and comparing them to Hiraga's defamation claims, the court does not directly see a connection to many of the inferences drawn, that does not make the pleading unintelligible. Hiraga has met the requirements of Rule 8(a)(2) in that he has set forth the documents upon which he relies, as well as the defamatory inferences he claims spring from those documents.

Sekisui argues that because this is a defamation case, the specific words alleged must be stated in order for it to draft a responsive pleading. However, the Restatement (Second) of Torts provides a cause of action for defamation by inference. Restatement (Second) of Torts, § 563 (1977). Hiraga's claim is that the defamatory inferences arise out of the documents he has referred to. Accordingly, Sekisui's motion is denied.

SO ORDERED this 17 day of September, 1998.

/s/ Edward Manibusan  
EDWARD MANIBUSAN, Presiding Judge