

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>INSTITUTE FOR CREATION RESEARCH</b> <b>GRADUATE SCHOOL, etc.,</b> <i>Plaintiff,</i> v. <b>TEXAS HIGHER EDUCATION</b> <b>COORDINATING BOARD, et al.,</b> <i>Defendants.</i>	§ § § § § § §	<b>CIVIL ACTION NO.</b>  <b>1:09-CV-382 SS</b>  (a/k/a A:09-CA 382)
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**Order Denying Defendants’ Partial Motion under Rules 12(b), etc.**

Came on to be considered, today, the defendants’ Partial Motion under Fed.R.Civ.P. Rule 12(b)(1) and 12(b)(6), combined with a linked motion, in the alternative, under Rule 7(a). The Court, having reviewed the record, is of the opinion that defendants’ said Partial Motion under Rule 12(b) does not properly match the applicable law to the notice pleadings in this civil action. Also, the defendants’ repleading request under Rule 7(a) is not ripe, because defendants themselves have not yet provided a pleading that satisfies the Fed.R.Civ.P. Rule 8(a)-contemplated duty of a defendant to “admit or deny specific averments” in the complaint (i.e., in this case plaintiff’s 1<sup>st</sup> Amended Complaint). Defendants are directed to review Fed.R.Civ.P. Rules 8(c) and 8(d), and to replead accordingly, prior to renewing their request for any Rule 7(a)-based relief.

ORDERED, defendants’ above-noted Partial Motion is hereby DENIED, this \_\_\_ of July, 2009.

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**HON. SAM SPARKS,**  
 U.S. DISTRICT JUDGE PRESIDING

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ORDERED, defendants’ above-noted Partial Motion is hereby DENIED, this \_\_\_ of July, 2009.

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 U.S. DISTRICT JUDGE PRESIDING