

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FIREMAN'S FUND INSURANCE COMPANY,	)	
etc.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 07 C 3324
	)	
PRATT & WHITNEY POWER SYSTEMS,	)	
INC., et al.,	)	
	)	
Defendants.	)	

MEMORANDUM ORDER

This Court's April 24, 2009 memorandum opinion and order, which has since been reconfirmed in a May 4 memorandum opinion and order ("Opinion"), concluded by expressing this Court's anticipation "that the forthcoming trial will resolve itself to a dispute between Fireman's Fund and ISS, with Pratt & Whitney playing only the role of an onlooker (unless some question exists as to ISS' financial ability to satisfy any judgment that might be entered against it)."<sup>1</sup> ISS has now filed its Reply in Support of Its Affirmative Defenses Alleging Contributory Negligence, seeking to confirm the battleground on which that anticipated dispute should be waged.

This Court does not of course express any substantive views at this point as to the validity of ISS's affirmative defenses or

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<sup>1</sup> As was true of the Opinion, this memorandum order assumes familiarity with what has gone before, adopts the same definitional identifications and does not repeat what was said earlier.

as to how the trier of fact will resolve the parties' dispute in those respects at trial. For the present it confirms that ISS is correct--that its contributory negligence defense may indeed be asserted against Maher, posing issues to be resolved at trial.



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Milton I. Shadur  
Senior United States District Judge

Date: May 7, 2009